

The House Committee on Health and Human Services offers the following substitute to SB 506:

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 a fitness assessment program and to comply with state physical education instruction  
5 requirements; to provide for reporting of results; to provide for public inspection of such  
6 results; to establish a position within the Department of Education to coordinate activities  
7 relating to physical education; to designate unhealthy school systems under certain  
8 conditions; to provide for a recognition program established by the Governor to acknowledge  
9 healthy school systems and schools; to provide for related matters; to repeal conflicting laws;  
10 and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 This Act shall be known and may be cited as the "Student Health and Physical Education  
14 Act" or "SHAPE Act."

15 style="text-align:center">**SECTION 2.**

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

19 "20-2-775.

20 (a)(1) Beginning in the 2008-2009 school year, each local school system shall conduct  
21 a fitness assessment program, as approved by the State Board of Education, one time each  
22 school year for students in kindergarten through grade five during a physical education  
23 course. Such fitness assessment program shall include instruments to assess student  
24 fitness, student physical activity, school physical education, and school nutrition services  
25 programs; provided, however, that the fitness assessment program shall not include body

1 mass index testing. Each local school system shall report the results of the fitness  
2 assessment program by school to the coordinator designated in subsection (b) of this  
3 Code section in accordance with a schedule established by the State Board of Education.  
4 A local school system shall make a student's individual fitness assessment results  
5 available only to such student's parent or guardian upon request.

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

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

18 (c) The state board, through the coordinator designated pursuant to subsection (b) of this  
19 Code section, shall collect the results of the fitness assessment program submitted by local  
20 school systems pursuant to subsection (a) of this Code section and quantify the health  
21 status of each local school system. The department shall include the results and the health  
22 status of each local school system and its schools which are subject to paragraph (1) of  
23 subsection (a) of this Code section on its website for public inspection. A local school  
24 system which does not submit the results required in subsection (a) of this Code section or  
25 does not provide at least the minimum instruction in physical education referenced in  
26 paragraph (2) of subsection (a) of this Code section shall be designated by the state board  
27 as an 'unhealthy school zone' or similar designation.

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

1 **SECTION 3.**

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