



House of Representatives

General Assembly

File No. 227

January Session, 2013

Substitute House Bill No. 6525

House of Representatives, March 27, 2013

The Committee on Children reported through REP. URBAN of the 43rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING CHILDHOOD OBESITY AND PHYSICAL EXERCISE IN SCHOOLS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective July 1, 2013*) (a) There is established a Task Force
2 on Childhood Obesity to study the effects of obesity on children's
3 health. The task force shall consist of the following members: (1) The
4 Commissioner of Children and Families, or said commissioner's
5 designee, (2) the Commissioner of Social Services, or said
6 commissioner's designee, (3) the Commissioner of Education, or said
7 commissioner's designee, (4) the Commissioner of Public Health, or
8 said commissioner's designee, (5) the chairpersons, vice-chairpersons
9 and ranking members of the joint standing committee of the General
10 Assembly having cognizance of matters relating to children, (6) a
11 dietician-nutritionist licensed under chapter 384b of the general
12 statutes who has a background in food service appointed by the
13 Commissioner of Public Health, and (7) two members of the public
14 appointed by the chairpersons of the joint standing committee of the

15 General Assembly having cognizance of matters relating to children,
16 one of whom is an advocate for children's health matters and one of
17 whom is an academic, civic or cultural leader specializing in children's
18 health matters. All appointments to the task force shall be made not
19 later than July 31, 2013. Any vacancy shall be filled by the appointing
20 authority.

21 (b) The task force shall: (1) Gather and maintain current information
22 regarding childhood obesity that can be used to better understand the
23 impact of obesity on children's health; (2) examine the nutrition
24 standards for all food procured by the state; (3) explore the
25 implementation of a tax on large-size sugary drinks, the revenue from
26 which may be earmarked for childhood obesity prevention; (4)
27 recommend the implementation of a pilot program through one local
28 or regional board of education to schedule recess before lunch in
29 grades kindergarten to twelve, inclusive; and (5) advise the General
30 Assembly and Governor concerning the coordination and
31 administration of state programs that may reduce the incidents of
32 childhood obesity.

33 (c) Not later than October 1, 2014, the task force shall submit a
34 report to the joint standing committee of the General Assembly having
35 cognizance of matters relating to children, in accordance with the
36 provisions of section 11-4a of the general statutes, detailing the task
37 force's findings pursuant to subsection (b) of this section.

38 Sec. 2. Section 10-221o of the general statutes is repealed and the
39 following is substituted in lieu thereof (*Effective July 1, 2013*):

40 (a) Each local and regional board of education shall require each
41 school under its jurisdiction to (1) offer all full day students a daily
42 lunch period of not less than twenty minutes, and (2) include in the
43 regular school day for each student enrolled in grades kindergarten to
44 five, inclusive, time devoted to physical exercise of not less than
45 twenty minutes in total, except that a planning and placement team
46 may develop a different schedule for a child requiring special
47 education and related services in accordance with chapter 164 and the

48 Individuals With Disabilities Education Act, 20 USC 1400 et seq., as
49 amended from time to time. In the event of a conflict with this section
50 and any provision of chapter 164, such other provision of chapter 164
51 shall be deemed controlling.

52 (b) No school employee shall prevent a student enrolled in grades
53 kindergarten to five, inclusive, from participating in the entire time
54 devoted to physical exercise in the regular school day, pursuant to
55 subsection (a) of this section, as a form of discipline. For purposes of
56 this subsection, "school employee" means (1) a teacher, substitute
57 teacher, school administrator, school superintendent, guidance
58 counselor, psychologist, social worker, nurse, physician, school
59 paraprofessional or coach employed by a local or regional board of
60 education or working in a public elementary, middle or high school; or
61 (2) any other individual who, in the performance of his or her duties,
62 has regular contact with students and who provides services to or on
63 behalf of students enrolled in a public elementary, middle or high
64 school, pursuant to a contract with the local or regional board of
65 education.

66 Sec. 3. (NEW) (*Effective July 1, 2013*) No school employee shall
67 require any student enrolled in grades kindergarten to twelve,
68 inclusive, to engage in physical activity as a form of discipline during
69 the regular school day. For purposes of this section, "school employee"
70 means (1) a teacher, substitute teacher, school administrator, school
71 superintendent, guidance counselor, psychologist, social worker,
72 nurse, physician, school paraprofessional or coach employed by a local
73 or regional board of education or working in a public elementary,
74 middle or high school; or (2) any other individual who, in the
75 performance of his or her duties, has regular contact with students and
76 who provides services to or on behalf of students enrolled in a public
77 elementary, middle or high school, pursuant to a contract with the
78 local or regional board of education.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2013</i>	New section
Sec. 2	<i>July 1, 2013</i>	10-221o
Sec. 3	<i>July 1, 2013</i>	New section

KID *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Legislative Mgmt.; Various State Agencies	GF - Potential Cost	less than 1,000	less than 1,000

Municipal Impact: None

Explanation

There may be a cost of less than \$1,000 to agencies participating in the task force to study the effects of obesity on children’s health, related to reimbursing legislators and agency staff for mileage expenses.

There is no cost associated with prohibiting school employees from (1) preventing certain students from fully participating in recess or (2) requiring certain students to engage in physical activity as a form of discipline, as such changes are procedural in nature.

The Out Years

There is no ongoing fiscal impact as the task force terminates in FY 15.

OLR Bill Analysis**sHB 6525*****AN ACT CONCERNING CHILDHOOD OBESITY AND PHYSICAL EXERCISE IN SCHOOLS.*****SUMMARY:**

This bill prohibits school employees, during the regular school day, from (1) preventing a child in kindergarten through fifth grade from participating in his or her full recess period and (2) requiring any student in kindergarten through twelfth grade to engage in physical activity as a form of discipline.

The bill also establishes a 13-member task force to study the effects of obesity on children's health and report its finding to the Children's Committee by October 1, 2014.

EFFECTIVE DATE: July 1, 2013

SCHOOL PHYSICAL ACTIVITY REQUIREMENTS

The bill prohibits school employees from preventing a student in kindergarten through fifth grade from participating in the entire time devoted to physical exercise in the regular school day. By law, public schools generally must include at least 20 minutes of physical exercise in each regular school day for such students.

The bill also prohibits school employees from requiring any student in kindergarten through twelfth grade to engage in physical activity as a form of discipline during the regular school day.

School Employees

Under the bill, a school employee is a (1) teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional,

or coach employed by a local or regional board of education or working in a public elementary, middle, or high school; or (2) person who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students in public, elementary, or high school under a contract with the local or regional board of education.

CHILDHOOD OBESITY TASK FORCE

The bill establishes a task force to study the effects of obesity on children's health. The task force must:

1. gather and maintain current information on childhood obesity that can be used to better understand its impact on children's health;
2. examine the nutrition standards for all food the state procures;
3. explore the implementation of a tax on large-size sugary drinks, the revenue from which may be earmarked for childhood obesity prevention;
4. recommend the implementation of a pilot program, through a local or regional board of education, to schedule recess before lunch for students in kindergarten through twelfth grade; and
5. advise the governor and General Assembly on how to coordinate and administer state programs to reduce the incidence of childhood obesity.

The task force members must include:

1. the commissioners of the departments of Children and Families, Education, Public Health (DPH), and Social Services, or their designees;
2. the Children's Committee chairpersons, vice-chairpersons, and ranking members;

3. a licensed dietitian-nutritionist with a background in food service appointed by the DPH commissioner; and
4. two members of the public appointed by the Children’s Committee chairpersons, one of whom is a children’s health matters advocate and one of whom is an academic, civic, or cultural leader specializing in children’s health matters.

All task force appointments must be made by July 31, 2013. The appointing authorities fill any vacancies.

COMMITTEE ACTION

Children Committee

Joint Favorable Substitute

Yea 12 Nay 0 (03/12/2013)