

Physical Activity Frequently Asked Questions – Healthy Kids Act

May a school refuse to graduate a student who has not met the physical activity requirement?

Answer:

No. The physical activity requirement is an accreditation requirement, not a student-specific requirement. Schools are to monitor this requirement, and failure to substantially monitor is an accreditation issue, but individual students are not to be punished.

May a school average out the 120 minutes a week of physical activity in grades 6-12 over a month, semester, or year?

Answer:

No. The legislation states that it is a weekly requirement, "Week" includes only those weeks in which there are at least five school days.

What if a school's grade alignment doesn't match the time requirements in the Healthy Kids Act? (For example, the school district has a middle school with students in grades 5-8.) Are students required to have 30 minutes of physical activity?

Answer:

The breakdown of K-5 and 6-12 reflects the basic intent of the law that students in self-contained classrooms must have 30 minutes a day; those with multiple teachers must have 120 minutes a week. Generally speaking, then, students in a K-6 elementary building must have 30 minutes of physical activity daily. Students in a 5-8 middle school may adhere to the weekly requirement of 120 minutes.

May a parent ask that the parent's child be exempt from the physical activity requirement?

Answer:

Yes. The Healthy Kids Acts allows a student to be excused from the physical activity requirement if the child's parent or guardian files a written statement with the school principal stating that the requirement conflicts with their child's religious belief. As with the "religious belief" exemption for P.E. and health, the school is not to demand proof of the parent's statement and has no obligation to provide an alternative activity.

What if a student is physically unable to fulfill the physical activity requirement?

Answer:

That student should be excused by school administrators. The requirement is mandated only for "physically able" students, and determining who is physically able is left to the judgment of local school officials.

When does the physical activity requirement become effective?

Answer:

This part of the Healthy Kids Act is effective for the 2009-2010 school year.

May a school refuse to allow non-school activities to count as physical activity?

Answer:

Yes, but the school may not require students to participate in interscholastic sports or other school activities, and the school must make sure that it offers students the opportunity to meet the physical activity requirement without reducing instructional time for academic courses.

If a school allows marching band, drill team, and other non-sport activities to count as physical activity, does the activity also count for the P.E. waiver?

Answer:

No. The P.E. waiver authority has nothing to do with the physical activity requirement. Obviously, if a student has been granted a P.E. waiver for the purpose of taking one or more academic courses not otherwise available to the student; the student may have a tougher time showing how s/he is meeting the physical activity requirement. But there is no other relationship between the two.

Is "physical activity" synonymous with "physical education?"

Answer:

No.

While P.E. is a subset of physical activity, physical activity may include many other endeavors. There is no need for a school or school district to add more P.E. instructors to meet this requirement or build more gymnasiums.

Does this mean that school officials may not withhold recess as a disciplinary measure?

Answer:

No. School officials may still "within reason" use the withholding of recess as a disciplinary measure.

How are schools to keep track of student physical activity as required by the Healthy Kids Act?

Answer:

For students in grades K-5, one way to demonstrate this is through a building schedule showing the times for recess and physical education on a school day. Public schedules for higher elementary grades will also suffice if a reader can reasonably see that physical activity time is provided. For students in grades 9-12 (and 6-8, if necessary), non-school activities are eligible to be included as physical activities. Non-school activities do not have to be adult-supervised or formally structured, but should include physical activity such as individualized exercise plans for students.

One way to track the requirement is by means of a form such as the *Sample Physical Activity Contract*, included on the Healthy Kids Act webpage. A school may customize the form by adding or deleting examples of activities; give to students at registration or homeroom; and keep on file to demonstrate that the school is expecting students to take this requirement seriously.

Is there a physical activity requirement for preschool children in the Healthy Kids Act?

Answer:

No.

What is the Healthy Kids Act requirement for 6-12 graders?

Answer:

Physically able students in grades 6-12 must be physically active a minimum of 120 minutes per week in which there are five school days.

What is the Healthy Kids Act requirement for K-5 graders?

Answer:

Physically able students in grades K-5 must have a minimum of 30 minutes each school day of physical activity. This can be easily met in these grades between physical education class and recesses. There is no requirement that schools mandate a specific activity during recess, but schools are urged to have recess supervisors encourage students to participate in games and appropriate activities.