

The House Committee on Education offers the following substitute to HB 246:

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 student health, so as to repeal the sunset provision on an annual fitness  
3 assessment program; to provide for related matters; to repeal conflicting laws; and for other  
4 purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
8 relating to student health, is amended by revising Code Section 20-2-777, relating to an  
9 annual fitness assessment program, as follows:  
10 "20-2-777.

11 (a)(1) Beginning in the 2011-2012 school year, each local school system shall conduct  
12 an annual fitness assessment program, as approved and funded by the State Board of  
13 Education, one time each school year for students in grades one through 12, to be  
14 conducted only during a physical education course that is taught by a certificated physical  
15 education teacher in which a student is enrolled. Such assessments shall include methods  
16 deemed by the State Board of Education as appropriate to ascertain levels of student  
17 physical fitness. Each local school system shall report the individual results of the fitness  
18 assessment to the parent or guardian of each student assessed and the aggregate results  
19 of the fitness assessments by school to the State Board of Education annually in a format  
20 approved and funded by the State Board of Education. The minimum required contents  
21 of the report shall be determined by the State Board of Education.

22 (2) Each local school system shall be required to provide at least the minimum  
23 instruction in physical education prescribed by the State Board of Education in rules and  
24 regulations established pursuant to subsection (c) of Code Section 20-2-142.

25 (b) The State Board of Education shall be responsible for the coordination of health and  
26 physical education and fitness activities and requirements, including, but not limited to,

27 modification or promulgation of rules and regulations related thereto. The State Board of  
28 Education shall adopt and disseminate to local school systems standards which adequately  
29 express the most current and widely accepted best practices and benchmarks in the areas  
30 of student health and physical education. The State Board of Education's efforts may be  
31 supported with state, federal, or private funding or a combination thereof.

32 (c) The State Board of Education shall submit an annual report to the Governor, beginning  
33 October 1, 2012, and annually thereafter. Such report shall include the compliance status  
34 of each local school system and each school with applicable State Board of Education rules  
35 and regulations. The Governor may, in coordination with the State Board of Education,  
36 establish one or more recognition programs to acknowledge local school systems and  
37 schools which have most improved in their physical fitness assessments. The Governor  
38 may collaborate with private corporations in the development and implementation of  
39 recognition programs pursuant to this subsection, including providing monetary or other  
40 incentives to local school systems or schools for attaining certain levels of health status.  
41 All local school systems or schools receiving acknowledgment through a recognition  
42 program established by the Governor pursuant to this subsection shall also be recognized  
43 on the State Board of Education's website.

44 ~~(d) This Code section, except for subsection (b), shall be repealed on June 30, 2019."~~

45 **SECTION 2.**

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