

Introduced Version

SENATE BILL No. 333

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-19-3-6; IC 20-30; IC 20-34-3.

Synopsis: Physical education; vision screening. Requires each public school and charter school to conduct at least 30 minutes of physical education each day for students, which may be done as part of a class activity. Lengthens the minimum school day by 30 minutes. Requires each school corporation and charter school to: (1) report certain student health data for students in grades 1, 6, and 12 to the state department of health beginning in the 2013-2014 school year; and (2) inform the students' parents of the collection of the data and the right to obtain the data. Requires the state department of health to: (1) develop materials for the school corporation to distribute concerning body mass index; and (2) publish an annual report summarizing the data collected by the school corporations. Requires the state department of health and the state board of education to adopt joint rules to implement these provisions. Requires school corporations to conduct vision screenings of certain students instead of a battery of vision tests.

Effective: July 1, 2013.

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January 8, 2013, read first time and referred to Committee on Education and Career Development.

Introduced

First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

SENATE BILL No. 333

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

SOURCE: IC 20-19-3-6; (13)IN0333.1.1. --> SECTION 1. IC 20-19-3-6, AS ADDED BY P.L.1-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) The department shall:

(1) establish a program in health and physical education to encourage children in kindergarten through grade 12 to develop:

(A) healthful living habits;

(B) an interest in lifetime health and physical fitness; and

(C) decision making skills in the areas of health and physical fitness;

(2) establish the position of education consultant for health and physical education; and

(3) hire an individual to perform the duties of education consultant for health and physical education.

(b) The education consultant for health and physical education shall:

(1) plan and develop curricula for health and physical education for grades kindergarten through 12;

(2) **provide assistance to school corporations in developing**

and carrying out the requirements of IC 20-30-5-20; and

~~(2)~~ **(3)** perform other duties designated by the department.

(c) The program in health and physical education must include the following:

(1) Local school program development.

(2) Technical and inservice training assistance for local schools.

(3) Local school initiatives in writing curricula in the areas of health and physical education.

(4) Cardiopulmonary resuscitation training using a training program approved by the American Heart Association or an equivalent nationally recognized training program.

(d) The department may give grants to or enter into contracts with individuals or school corporations to carry out the purposes of the program in health and physical education.

SOURCE: IC 20-30-2-2; (13)IN0333.1.2. --> SECTION 2. IC 20-30-2-2, AS ADDED BY P.L.242-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) A student instructional day in grades 1 through 6 consists of at least five (5) hours **and thirty (30) minutes** of instructional time. Except as provided in subsection (b), a student instructional day in grades 7 through 12 consists of at least six (6) hours **and thirty (30) minutes** of instructional time.

(b) An instructional day for a school flex program under section 2.2 of this chapter consists of a minimum of three (3) hours of instructional time.

SOURCE: IC 20-30-5-20; (13)IN0333.1.3. --> SECTION 3. IC 20-30-5-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 20. (a) As used in this section, "school" refers to a public school, including a charter school.**

(b) Beginning with the 2013-2014 school year, a school shall conduct not less than thirty (30) minutes of physical education each regular school day for kindergarten through grade 12. The physical education:

(1) may be divided into two (2) fifteen (15) minute periods;

(2) may be included as a part of a classroom activity; and

(3) shall consist of activities that:

(A) are appropriate to a participant's age and physical and mental abilities;

(B) raise a participant's heart rate; and

(C) provide strength and endurance training.

SOURCE: IC 20-34-3-12; (13)IN0333.1.4. --> SECTION 4. IC 20-34-3-12, AS AMENDED BY P.L.161-2009, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) For purposes of this section, ~~"modified~~

~~clinical technique"~~ means a battery of vision tests that includes:

~~(1) a visual acuity test to determine an individual's ability to see at various distances;~~

~~(2) a refractive error test to determine the focusing power of the eye;~~

~~(3) an ocular health test to determine any external or internal abnormalities of the eye; and~~

~~(4) a binocular coordination test to determine if the eyes are working together properly. "vision~~

~~screening" means the testing of visual acuity.~~

(b) The governing body of each school corporation shall conduct **a vision screening of:**

(1) an annual vision test, using the modified clinical technique, of each student upon the student's enrollment in either kindergarten or grade 1; and

(2) an annual screening test of the visual acuity of each student enrolled in or transferred to grade 3 and grade 8 a student who has transferred into the school corporation; and of all other students

(3) a student suspected of having a visual defect.

(c) Records of all **tests screenings** shall be made and continuously maintained by the school corporation to

provide information useful in protecting, promoting, and maintaining the health of students. The state department of health and the state board shall adopt joint rules concerning vision ~~testing~~ **screening** equipment, qualifications of vision ~~testing~~ **screening** personnel, visual screening procedures, and criteria for failure and referral in the screening ~~tests~~ based on accepted medical practice and standards.

(d) The school corporation's governing body and the superintendent shall receive the following information concerning the ~~tests~~ **screenings** conducted under this section:

- (1) The number of students ~~tested~~ **screened**.
- (2) The number of students who passed a ~~test~~ **screening**.
- (3) The number of students who failed a ~~test~~ **screening** or were referred for further testing.

(e) Each school corporation shall annually provide to the department, for each school within the school corporation, the following information concerning the ~~tests~~ **screenings** conducted under this section:

- (1) Whether the ~~tests~~ **screenings** were conducted at the school.
- (2) If the ~~tests~~ **screenings** were not conducted at the school, the reason for not performing the ~~tests~~ **screenings**.

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- (3) If the ~~tests~~ **screenings** were conducted at the school, the number of students ~~tested~~ **screened**.

(f) Not later than October 1, ~~2010~~, the department shall report the information received from school corporations under subsection (e) to the legislative council in electronic format under IC 5-14-6.

SOURCE: IC 20-34-3-21; (13)IN0333.1.5. --> SECTION 5. IC 20-34-3-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec.**

21. (a) Beginning in the 2013-2014 school year, each school corporation and charter school shall collect and record the height, weight, ethnicity, age, and sex of students in the following grades:

- (1) Grade 1.**
- (2) Grade 6.**
- (3) Grade 12.**

The school corporation or charter school shall annually report the information collected under this subsection to the state department of health.

(b) The school corporation or charter school shall inform in writing the parent or guardian of a student described in subsection (a) that the information concerning the student was collected and that the parent or guardian may obtain the information from the school the student attends upon request.

(c) A school corporation or charter school shall report data collected under subsection (a) according to rules adopted under this section.

(d) Data may not be reported under this section in a way that makes students personally identifiable.

(e) The data collected under this section may not be recorded on:

- (1) a child's report card;**
- (2) a child's transcript; or**
- (3) another document from which an individual other than the child's family or school personnel could determine the identity of the child.**

(f) The state department of health shall publish and make available to the public an annual report summarizing data collected under this section.

(g) The state department of health shall develop materials for school corporations and charter schools to distribute that include the following:

- (1) An explanation of body mass index.**
- (2) The limitations of body mass index as a measure.**

(3) The need to interpret body mass index on an individual basis.

(h) The state department of health and the state board shall adopt joint rules under IC 4-22-2 to implement this section. The rules must include the following:

(1) Information regarding the importance of accurate measurements and the collection of measurements for improving children's health.

(2) Procedures for the measurement of children in a respectful and dignified manner in a private location where other students will not see or hear the data being collected.