



# House of Representatives

**File No. 848**

General Assembly

January Session, 2013

**(Reprint of File No. 227)**

Substitute House Bill No. 6525  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 23, 2013

**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 October 1, 2013*) (a) There is established a Task  
2 Force on Childhood Obesity to study the effects of obesity on  
3 children's health. The task force shall consist of the following members:  
4 (1) The Commissioner of Children and Families, or said  
5 commissioner's designee, (2) the Commissioner of Social Services, or  
6 said commissioner's designee, (3) the Commissioner of Education, or  
7 said commissioner's designee, (4) the Commissioner of Public Health,  
8 or said commissioner's designee, (5) the president pro tempore of the  
9 Senate, or the president's designee, (6) the speaker of the House of  
10 Representatives, or the speaker's designee, (7) the majority leader of  
11 the Senate, or said majority leader's designee, (8) the majority leader of  
12 the House of Representatives, or said majority leader's designee, (9)  
13 the minority leader of the Senate, or said minority leader's designee,  
14 (10) the minority leader of the House of Representatives, or said  
15 minority leader's designee, (11) the chairpersons, vice-chairpersons

16 and ranking members of the joint standing committee of the General  
17 Assembly having cognizance of matters relating to children, (12) a  
18 dietician-nutritionist licensed under chapter 384b of the general  
19 statutes who has a background in food service appointed by the  
20 Commissioner of Public Health, and (13) two members of the public  
21 appointed by the chairpersons of the joint standing committee of the  
22 General Assembly having cognizance of matters relating to children,  
23 one of whom is an advocate for children's health matters and one of  
24 whom is an academic, civic or cultural leader specializing in children's  
25 health matters. All appointments to the task force shall be made not  
26 later than July 31, 2013. Any vacancy shall be filled by the appointing  
27 authority.

28 (b) The task force shall: (1) Gather and maintain current information  
29 regarding childhood obesity that can be used to better understand the  
30 impact of obesity on children's health; (2) examine the nutrition  
31 standards for all food procured by the state; (3) explore ways to  
32 increase physical activity in children; (4) recommend the  
33 implementation of a pilot program through one local or regional board  
34 of education to schedule recess before lunch in elementary school; and  
35 (5) advise the General Assembly and Governor concerning the  
36 coordination and administration of state programs that may reduce the  
37 incidents of childhood obesity.

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

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

45 (a) Each local and regional board of education shall require each  
46 school under its jurisdiction to (1) offer all full day students a daily  
47 lunch period of not less than twenty minutes, and (2) include in the

48 regular school day for each student enrolled in [grades kindergarten to  
49 five, inclusive,] elementary school time devoted to physical exercise of  
50 not less than twenty minutes in total, except that a planning and  
51 placement team may develop a different schedule for a child requiring  
52 special education and related services in accordance with chapter 164  
53 and the Individuals With Disabilities Education Act, 20 USC 1400 et  
54 seq., as amended from time to time. In the event of a conflict with this  
55 section and any provision of chapter 164, such other provision of  
56 chapter 164 shall be deemed controlling.

57 (b) Not later than October 1, 2013, each local and regional board of  
58 education shall adopt a policy, as the board deems appropriate,  
59 concerning the issue regarding any school employee being involved in  
60 preventing a student from participating in the entire time devoted to  
61 physical exercise in the regular school day, pursuant to subsection (a)  
62 of this section, as a form of discipline. For purposes of this section,  
63 "school employee" means (1) a teacher, substitute teacher, school  
64 administrator, school superintendent, guidance counselor,  
65 psychologist, social worker, nurse, physician, school paraprofessional  
66 or coach employed by a local or regional board of education or  
67 working in a public elementary, middle or high school; or (2) any other  
68 individual who, in the performance of his or her duties, has regular  
69 contact with students and who provides services to or on behalf of  
70 students enrolled in a public elementary, middle or high school,  
71 pursuant to a contract with the local or regional board of education.

72 Sec. 3. (NEW) (*Effective July 1, 2013*) Not later than October 1, 2013,  
73 each local and regional board of education shall adopt a policy, as the  
74 board deems appropriate, concerning the issue regarding any school  
75 employee being involved in requiring any student enrolled in grades  
76 kindergarten to twelve, inclusive, to engage in physical activity as a  
77 form of discipline during the regular school day. For purposes of this  
78 section, "school employee" means (1) a teacher, substitute teacher,  
79 school administrator, school superintendent, guidance counselor,  
80 psychologist, social worker, nurse, physician, school paraprofessional  
81 or coach employed by a local or regional board of education or

82 working in a public elementary, middle or high school; or (2) any other  
83 individual who, in the performance of his or her duties, has regular  
84 contact with students and who provides services to or on behalf of  
85 students enrolled in a public elementary, middle or high school,  
86 pursuant to a contract with the local or regional board of education.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	New section
Sec. 2	<i>July 1, 2013</i>	10-221o
Sec. 3	<i>July 1, 2013</i>	New section

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 \$
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 adopting a policy to explore 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.

House "A" struck the underlying bill and its associated fiscal impact and replaced it with the cost identified above.

**The Out Years**

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

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**OLR Bill Analysis****sHB 6525 (as amended by House "A")\******AN ACT CONCERNING CHILDHOOD OBESITY AND PHYSICAL EXERCISE IN SCHOOLS.*****SUMMARY:**

This bill requires public schools to include a total of 20 minutes of physical exercise in each regular school day for all elementary school students, rather than just those in kindergarten through grade five. (Neither the bill nor the statutes define "elementary school.")

The bill requires each local and regional board of education, by October 1, 2013, to adopt policies it deems appropriate concerning any school employee being involved, during the regular school day, in (1) preventing, as a form of discipline, an elementary school student from participating in the required period of physical exercise or (2) requiring any student in grade kindergarten through twelve to engage in physical activity as a form of discipline.

The bill also establishes a 19-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.

\*House Amendment "A" (1) requires school boards to adopt policies on using physical exercise as a form of discipline rather than prohibiting employees from doing this, (2) extends the physical exercise requirement to all elementary grades, and (3) changes the task force's charge by requiring it to explore ways to increase children's physical activity instead of to explore the implementation of a tax on large-size sugary drinks.

EFFECTIVE DATE: July 1, 2013 except for the task force provision,

which is effective on October 1, 2013.

### **SCHOOL EMPLOYEE**

With regard to the policies the boards of education must adopt, the bill defines a school employee as 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) a 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 ways to increase children's physical activity;
4. recommend the implementation of a pilot program, through a local or regional board of education, to schedule recess before lunch in elementary school; 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 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. the Senate President and House Speaker, or their designees;
4. the House and Senate majority and minority leaders, or their designees;
5. a licensed dietitian-nutritionist with a background in food service appointed by the DPH commissioner; and
6. two members of the public appointed by the Children's Committee chairpersons, one of whom is a children's health matters advocate and the other 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.