

EDUCATION DEPARTMENT[281]

Adopted and Filed

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby Amends Chapter 12, "General Accreditation Standards," Iowa Administrative Code.

2008 Iowa Acts, Senate File 2425, division XI, created the "Healthy Kids Act." Specifically, these proposed rules implement section 142 of the legislation and its mandate of minimum time periods of physical activity for elementary and secondary pupils, as well as its mandate that every pupil who is physically able to do so complete a certification course for cardiopulmonary resuscitation by the end of grade 12.

The proposed amendment in Item 1 adds a definition of "physical activity," clarifying that the concept includes more than components of the physical education model. The proposed amendment in Item 2 includes the statutory exemption for both the physical activity requirement and the cardiopulmonary resuscitation course completion requirement. The proposed new subrules in Item 3 describe the physical activity requirement and the cardiopulmonary resuscitation course completion requirement.

Notice of Intended Action was published in the January 14, 2009, Iowa Administrative Bulletin as ARC #7504B. A public hearing was held via the Iowa Communications Network (ICN) on February 3, 2009, and public comments were allowed until close of business on that same date. Approximately 50 persons attended the public hearing, and roughly half of those in attendance spoke. In addition, 21 written comments were received.

Many of the concerns raised by school officials commented about the accountability for the physical activity requirement in subrule 12.5(19). The Department has developed a sample agreement for schools and school districts to use to track compliance with the physical activity requirement. The remainder of those commenting raised objections to the underlying legislation, expressed concerns that are not germane, or asked questions about implementation.

Since the Notice of Intended Action was published, two changes have been made to the amendments. As the result of public comment regarding accountability for the physical activity requirement, the duration of the agreement referenced in paragraph 12.5(19)"b" has been increased from no more than one semester to no more than one school year. The other change is not related to public comment. To avoid any confusion regarding what is meant by "spirit" activities, that term has been replaced in paragraph 12.5(19)"a" with the word "similar" activities.

An agencywide waiver provision is provided in 281—Chapter 4.

These amendments are intended to implement 2008 Iowa Acts, Senate File 2425, sections 142 and 145.

The following amendments are adopted.

ITEM 1. Adopt the following **new** definition in rule **281—12.2(256)**:
"Physical activity" means any movement, manipulation, or exertion of the body that can lead to improved levels of physical fitness and quality of life.

ITEM 2. Amend subrule 12.5(6) as follows:
12.5(6) *Physical education and health courses exemption* Exemption from physical education course, health course, physical activity requirement, or cardiopulmonary resuscitation course completion. A pupil shall not be required to enroll in either a physical education or health courses course if the pupil's parent or guardian files a written statement with the school principal that the course conflicts with the pupil's religious beliefs. A pupil shall not be required to enroll in a health course if

the pupil's parent or guardian files a written statement with the school principal that the course conflicts with the pupil's religious beliefs. A pupil shall not be required to meet the requirements of subrule 12.5(19) regarding physical activity if the pupil's parent or guardian files a written statement with the school principal that the requirement conflicts with the pupil's religious beliefs. A pupil shall not be required to meet the requirements of subrule 12.5(20) regarding completion of a cardiopulmonary resuscitation course if the pupil's parent or guardian files a written statement with the school principal that the completion of such a course conflicts with the pupil's religious beliefs.

ITEM 3. Adopt the following **new** subrules 12.5(19) and 12.5(20):

12.5(19) *Physical activity requirement.* Subject to the provisions of subrule 12.5(6), physically able pupils in kindergarten through grade five shall engage in physical activity for a minimum of 30 minutes each school day. Subject to the provisions of subrule 12.5(6), physically able pupils in grades six through twelve shall engage in physical activity for a minimum of 120 minutes per week in which there are at least five days of school.

a. This requirement may be met by pupils in grades six through twelve by participation in the following activities including, but not limited to:

(1) Interscholastic athletics sponsored by the Iowa High School Athletic Association or Iowa Girls High School Athletic Union;

(2) School-sponsored marching band, show choir, dance, drill, cheer, or similar activities;

(3) Non-school gymnastics, dance, team sports, individual sports; or

(4) Similar endeavors that involve movement, manipulation, or exertion of the body.

b. When the requirement is to be met in full or in part by a pupil using one or more non-school activities, the school or school district shall enter into a written agreement with the pupil. The agreement shall state the nature of the activity and the starting and ending dates of the activity and shall provide sufficient information about the duration of time of the activity each week. The agreement shall also be signed by the school principal or principal's designee and by at least one parent or guardian of the pupil if the pupil is a minor. The pupil shall sign the agreement, regardless of the age of the pupil. The agreement shall be effective no longer than one school year. There is no limit to the number of agreements that a school or school district may have with any one pupil during the enrollment of the pupil.

c. In no event may a school or school district reduce the regular instructional time, as defined by "unit" in subrule 12.5(14), for any pupil to enable the pupil to meet the physical activity requirement. However, this requirement may be met by physical education classes, activities at recess or during class time, and before- or after-school activities.

d. Schools and school districts must provide documentation that pupils are being provided with the support to complete the physical activity requirement. This documentation may be provided through printed schedules, district policies, student handbooks, and similar means.

12.5(20) *Cardiopulmonary resuscitation course completion requirement.* Subject to the provisions of subrule 12.5(6), at any time prior to the end of twelfth grade, every pupil physically able to do so shall have completed a psychomotor course that leads to certification in cardiopulmonary resuscitation. A school or school district administrator may waive this requirement for any pupil who is not physically able to complete the course. A course that leads to certification in CPR may be taught during the school day by either a school or school district employee or by a volunteer, as long as the person is certified to teach a course that leads to certification in CPR. In addition, a school or school district shall accept certification from any nationally recognized course in cardiopulmonary resuscitation as evidence that this requirement has been met by a pupil. A school or school district shall not accept auditing of a CPR course, nor a course in infant CPR only. This subrule is effective for the graduating class of 2011-2012.