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(Original Signature of Member)

110TH CONGRESS
1ST SESSION

H. R.

To amend section 1111 of the Elementary and Secondary Education Act of 1965 regarding challenging academic content standards for physical education, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. WAMP (for himself, Mr. KIND, and Mr. INSLEE) introduced the following bill; which was referred to the Committee on

A BILL

To amend section 1111 of the Elementary and Secondary Education Act of 1965 regarding challenging academic content standards for physical education, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Strengthening Physical
5 Education Act of 2007”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) STATE EDUCATIONAL AGENCY.—The term
4 “State educational agency” has the meaning given
5 such term in section 9101 of the Elementary and
6 Secondary Education Act of 1965 (20 U.S.C. 7801).

7 (2) LOCAL EDUCATIONAL AGENCY.—The term
8 “local educational agency” has the meaning given
9 such term in section 9101 of the Elementary and
10 Secondary Education Act of 1965 (20 U.S.C. 7801).

11 (3) SECRETARY.—The term “Secretary” means
12 the Secretary of Education.

13 **SEC. 3. FINDINGS.**

14 Congress makes the following findings:

15 (1) Obesity-related diseases cost the United
16 States economy more than \$100,000,000,000 every
17 year.

18 (2) Almost half of young people aged 12
19 through 21, and more than a third of high school
20 students, do not participate in vigorous physical ac-
21 tivity on a regular basis.

22 **SEC. 4. PHYSICAL EDUCATION.**

23 Section 1111(b) of the Elementary and Secondary
24 Education Act of 1965 (20 U.S.C. 6311(b)) is amended—

25 (1) in paragraph (1)(C)—

1 (A) by striking “arts, and” and inserting
2 “arts,”; and

3 (B) by striking “science,” and inserting
4 “science, and (beginning in the 2007–2008
5 school year) physical education,”; and

6 (2) in paragraph (3)—

7 (A) in subparagraph (A)—

8 (i) by striking “and science” and in-
9 serting “science, and physical education”;
10 and

11 (ii) by inserting before the period
12 “and no State shall be required to meet
13 the requirements of this part relating to
14 physical education assessments until the
15 beginning of the 2009–2010 school year”;
16 and

17 (B) in subparagraph (C)(v)—

18 (i) in subclause (II)(cc), by inserting
19 “and” after the semicolon; and

20 (ii) by adding at the end the fol-
21 lowing:

22 “(III) beginning not later than
23 school year 2009–2010, measure the
24 proficiency of all students in physical

1 education and be administered not
2 less than 1 time during—

3 “(aa) grades 3 through 5;

4 “(bb) grades 6 through 9;

5 and

6 “(cc) grades 10 through

7 12;”.

8 **SEC. 5. BEST PRACTICES RESOURCE.**

9 (a) **EVALUATION.**—The Secretary of Education, in
10 consultation with the Secretary of Health and Human
11 Services, shall identify State and local physical education
12 model programs and evaluate their effectiveness.

13 (b) **ASSESSMENT.**—The Secretary of Education shall
14 also identify safeguards and risks associated with physical
15 education programs to ensure the safety and health of all
16 students and, in developing evaluation criteria, shall take
17 into account certain physical health limitations and con-
18 sider measurements such as increased participation, gen-
19 eral exercise levels, attitudes about activity and nutrition,
20 and overall overweight prevalence.

21 (c) **ONLINE BEST PRACTICES RESOURCE.**—The Sec-
22 retary of Education shall create a website to publish infor-
23 mation on State and local physical education programs re-
24 ferred to in subsection (a).

1 **SEC. 6. GRANT PROGRAM.**

2 (a) AUTHORIZATION.—

3 (1) IN GENERAL.—The Secretary may award
4 grants on a competitive basis to State education
5 agencies to establish and revise State standards for
6 physical education, develop assessment tools, estab-
7 lish a model curriculum, and support the develop-
8 ment of model programs.

9 (b) APPLICATION.—

10 (1) IN GENERAL.—A State that desires to re-
11 ceive a grant under subsection (a) shall submit an
12 application to the Secretary at such time, in such
13 manner, and containing such information as the Sec-
14 retary may reasonably require.

15 (2) CONTENTS.—Each application submitted
16 pursuant to paragraph (1) shall include—

17 (A) a description of the State's physical
18 education curriculum;

19 (B) a description of how the State will use
20 funds made available pursuant to a grant
21 awarded under this Act to develop content and
22 performance standards and improve the quality
23 of its physical education program; and

24 (C) a description of how the State will use
25 funds to develop and implement physical edu-

1 cation academic assessments and improve the
2 performance and health of its students.

3 (c) APPROVAL.—

4 (1) IN GENERAL.—The Secretary shall approve
5 an application submitted pursuant to subsection (a)
6 if the application meets the requirements of this sec-
7 tion and holds reasonable promise of achieving the
8 purpose of this Act.

9 (2) PRIORITY.—In awarding grants under this
10 section, the Secretary shall give priority to a high-
11 need State educational agency.

12 (3) EQUITABLE DISTRIBUTION.—To the extent
13 practicable, the Secretary shall ensure an equitable
14 geographic distribution of grants under this section
15 among the regions of the United States.

16 (4) DURATION OF GRANTS.—A grant under this
17 section may cover a period of 5 years. At the end
18 of the 5-year period, the grant recipient may apply
19 for an additional grant under this section.

20 (d) USES OF FUNDS.—

21 (1) PERMISSIBLE USES.—A State that receives
22 a grant under this section shall use the grant funds
23 to—

24 (A) develop, revise, or improve physical
25 education curriculum to meet minimum content

1 and performance standards established by the
2 Secretary;

3 (B) purchase content materials and equip-
4 ment to implement physical education cur-
5 rriculum;

6 (C) assist in the implementation of phys-
7 ical education model programs; and

8 (D) provide for staff and teacher training
9 and education.

10 (e) **MATCHING FUNDS.**—Each State that receives a
11 grant under this section shall demonstrate a financial
12 commitment by contributing, either directly or through
13 private contributions, non-Federal matching funds equal
14 to 20 percent of the amount of the grant.

15 (f) **TECHNICAL ASSISTANCE.**—The Secretary shall
16 provide technical assistance to State education agencies in
17 the grant application process.

18 (g) **ASSESSMENT AND EVALUATION.**—The Secretary
19 shall report to Congress on the effectiveness of this pro-
20 gram.

21 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

22 There is authorized to be appropriated to carry out
23 this Act \$30,000,000 for fiscal year 2009, \$70,000,000
24 for fiscal year 2010, and \$100,000,000 for each of fiscal

1 years 2011 through 2013. Such funds shall remain avail-
2 able until expended.