

The Senate Education and Youth Committee offered the following substitute to SB 506:

ADOPTED

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia
2 Annotated, relating to the health of students in elementary and secondary education, so as to
3 enact the "Student Health and Physical Education Act"; to require local school systems to
4 conduct physical fitness testing of students and to comply with state physical education
5 instruction requirements; to provide for aggregate reporting of data; to provide for public
6 inspection of such data; to establish a position within the Department of Education to
7 coordinate activities relating to physical education; to designate unhealthy school systems
8 under certain conditions; to provide for a recognition program established by the Governor
9 to acknowledge healthy school systems and schools; to provide for related matters; to repeal
10 conflicting laws; and for other purposes.

11 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

SECTION 1.

12 This Act shall be known and may be cited at the "Student Health and Physical Education
13 Act" or "SHAPE Act."
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SECTION 2.

15 Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
16 relating to the health of students in elementary and secondary education, is amended by
17 adding new a Code section to read as follows:
18

19 "20-2-775.

20 (a)(1) Beginning in the 2008-2009 school year, each local school system shall conduct
21 confidential body mass index testing of each student two times each school year, once
22 during the fall and once during the spring. Each local school system shall report the
23 aggregated results of the body mass index testing of its students by school to the
24 coordinator designated in subsection (b) of this Code section two times each school year

1 in accordance with a schedule established by the State Board of Education. A local
2 school system shall make a student's individual body mass index data available only to
3 such student's parent or guardian, upon request.

4 (2) Each local school system shall be required to provide at least the minimum
5 instruction in physical education prescribed by the state board in rules and regulations
6 established pursuant to subsection (c) of Code Section 20-2-142.

7 (b) The state board shall designate a position in the Department of Education, staffed by
8 a person certified in physical education, to coordinate physical education and fitness
9 activities and requirements. In addition to any other duties and functions assigned by the
10 state board, such coordinator shall specifically be charged with implementing the
11 provisions of this Code section. The coordinator shall collect and disseminate to local
12 school systems best practices in the areas of student health and physical education. The
13 coordinator shall be acknowledged publicly to allow for ease of parent and public contact
14 and information sharing. This position may be supported with state, federal, or private
15 funding or a combination thereof.

16 (c) The state board, through the coordinator designated pursuant to subsection (b) of this
17 Code section, shall collect the aggregated data submitted by local school systems pursuant
18 to subsection (a) of this Code section and quantify the health status of each local school
19 system. The department shall include the aggregated data and the health status of each
20 local school system and its schools on its website for public inspection. A local school
21 system which does not submit the data required in subsection (a) of this Code section or
22 does not provide at least the minimum instruction in physical education referenced in
23 paragraph (2) of subsection (a) of this Code section shall be designated by the state board
24 as an 'unhealthy school zone' or similar designation.

25 (d) The state board shall submit an annual report to the Governor, beginning July 1, 2009,
26 and annually thereafter. Such report shall include the health status of each local school
27 system and each school. The Governor may establish one or more recognition programs
28 to acknowledge local school systems and schools which have most improved their health
29 status. The Governor may collaborate with private corporations in the development and
30 implementation of recognition programs pursuant to this subsection, including providing
31 monetary or other incentives to school systems or schools for attaining certain levels of
32 health status."

33 SECTION 3.

34 All laws and parts of laws in conflict with this Act are repealed.