



## Missouri Department of Elementary and Secondary Education

— Making a positive difference through education and service —

### **SENATE BILL 291:**

#### *INTERPRETATION OF LAW RELATING TO PHYSICAL ACTIVITY*

This law goes into effect beginning with the 2010-2011 school year:

167.720.2(1): School districts shall ensure that students in elementary schools participate in moderate physical activity for the entire school year, including students in alternative education programs. Students in the elementary schools shall participate in moderate physical activity for an average of one hundred fifty minutes per five-day school week, or an average of thirty minutes per day. Students with disabilities shall participate in moderate physical activity to the extent appropriate as determined by the provisions of the Individuals with Disabilities Education Act, or Section 504 of the Rehabilitation Act;

**INTERPRETATION:** This section refers to physical activity rather than physical education. There is no change in the current elementary requirement of 50 minutes per week taught by a certified teacher. Therefore, the currently required 50 minutes can count towards the 150-minute minimum. If a school also provides one 20-minute recess period per day, then those additional 100 minutes can count towards the minimum requirement as well. Other than that, additional minutes of physical activity must be provided. The additional activity may be supervised by any certificated teacher, not just one certificated in physical education.

167.720.2(2): Each year the commissioner of education shall select for recognition students, schools and school districts that are considered to have achieved improvement in fitness;

**INTERPRETATION:** The department will promulgate rules regarding the selection process.

167.720.2(3): Students in middle schools may at the school's discretion participate in at least two hundred twenty-five minutes of physical activity per school week.

**INTERPRETATION:** Current requirements mandate 3,000 minutes per year of physical education at the middle school level (an average of 75 minutes per week). Schools may always exceed the minimum standard. This section is not a mandate.

167.720.2(4): A minimum of one recess period of twenty minutes per day shall be provided for children in elementary schools, which may be incorporated into the lunch period.

**INTERPRETATION:** Currently there is no state mandate for recess, so this will necessitate a change in some school districts. The language "...incorporated into the lunch period" is unclear. On the face, it appears that lunch and recess can be combined for a minimum of 20 minutes.

Clearly eating lunch does not satisfy the definition of recess, so the Department supports a daily 20-minute recess that should not be interrupted by the regularly scheduled lunch time.

Additional language in the law: Any requirement of this section above the state minimum physical education requirement may be met by additional physical education instruction, or by other activities approved by the individual school district under the direction of any certificated teacher or administrator or other school employee under the supervision of a certificated teacher or administrator.

**INTERPRETATION:** The language is clear that the general classroom teacher, a teacher's aide or paraprofessional supervised by a certificated teacher, or administrator may lead students in additional physical activity during the school day. As defined in the law, this could include stretching, calisthenics, or exercise such as jumping jacks or running.