

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:40 p.m. on February 15, 2007, in Room 123-S of the Capitol.

Committee members absent:

Committee staff present: Sharon Wenger, Kansas Legislative Research Department
Ashley Holm, Kansas Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: Senator Chris Steineger
Dr. Kim Kimminau, Kansas Health Institute
Paula Marmet, Kansas Department of Health and Environment
Linda De Coursey, American Heart Association
Dr. Gary George, Olathe School District
Mark Desetti, Kansas National Education Association
Mark Tallman, Kansas Association of School Boards
Dale Dennis, Interim Commissioner of Education

SB 281 – School districts; physical education; physical education incentive grant program; powers and duties of State Board of Education and local boards

Theresa Kiernan, Revisor of Statutes Office, explained that **SB 281** would establish minimum physical exercise requirements for students in public and nonpublic schools. She noted that the bill stated, “It is the policy of the state of Kansas to promote a healthier school environment and a higher level of physical fitness in Kansas children.” The bill directed the State Board of Education to collaborate with the Kansas Department of Health and Environment to develop curriculum, materials, and guidelines for local boards of education to use in complying with the act. The bill also would establish a minimum of 200 minutes of physical activity for children in grades K-6 each ten school days. For children in grades 7-12, it would be 400 minutes for every ten schools days. Fitness tests would be required for students in grades 4, 7, 9 and 12. The tests would include a calculation of their body mass index (BMI). The schools would report the testing information to the State Department of Education. The Department of Health and Environment would collaborate with the Department of Education to set up standards for the physical fitness test. Section 2 requires that school districts report the number of teachers employed by the district who are fully endorsed to teach physical education and the number of school minutes or school hours that those teachers teach physical education. Section 3 establishes the Physical Education Incentive Grant Program, which would allow school districts that reimburse teachers for the cost of attaining their endorsement as a physical education teacher to apply for a grant to reimburse for paying those expenses.

Senator Chris Steineger, who requested the introduction of **SB 281**, explained that this bill was one of three bills which he requested after attending a Council of State Governments health conference in California last year. He commented that obesity is on the rise among children and young adults, and the intent of the bill was to promote a healthier school environment and a higher level of physical fitness in Kansas children by requiring students to participate in physical activity for a minimum amount of time during the school day with the hope that lifelong patterns of activity will be established. He explained that the bill had a fiscal note because the physical activity would have to be led by a trained physical education teacher. (Attachment 1)

At the request of Senator Steineger, Dr. Kim Kimminau, Kansas Health Institute, presented an overview of the results of a survey on Kansas school nutrition and physical activity she conducted in 2006 in collaboration with the Kansas Department of Education. The survey focused on school staff opinions, nutrition, physical education, and physical activity. Questions in the survey concerned breakfast programs, a la cart offerings, vending machines, vending revenue uses, recess, and weekly participation in physical education. The survey showed that recess is offered in 84 percent of elementary schools, and 25 percent of the schools have decreased time for recess over the past three years. The survey showed that 98 percent of elementary schools offer weekly participation in physical education, 70 percent of middle schools offer weekly participation, but less than 10 percent of high schools offer weekly participation. The survey also indicated that 17 percent

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of schools have decreased the amount of time for physical education during the past three years. ([Attachment 2](#))

Paula Marmet, Director, Office of Health Promotion, Kansas Department of Health and Environment, testified in support of **SB 281**. She noted that obesity is currently the second leading cause of preventable death in the United States; but, unfortunately, this epidemic remains unchecked, and obesity may become the top spot in causes of preventable death within the next decade. She noted that Kansans already pay over \$657 million per year for obesity related medical costs. In her opinion, the school setting, within the context of the community at large, perhaps offers the best chance to influence and instill positive health behaviors in early life. She commented further that focusing on fitness within the schools also contributes to their primary educational mission since researchers have concluded that schools seeking to improve student academic performance cannot ignore the role that health, nutrition, and exercise play in their overall efforts. She contended that monitoring the status of BMI among children on a population basis is critical to effective public health intervention, and collection of BMI as provided in the bill would allow KDHE to identify and target school children at highest risk for obesity and develop cost-effective pilot programs to address obesity throughout the state. ([Attachment 3](#))

Linda De Coursey, American Heart Association, testified in support of **SB 281**. She noted that more than 9.2 million children and adolescents are considered to be overweight or obese, and overweight children have a 70 percent chance of becoming overweight adults. Trends in American society, such as time spent watching television and decreased reliance on being physically active, indicate that schools quite possibly could be the leaders in addressing this enormous public health challenge. She noted that, although current Kansas statutes regarding physical education address elementary schools and high schools, the American Heart Association is very concerned that there are no statutory requirements for physical education in middle schools. ([Attachment 4](#))

Dr. Gary George, Assistant Superintendent in the Olathe School District, testified in opposition to **SB 281**. He informed the Committee that the Olathe School District provides 60 minutes of physical education a week at the elementary level, which is short of the amount called for in the bill. He pointed out that increasing the amount of physical education time would cut into academic instruction, and additional staff and additional space would be needed. The Olathe School District currently requires physical education for grade 10 students. With the passage of the bill, the district would also be required to have physical education for grades 9, 11, and 12. This requirement would have a major impact on elective classes for students. Furthermore, the district would need to hire 27 additional physical education teachers at an estimated cost of \$1,080,000 to \$1,280,286. In addition, more locker rooms and gyms would be needed. The bill would take effect upon publication in the statute book, which would leave the district little time to address the facility needs necessary to implement the bill. In conclusion, he noted that the bill runs counter to the Olathe School Board's position on local control and unfunded mandates. ([Attachment 5](#))

Mark Desetti, Kansas National Education Association, testified in opposition to **SB 281**. He observed that, although the bill was a well-intentioned proposal, it was an inappropriate and unfunded mandate. He pointed out that the bill did not address who would conduct the physical fitness test, who would calculate the BMI of each student, who would prepare and submit the findings to the state, or who would pay the ongoing costs of the program. In addition, he contended that Kansas has the appropriate system in place for determining the number of minutes of any given subject. He argued that there are more reasons for the obesity epidemic than the number of minutes spent in physical education in schools and that there is only so much that you can ask the schools to accomplish. ([Attachment 6](#))

Mark Tallman, Kansas Association of School Boards, testified in opposition to **SB 281**. He indicated that KASB could not support **SB 281** because the requirement for specific program mandates without any provision for the additional costs goes far beyond the development of state goals and outcomes. ([Attachment 7](#))

There being no others wishing to testify, the hearing on **SB 281** was closed.

Continued discussion on previously heard bill – **SB 93 – School districts; high density at-risk pupil weighting; linear transition calculation**

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Senator Schodorf reminded the Committee that additional information was requested concerning the appropriation for high density at-risk pupil weighting and the calculation being revenue neutral. Dale Dennis, Interim Commissioner of Education, responded to questions from the Committee and distributed copies of a computer printout which implemented the linear transition in **SB 93**. The memorandum attached to the printout stated that the bill provides that the high density at-risk be amended to provide a linear transition from 35 up to 50 percent for all school districts and that it also deletes a provision applicable to three school districts related to high density school districts. (Attachment 8) For the Committee's information, Ms. Kiernan distributed copies of a balloon of the bill showing a technical correction and the deletion of section (d) to remove three high density school districts. (Attachment 9) Following Committee discussion, Mr. Dennis distributed copies of another computer printout. The memorandum attached to the printout indicated that the amount determined under the linear transition was prorated at 92.4 percent. (Attachment 10) Committee discussion followed concerning how linear transition calculation would effect school districts.

Senator Teichman moved to amend **SB 93** on lines 30 and 31 as shown in the balloon subject to revised figures to be provided by the Department of Education, seconded by Senator Vratil. The motion carried.

Senator Vratil moved to amend **SB 93** on page 2, following line 2, by inserting "New Sec. 2. If the amount of appropriations for the payment of moneys attributable to the assignment of apupil weighting to enrollment of school districts under the school district finance and quality performance act is insufficient to pay in full the amount each school district is entitled to receive for the school year, the state board shall pro rate the amount appropriated among all districts which are eligible for the assignment of such weighting in proportion to the amount each school district is eligible to receive" (Attachment 11), seconded by Senator Teichman. The motion failed.

A committee member indicated that more time was need to fully consider the effect of the bill. Senator Schodorf announced that she planned to call for a vote on **SB 93** at the February 19 meeting.

The meeting was adjourned at 2:35 p.m.

The next meeting is scheduled for February 19, 2007.