

2005 HOUSE EDUCATION

HB 1048

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1048

House Education Committee

☐ Conference Committee

Hearing Date 19 January 05

Tape Number		Side A	Side B	Meter #
_	1	X		2337 - end
			X	0 - end
	2	X		0 - 4600

Jan Thindle

Committee Clerk Signature

Minutes:

Chairman Kelsch opened the hearing on HB 1048. She welcomed all the children in the audience and asked them to stand, be recognized and please identify themselves.

Rep. Herbel, District 16, introduced the bill. The bill will keep the standards for health and PE as they have been. During the last session the legislature added language requiring all schools to offer health and PE every year. My intent was not that it should be a different class every year for every grade through in 9 - 12. I believe the members the legislative assembly had the same interpretation as I did. When we studied that bill I asked representatives from NDEA, DPI, ND School Board Association, ND School Administrators Association, Non-Public Administrators Association and they were all present to provide input for our meeting. When we finished I believe they were all of the same opinion. DPI has chosen to require schools to make schools make available a different health class and PE class for every grade in 9 - 12, all of which would be different. This would require a huge number of new instructors being hired

without any funding to follow them. With schools struggling as they are, we can't place this kind of burden on them. I'm not opposed to health and PE as some have suggested to me already. I happen to have a degree in mathematics and PE and I have taught both. The problem with making Health and PE available will be simply that we don't have the dollars in the budget to do that. You will note there is an emergency on the clause on the bill so it would take effect immediately.

Chairman Kelsch: If it doesn't become effective prior to August 1, some of the school districts would still need to be complying with the old law at registration.

Bev Nielson, ND School Board Association, testified in favor of HB 1048. It's not their intention to make light of or to debate the importance of healthy choices made by people or societal obesity rates. What we are talking about today is whether schools can add to their curriculum six more sessions of classes to find teachers for, to fit into the schedule, and find space for.

Rep Solberg: Is that why we are striking "each school year"?

Nielson: Correct. And, leave it as it now. They are offered a half unit of Health and a half unit of PE.

Rep. Herbel: How many schools presently offer Health and PE every year to every grade? **Nielson:** I don't believe that any school, and I could be wrong because I don't have data, offers a separate Health curriculum four years in high school. Some larger schools do offer PE every year. In smaller schools some of the PE teachers teach other subject so if we have to move over to extra sessions of PE, we are going to have to go looking for highly qualified teachers to

replace those PE teachers in the core academic classes they teach now. It could be a real problem.

Rep. Sitte: Could you tell me, in a small school why would 9th grade PE have to be separate from 10th or 11th? Why couldn't 9th grade PE be delineated as basketball, volley ball and tennis? 10th grade be bowling, and whatever else? Why couldn't the school rotate and put all 9, 10, 11 students through all of those classes together?

Nielson: The ways the schools are staffing right now, they wouldn't have the staff to do that. There's no way to do that without adding staff.

Chairman Kelsch: Is there anything in this bill or anything in statute that precludes a school district form requiring a student to have two full years of PE or Health for graduation?

Nielson: There is nothing that precludes that. Fargo used to require 4 years. Schools in some states don't require PE for varsity athletes. Schools can set any graduation requirements they

want and if they want to require two or three years of PE for graduation, they have to staff it and

offer it.

Rep. Hawken: You made a comment that we have to keep in mind as we listen to testimony. This bill came about because of academic equity, did it not? Nothing precludes the school district, if the patrons desire, from adding any amount of this to their curriculum?

Nielson: This bill came about to have academic core courses to the highest level available across the state. In communities where they wanted it, they find a way to add it. Requiring it for all districts is a mandate that's hard to do right now.

Rep. Herbel: If we say "make available," once they've met the requirements of having the PE, most of the kids that really need the class would perhaps not take it?

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Nielson: From my personal experience, those who are interested in physical activity are physically active, those who aren't won't take it.

Rep. Hunskor: Except for financial concerns, what would be your thoughts to change 1/2 unit to a full unit? Health issues and obesity are a problem with children. That way we would have more that may be available.

Nielson: I'll ask the administrators who will testify to speak to that. Again, please don't think we are making light of society's problems with obesity. It just becomes a matter of what mandates and requirements are being placed on schools right now. We think there are other venues in the community if the parents and children are so inclined.

Rep. Norland: I think for years there's been a misconception of what PE is all about. If you look in the DPI manual, it's stated as a social activity and has nothing to do with physical fitness.

Rep. David Monson, District 10, and school superintendent and principal at Edinburg, testified in favor of the bill. The bill we passed last session wasn't exactly what we thought we were passing. I didn't realize I would have to hire half time PE and Health teachers for my little school. If this doesn't get passed it's going to cost me about \$30,000 and I don't think that's what we intended.

Mary Wahl, ND Council of Educational Leaders, testified in favor of the bill. (Testimony attached.)

Doug Johnson, ND Council of Educational Leaders, testified in favor of the bill (Testimony attached.)

Harold Knoll, superintendent of Park River Public Schools and representative of the Multi-County Administrators, testified in favor of the bill. (Testimony attached.)

Rep. Hanson: Why are you just picking Health and PE? We increased Math from 3 to 4, Social Studies from 3 to 4, Fine Arts from 1 to 2. Why just Health and PE?

Knoll: In those curricula we do have a scope and sequence that articulates over a four-year period all the way through the grades. Those are valuable to us to meet the NCLB requirements. We do have those offerings in the core requirements right now.

Rep. Hanson: On the list you are asking only \$30,000?

Knoll: That would be one fte and its conservative. It think we could do some reassigning of teachers who are certified to teach Health and PE

Rep. Sitte: Have a lot of schools met that 4th year Math requirement by cutting Algebra II in half? Is it easier to meet some of the other requirements because you just changed scope and sequence?

Knoll: We've always had the scope and sequence for Math because it was target area for our school improvement. We added another elective for Math just to make sure we would be meeting the NCLB.

Rep. Hunskor: The 9th and 10th graders in your school, do they have to take PE? Is it a may or a must.

Knoll: It's required to fulfill that one unit of PE and Health which is presently in statute, but we go beyond that.

Rep. Hunskor: We're looking at this bill that says 1/2 unit of PE period. What would your thoughts be on "may" or "must" and change it to one unit.

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Knoll: The accreditation process is a two-year process is over a two-year period, and accreditation is tied into the funding. If you have that each year we would be in favor of just a half credit of Health over a two-year period.

Rep. Mueller: If the law stood as is and we didn't make this change, how many students, in your best guess, would be taking advantage of the additional course offerings?

Knoll: It's difficult. We have a 7-period day. To graduate from Park River you need 22 credits. In a seven-period day, in order to get the electives in there, we may have 3 or 4. They get stretched so thin now with the electives and required. I would like to see more discussion and better partnership. Some of the students are getting Health, but it's integrated in other disciplines like some of the courses we offer in Consumer Science and vocational classes.

Mike Nelson, Hazen Public High School, testified on behalf of the bill and distributed a fact sheet showing the impact of the present requirements on Hazen (attached). They will need to add two additional staff members and do not have the space required for the courses. They are not opposed to the concept, but are concerned with the financial impact.

Rep. Herbel: Will you need to eliminate other electives?

Nelson: I'm not sure how we can do it, we could reduce Social Studies and Math electives and move those people to those spaces.

Rep. Hanson: Can you offer during summer school? Could you offer Health then?

Nelson: We offer two classes of PE in summer school and we could offer Health.

Steve Randon, superintendent of Garrison Public School testified in favor of the bill. In Garrison they have activity night sponsored by FFA and FBLA their largest non-athletic activities. The sponsor battle ball, volley ball. They are concerned with Health choices but are

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not mandating it, they sponsor activities such as open gym in the early morning and Sundays.

They have their food service worker training to provide better food choices. Weight Watchers meets in their school and have shed 180 lbs.

Rep. Meier: How many students participate in the extracurricular activities you talked about.

Randon: 80 percent of our student body grades 7 through 12.

Frank Schill, superintendent of Cavalier Public School, testified in favor of the bill.

(Testimony attached.)

Joe Westby, NDEA, testified that his organization supports the concept of physical activities for students and are concerned the about the cost problems and other problems for school districts.

Amy Heuer, ND Association of Health, Physical Education, Recreation and Dance, testified in opposition to HB 1048 (Testimony attached.)

Tim Kolsrud, educator at BHS and part time Physical Education teacher, recommended a do not pass on the bill.

Jackie Strome, senior at BHS, testified against the measure. (Testimony attached.)

Ben Stuber, senior at BHS, testified against HB 1048. (Testimony attached.)

Cody Myers, senior at BHS, testified against the bill. (Testimony attached.)

Dr. Parag Kumar, Asst. Professor of Pediatrics, UND school of Medicine and Health Science, Medicine One Health Systems, testified in opposition to the bill. (Testimony attached.)

Dr. Todd Twogood, pediatrician at Medcenter One and president-elect ND Academy of Pediatrics, testified in opposition. (Testimony attached.)

Amanda Schreiber, senior at BHS, testified in opposition. (Testimony attached.)

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Deanna Askew, co-chair, Health North Dakota Physical Activity Committee, testified in opposition. (Testimony attached.)

Terry Dwelle, State Health Officer, testified in opposition. (Testimony attached.)

Valerie Fisher, director of School Health, DPI, testified in opposition. (Testimony attached.)

Chairman Kelsch closed the hearing and asked if any of the people wishing to yet testify submit their testimony to the committee for later perusal.

The following was submitted and is attached to these minutes:

In Favor of HB 1048:

Elroy Burkle, superintendent, Starkweather Public School District #44

In Opposition to HB 1048:

Karen Ehrens, legislative chair, North Dakota Dietetic Association

June Herman, American Heart Association

Anita Decker, director, School Approval and Accreditation, DPI

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1048

House Education Committee

☐ Conference Committee

Hearing Date 26 January 05

Tape Number

Side A

Side B

Jan Prindle

Meter#

2900 - 4700

Committee Clerk Signature

Minutes:

Chairman Kelsch opened discussion on HB 1048 and asked the wishes of the committee.

Rep. Hawken: I move Do Pass on HB 1048.

Rep. Herbel: I Second.

Discussion:

Rep. Mueller: I'm sure you got all kinds of e-mail on this. Would it be possible to a subcommittee on this to see if there is a happy in between we could make more folks happy with.

Rep. Herbel: I think the issue is probably a matter of interpretation and intent from the last session. This bill is an attempt to correct that. I believe strongly that if a change in the curriculum should take place it should be in a different bill. This wasn't a question of if PE is good or bad, it's a question of interpretation that the superintendents in four counties in the northeast wanted to clarify. This bill clarifies what was legislative intent last time. If it was

clear enough or not, I'm not going to debate that issue. We are not reducing curriculum we are

leaving it the same. There was some misinformation conveyed. I think they were told we were reducing the curriculum. If you look at the e-mails that's what nearly all of them cited.

Chairman Kelsch: Rep. Meier do you have the resolution you are working on regarding recess because I asked you to incorporate some of the healthy conversations because of this bill. Do you want to quickly read it.

Rep. Meier: It's in rough draft at this time, but I can read it. She read the draft.

Rep. Hawken: I think one of the reasons this is going on is we broke the units out last time to say 1/2 of each which is the same. It looks like we took it from 1 to 1/2.

Rep. Herbel: That was done because of the interpretation of what we had instituted. There was some concern it would be interpreted as one unit of Health and then another separate unit.

Rep. Hunskor: I just did a survey among the small schools in my district and asked them what percent of kids are involved in some sport other than PE and found out that in many schools it's 80 - 90% of boys and girls who are involved in sports. The smallest percentage was 69%. These kids are getting involved in physical activity five days a week.

Rep. Hawken: There's nothing that says a school can offer as much as they want. This is a bare minimum. A local school district can have 16 if they want them.

Rep. Haas: We had a lot of debate on this last session. I think what we said was you have to offer Health every year, but in any year you could have 9, 10, 11, & 12 graders in that class. The requirement for graduation is 1/2 unit. But to give students more flexibility in scheduling the class was to be offered every year and they could make sure they got it in one of those four years. The same thing is true in PE. That was our intent.

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Rep. Herbel: I talked to Dr. Twogood when we left here and explained the bill to him. He said he was blind sided. So there was some information given out by someone who said we were cutting curriculum.

Rep. Hanson. Would Rep. Haas make that into a substitute motion.

Rep. Haas: I don't think we need to make a motion, it's clear.

Chairman Kelsch: Rep. Haas has put it into the record what legislative intent was two years ago and what it is now.

Rep. Hanson: I don't know why did they just pick on Health and PE with all the other changes we made last year?

Rep. Herbel: DPI interpreted things we didn't intend.

The question was called:

Yes: 10 No: 2 Absent: 2 The motion passed.

Rep. Herbel will carry the bill.

Date:

26 Jan 05

Roll Call Vote #:

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES BILL/RESOLUTION NO. //) 48

House Education	Committee			
Check here for Co	onference Commit	ttee	·	:
Legislative Council A	mendment Numbe	r		
Action Taken	So Fas			
Motion Made By	Hawken) Second	led By Lerby	el.
Represents Chairman Kelsch Vice Chairman Joh Rep. Haas Rep. Hawken Rep. Herbel Rep. Horter Rep. Meier Rep. Norland Rep. Sitte Rep. Wall		Re Re	Representatives p. Hanson p. Hunskor p. Mueller p. Solberg	Yes No
Total (Yes)	10	No	2/	: .
Absent	,		· .	
Floor Assignment	Her	hel		·
If the vote is on an am	endment, briefly ir	ndicate intent:		·

REPORT OF STANDING COMMITTEE (410) January 26, 2005 12:47 p.m. Module No: HR-17-1093 Carrier: Herbel

Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1048: Education Committee (Rep. R. Kelsch, Chairman) recommends DO PASS (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1048 was placed on the Eleventh order on the calendar.

2005 SENATE EDUCATION

HB 1048

2005 SENATE STANDING COMMITTEE MINUTES BILL/RESOLUTION NO. HB 1048

Senate Education Committee

☐ Conference Committee

Hearing Date March 2, 2005

Tape Number		Side A	Side B	Meter #
-	1	X		670 - end
	1		x	4292-5175

Committee Clerk Signature Patty Wilfus

Chairman Freborg opens the hearing on HB 1048.

Relating to required high school units and to declare an emergency.

Representative Herbal - District 16 - Introduced the bill. He said this bill addresses a misinterpretation of what was the legislative intent in the last session. Last session they required all schools make available 1/2 unit of health and 1/2 unit of phy ed each school year. He doesn't believe it was the intent that it should be a different health and different phy ed for each grade 9-12. He said this would create a scheduling nightmare and financial burden on these schools. He said he realizes obesity is a problem the increasing of only making available does nothing to deal with the real problem. For obvious reasons those students are not going to sign up for these classes. HB 1048 does not decrease health and phy ed requirements, it keeps them the same.

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He would like a do pass to keep the legislative intent of the previous session.

Senator Seymour - Asked about the change.

Rep. Herbal - Said it depends on who is interpreting. What they are doing is adding 10th, 11th, 12th possibly if the kids so choose to take it. This is an attempt to clarify this so the schools know how many instructors they are going to have to add or which classes they will eliminate.

Senator Flakoll - Asked about the effective date, are they trying to change this before it takes effect.

Rep. Herbal - Replied that is correct.

Senator Erbele - Asked if the intent is to offer 1/2 unit of health each year but you only need to take it once during 9-12 grade years.

Rep. Herbal - He said some schools rotate between health and phy ed.

(meter #1210)

Mary Wahl - ND CEL - See written testimony.

(meter #2005)

Senator Flakoll- Asked about the math on page 2 of her testimony.

Wahl - Said \$3500 is the total cost per family.

Doug Johnson - ND Council of Educational Leaders - See written testimony.

(meter #2448)

Bev Nielson - ND School Board Association - See written testimony.

(meter #2860)

Senator Flakoll - Asked if we are going contrary to what was adopted last session.

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Nielson - She believes there is a compelling argument for the equity of academic opportunity for students in relation to their career and technical needs to go to work after high school and for entrance in to college. In having to add all the academic classes that they are going to have to add that health and physical education they did not believe met the compelling interests of academic opportunities.

Senator Flakoll - Asked about healthy lifestyle requirements referenced in the guidelines of the free constitution.

Nielson - Maintains what they do currently in school is sufficient.

Senator Flakoll - Said he has read that several times.

(meter #3177)

Dean Bard - ND Small Organized Schools - He said this an extremely important piece of legislation for their members. Rural schools have been hit the hardest if this legislation the way it is currently worded goes in to effect. They have raised the requirements of many classes. They have spent a lot of time talking about health and phy ed. They thought they would have to add a staff person for \$30,000 to meet the requirement. He asks to bring the language back to the way it was before it was changed last session.

(meter #3556)

Harold Knoll - Superintendent of Park River Public School - See written testimony. (meter #4527)

Mike Ness - Superintendent of Hazen Public School - See written chart that he explains.

He said if the present law were to pass they would have to add additional staff. He told of the bad financial situation they are already in. They need to cut between \$150,000 to \$250,000 out

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of their budget. He asks the proponents of the health and phy ed programs to work with DPI to bring them a better program. He agrees with the concept behind this but they can not absorb the cost in their school.

(meter #5118)

Sophia Pressler - Past school teacher - She said you folks are responsible to provide course of study where we have common basic subjects. She said the Advisory Commission of Intergovernmental Relations is a run away train. Changing from one program to another is very costly.

(meter #5506)

Dick Schaffen - Superintendent of Solen and Cannon Ball - He first spoke as a parent and believes parents need to take responsibility for the health of their children. He said his administrative team has had to cut \$500,000 our of the budget. They are working to maintain No Child Left Behind. They cannot find money to hire a phy. ed teacher.

(meter #6033)

Terry Dwelle - State Health Officer of ND - In opposition - See written testimony.

(end of tape 1, side A, #6239)

(side B, tape 1)

Dwelle - Continued, written testimony.

(meter #370, side B)

Dwelle - Said he can get that. He said there certain parts of the state that have more meth use than others. It is a major epidemic in ND as well as the rest of the nation. He said community

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based health care is to move to comprehensive lifestyle choices. They are trying to move people to make healthy choices for their future. Tobacco use, diet and alcohol use are still the #1 reasons for death.

(meter #520)

Anita Decker - Director of School Approval and Accreditation for the DPI - See written testimony. Speaking in opposition.

(meter #1420)

Bonnie Staiger - American Heart Association - They recommend a do not pass based on DPI data. If this bill passes she would like a delay in implementation.

(meter #1515)

Close the hearing on HB 1048

(meter #4300, tape 1, side B)

Discussion on HB 1048

Senator Seymour - He thinks there seems to be some confusion on the requirements.

Senator Freborg - Said he doesn't believe the committees did not interpret what they did the way DPI did. He is surprised they did not go back and listen to tapes, legislative intent would have some bearing however at this point its immaterial. He said he believes there is a gross misunderstanding.

Senator Seymour - He talked of declining enrollment in schools.

Senator Taylor - Suggested a couple amendments. Said there is nothing stopping schools right now from offering these classes.

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Senator Freborg - Wondered how much good it was doing anyway. The students has to want to do it and they have plenty opportunity.

Senator Erbele - Motioned for a do pass

Senator Taylor - Seconded

Senator Seymour - Said he thinks with DPI things are in place and he does not totally agree with a do pass.

Roll taken, 4 yes, 2 no.

Do Pass

Senator Taylor will carry.

(meter #5170)

Date: 3/2/05
Roll Call Vote #: /

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES BILL/RESOLUTION NO. 1048

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Se	econded By Paylor	
Yes No	Senators SENATOR SEYMOUR SENATOR TAYLOR	Yes No,
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No

Absent

Total

Floor Assignment

(Yes)

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410) March 2, 2005 12:53 p.m.

Module No: SR-38-3964

Carrier: Taylor Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1048: Education Committee (Sen. Freborg, Chairman) recommends DO PASS (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1048 was placed on the Fourteenth order on the calendar.

2005 TESTIMONY

HB 1048

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TESTIMONY ON HB 1048

Mary Wahl, NDCEL

The impact of adding 1½ units of health and 1½ units of physical education to the offerings at the high school level would be significant for school districts throughout North Dakota. Some representatives of school districts are here today to share that impact information with you. We also have handout material summarizing that impact.

Before Dr. Johnson presents the summary and before the school representatives speak, we believe it is important to set forth a framework in which this discussion can take place.

Firstly, schools are strapped for money especially in light of mandates that have been imposed open them at the national level and at the state level. For example, the section of law which we are discussing today not only affects physical education and health offerings but will also require all school districts make available to students four units of math and social studies rather than the current three, an additional unit of fine arts and two units of a foreign language. Some school districts are already meeting these standards; others will struggle financially and with staffing to comply with this mandate.

Secondly, a question we would ask you to keep in mind as this debate unfolds is just how many students who might best benefit from these offerings will enroll in them. These additional units would be voluntary enrollment courses and we would wonder if many students who are overweight and inactive would choose to enroll in them

Lastly, we urge you to consider the saying that "it takes a whole village to raise a child." We would suggest that much of our youth obesity/inactivity problem is beyond the scope of schools to address. A national survey of 800 plus mothers of children 2 years of age and under found that 50% didn't know the daily nutrition guidelines for their child. Research indicates that the average American child watches 4 hours of television daily. A study of researchers at John Hopkins University School of Medicine along with experts at the CDC and the National Institutes of Health concluded that a child's weight increases with the number of hours he or she spends watching television each day. The study's authors point out that the average high school graduate will likely spend 15,000 to 18,000 hours in front of a television but only 12,000 hours in school. These examples suggest that much of this youth obesity/inactivity problem is beyond the scope of schools to address.

The Health Department and the medical community could have a significant impact on this problem by together establishing a comprehensive program to educate parents with regard to proper nutrition and exercise for their children. We believe that this type of program, targeting parents and supplementing what programs schools are offering, could significantly impact the youth obesity/inactivity problem we are all trying to address.

We ask you to keep these points in mind as you listen to the impact these additional requirements could have on school districts.

HB1048 19 Janos

Testimony on HB 1048

By

Dr. M. Douglas Johnson, Assistant Executive Director-NDCEL

Madam Chairman and members of the Committee, my name is Doug Johnson and I am the assistant executive director of the ND Council of Educational Leaders which represents North Dakota's school leaders. I am here to testify in support to HB 1048.

We philosophically agree that the offering of additional physical education and health classes would be a benefit for our students. These courses help address issues of obesity and the teaching of living healthy life styles. However, we also believe that it is a choice that needs to be made at the local level, based on local needs and the district's ability to accommodate their choice to support additional classes in health and physical education. Without the adoption of HB 1048, all school districts will have to offer a half credit of health and a half credit of physical education each year. This, in essence, becomes an unfunded mandate to increase the course offerings for every school that currently does not offer these course opportunities. This will have a significant impact on school district budgets and facilities.

The NDCEL conducted a survey to determine what impact the current law would have on school districts if HB1048 is not passed. The survey asked how many staff would need to be hired to meet the current law, what the cost of those hires would be to the district, and what other impacts such as classroom space, curriculum materials, and scheduling conflicts would be created if they had to offer these classes each year. School superintendents representing nearly 50 school districts across our state responded to the survey. They estimated that they would need to hire nearly 46.50 health/physical education teachers to meet the requirement. The cost of these hiring the additional staff to meet the requirements would be nearly \$1,543,000. When asked what other impacts this would have on their school districts, superintendents cited the scheduling conflicts, classroom space and the elimination of electives to offer these newly required courses as the biggest obstacle they face in the implementation of the law as it is currently written. The summarized responses from the superintendents are included in my testimony. However, I thought some comments from superintendents were representative of the nearly 50 that I received and they are shared below:

[&]quot;At a time of declining enrollment it is extremely difficult to add staff and curriculum in this area. We have a good number of students that earn more than one credit in phy ed now but with less money coming in to spend it in this manner does not make sense to me. At Garrison we are finding better ways to address the health and physical fitness of our students and community."

[&]quot;. . .if the health dept. wants to fund the additional teachers from their budget, then we would be more than happy to hire them.

I would like to see the health department pay for flu shots for all employees and students in each school district in the state. While I believe that this would be of great health value to all in education, I would not lobby to "tell them what to do". Much the same as I do not want them lobbying to tell me how to spend my money."

"No one is more of an advocate for physical activity opportunities for students than I am. However, it would seem that this very well may be one of those "societal ills" that we leave in the hands of parents (heaven forbid!) When I see students being dropped off 10 feet from the school door instead of being allowed to walk the 6-10 blocks from home to school, I'm not sure that families have fully realized how important it is for their kids to get some exercise. Perhaps the Dept of health, etc. could spend some of the tobacco money or their budget to do a media and training blitz for our parents and the public. That way perhaps our "educating" budgets could be used to meet the increased demands we face from, among other things, NCLB."

"Time becomes a problem as well as elective courses that are offered. Medina Public School currently requires 25 credits to graduate and that number allows for 1 credit of Phy. Ed. and a half unit of Health. If we need to offer a credit every year we will be forced to drop our elective classes, when at this time, schools are under fire form the press and government that we are not preparing the students for the future. What classes get eliminated, vocational, foreign language, Advanced Science and Math, technical classes? Where does it all end? All the phy ed in the world is not going to keep students from consuming chips and pop, Big Macs, super burgers etc. Where are the parents? Sorry for venting."

"Student schedules are already full. What class should not be offered in order for students to take a health or PE class. We are a small school and do not have the students to make all classes offered viable. Do we place less emphasis on music, science, math during a 7 period day so students have access to health & PE? We are not certain what type of class will count as a Health Class. Will Health Careers be ok? If not than we need to make available another type of health class. Where do we find the teacher time?"

"We do not have the staff to implement the law as written. Nor is there a need. Our state needs to get on the bandwagon with the feds in all respects. The emphasis right now is on English/language arts and mathematics. We have are hands full trying to staff highly qualified teachers in core subjects and elementary school. The department of health should watch our kids in small schools. They are constantly on the go and involved in all types of athletics and other activities. Additional staff would cost us between \$15,000 - \$25,000 depending on the availability of a part time health and PE teacher in Scranton? Good luck, this is a crazy law."

Madame Chair, members of the House Education Committee, this concludes my testimony. I encourage your committee to give HB 1048 a do pass vote. At this time I would be happy to answer any questions that you have. However, we do have many administrators hear who would be happy to testify and be able to give you a more detailed explanation of the impacts of this law on their school districts.

Other We offer Health/PE to all students Grd 7-12 every year	No space for additional teachers	Too many conflicts if classes cannot be offered against required classes	Getting 1/2 time stall tough - tillight drop electives and use in your recent	Space a huge issue - we have no open rounds.	Supports bill because its an uniqued illandate as carren will take hit	Have increased grad requirements in main a science-electives will take increased grad requirements.	Opposes bill- doesn't know why we wouldn't assure nearlyweilliess inst	With declining enrollment it is extremely difficult to add staff!	Curriculum Develpoment Cost - Especially for health	gym time	Many scheduling conflicts - requiring elmination of some electives	We don't have gym space for the PE classes	We just have a district of 20 students in K-8; the bill flas for night schools	Space, Time Curriculm, Equipment (\$5000)	Student schedules already full. Will Health Careers be On or we aud?	Difficult to schedule gym space for additional PE	Space, Time Curriculm, Equipment	No room in schedule; no classroom space; where will we get the teacher?	We would need three more classrooms	We require 25 credits to graduate- would drop electives in lieu of PE	We would eliminate electives and use current staff as much as possible		All K-12 recess and noon hours outside - we only have one gym	gym space and classroom for health	none	This comes at a time when we might be kirling Teachers - NOT GOOD!	Scheduling concerns	I DIS WIII COST US BIND IT S BISO BESTOUTHING I CALL THUS SOLICONE TO TORONT THE	Classroom space,	Cost are for a first time teacher and space a solite classes would be interged	Would use current staff - but would be very short of gym space	There are no space or time constraints	Whole state will be competing for Pt/Health Teachers - Hiring pool tight	Space, Time Curriculm, Equipment	We don't have the staff to implement and question it we can find hire one	Can't afford to hire one more teacher- we'll be in non compliance	Students would loose option to other electives		
Cost 0.	14,200 60,000	36,000	18,000	30,000	0 !	17,500	00	30,000	250,000	19,200	15,000	78,726	0	44,000	15,000	30,000	17,500	17,572	100,000	29,500	12,000	0	26,000	29,000	0	20000	15,000	32,000	32,000	30,142	0	16,266	26,000	34,000	22,000	75,000	35,000	15,000	9,200
Staffing 0.00	0.50 2.00	1.00	0.50	1.00	0.00	0.50	0.00	1.00	9.00	0.60	0.50	2.00	0.00	1.50	0.42	1.00	0.50	0.50	3.00	1.00	1.50	0.00	1.00	1.00	1.00	2.00	0.50	1.00	1.00	1.00	0.00	0.57	2.00	1.00	0.70	2.00	1.00	0.30	0.30
Superintendent Marray Kline	Steve Heim Brian Nelson	Marcia Hall	Art Schilke	Clark Ranum	Steve Swiontek	Jon Kringen	Chuck DeRemmer Jeff Watts	Steve Brannan	Mark Sanford	Sandra Willprecht	Robert Marthaller	Mike Ness	Julie Hartman	Steve Hall	Dan Bauer	Rich Rogers	Joel Bratten	Jim Gross	Kent Hjelmstad	James Dunnigan	Roger Abbe	Dave Looysen	Harold Mach	Lynn Krueger	Noel Lunde	Ed Slocum	Jack Maus	Dave Monson	Harold Knoff	or Gary Quintas	Wayne Uiven	Rob Lech	Brad Webster	Bob Briggs	John Pretzer	Dick Schaffan	Wayne Stanley	Elroy Burkle	Jim Eiseman
District Alexander	Anamose I ewis and Clark	Central Valley	Crosby	Burlington	Devils Lake	Enderlin	Fargo Fargo Fordville Lankin	Garrison	Grand Forks	North Sargent	Harvey	Hazen	Hurdsfield	Kindred	Kulm	Langdon	Leeds	Marion	Mandan	Medina	Midway	Minot	Minto	Montpelier	New England	New Town	Northwood	Edinburg	Park River	Richardton/Taylor Gary Quintas	Richland C.	Rolla	Rollette	Surrey	Scranton	Solen	Stanley	Starkweather, Boarder Cent	Strasburg
City Alexander	Anamose	Buxton	Crosby	Des Lacs	Devils Lake	Enderlin	Fargo Fordville/Lankir	Garrison	Grand Forks	Gwinner	Harvey	Hazen	Hurdsfield	Kindred	Kulm	Landdon	Leeds	Litchfield	Mandan	Medina	Midway	Minot	Minto	Montpelier	New England	NewTown	Northwood	Edinburg	Park River	Richardton	Richland Co	Rolla	Rollette	Sawver	Scranton	Solen	Stanlev	Starkweather,	Strasburg

Staffing and Financial Impact 7-18 1048 is not Passed

Fappen Thompson Tioga Valley City Williston Wimbeldon	Tappen t.e. Thompson/Larimc R. Tioga D. Valley City D. Williston W.	Leonard Bjerklie mc Ron Stahlecker David Rust Dean A. Kopplemar Warren Larson Steve Colby	0.00 0.57 2.00 2.00 0.00	0 18,000 19,200 75,000 100,000	I understand need for 4 yrs of PE -but not health Would have to offer 3 more periods of health - PE already offered need to hire a 1/2 time Health PE teacher extremely difficult Finding space for 2 more teachers at high school difficult None
	•	Totals	46.46	1,543,006.31	

TESTIMONY

AMMENDMENT TO 15.1-21-02

EFFECTIVE AFTER JUNE 30, 2005 HIGH SCHOOLS-REQUIRED UNITS

By Harold F. Knoll

Superintendent of Park River Public School

Madam Chairperson and Members of the House of Education Committee:

I am Harold Knoll, Superintendent of Park River School and representative of the Multi County Administrators. I am here to testify in favor of HB 1048 which would change the statute of making available one-half unit of health during each school year and one-half unit of physical education during each school year to half unit of health and half unit of physical education over a four-year period, which is the present approval requirement. During the last minutes of the 58th legislative assembly Senate Bill 2154 included language to change the PE/Health required units from one half unit of health and one-half unit of physical education to one-half unit of health during each school year (and) one-half unit of physical education during each school year.

Arguing against making health and physical education available each year to every student 9-12 is like arguing against motherhood and apple pie. With frighteningly high rates of drug and alcohol abuse, depression and suicide, and obesity, how can one reasonably oppose requiring schools to make available health and physical education each year to every student? THERE IS REASON TO OPPOSE SUCH A MANDATE, HOWEVER.

The main reason to oppose the health and physical education requirement each year to every student is that while creating an administrative nightmare, it will not impact behavior. One might reasonably be able to defend requiring a health and physical education class for each student each year; however, simply making it available will accomplish nothing. Students who wish to lead healthier lifestyles will likely be the only ones who enroll. Students who most need to take the class won't.

An example of the phenomenon of the most in need being the least likely to attend is that of the parents who attend parenting classes. The parents who voluntarily attend parenting classes are almost always those who are already doing an exemplary job of parenting. The parents most in need of instruction generally attend parenting classes as a result of a court order. Does that mean offering such classes are a waste of time? Of course not. But the dilemma is in the details when it comes to making health and physical education classes available to each student each school year.

The intent of the new legislation may have been clear when it was adopted; however, the interpretation of this law by the Department of Public Instruction was much different than some of you as legislators gave to us superintendents. Please refer to attachments A, B and C (I will review them with you at this time as this interpretation will have serious impact on the majority of the school districts.) If this interpretation by the DPI were enforced as outlined in Dr. Sanstead's letter dated October 14, 2004, a majority of the public schools in North Dakota would lose foundation aid payments because of not making available ½ unit of health to every student each year. This is not an issue of large schools versus small schools; as it would have a serious financial impact on all schools trying to hire staff for this requirement.

Another point of emphasis to support the amendments in the NDCC 15.1-21-02 is that there aren't any standards and benchmarks established by the DPI for the implementation of a 11th & 12th grade health curriculum. Offering additional credits in health will not guarantee that students who elect to take these classes will learn important health concepts. Without standards, the curriculum could include any information a district or instructor would choose to teach. The instruction may or may not improve the overall understandings and behaviors of our students related to health.

The Multi-County Administrators urge you to support and adopt the amendments outlined in this bill by Representative Herbel. Thank you for the opportunity to submit this testimony. If I can respond to any questions, or if I can provide any more information that may be useful to you, I would be most happy to do so.

A

Reard of Education:

P.O. Box 240 Park River, North Dakota 58270

Harold Knoll, Superintendent

hyle, President
Emericantery
Diana Halm
Kenneth Hylden

TELEPHONE (701)284-7164 FAX (701)284-7936 www.parkiver.kl2.nd.us

David K. Beckman, Principal
High School
Haenda Nilson, Principal
Elementary
Rebecca Svobodny, Business Manager

October 6, 2004

Dr. Wayne G. Sanstead State Superintendent Department of Public Instruction 600 E Boulevard Avenue Dept. 201 Bismarck, ND 58505-0440

Dear Dr. Sanstead:

This letter is written requesting information and interpretation to questions relating to NDCC 15.1-21-02 (Effective through June 30, 2005 High schools — Required units. The Park River School Board and administration are beginning to plan staffing and curriculum needs for the 2005-06 school term and usually will have 9-12 pre-registration in March for the upcoming school year. To better facilitate this process and also to make sure the Park River School District meets NDCC, I would like you to provide me with a written response as soon as possible to the following questions:

- At Park River we offer Health for one-half credit to the 9th and 10th grade students. When a senior graduates from Park River he or she will have earned one credit of health; however, this course is not available to the 11th & 12th grade students. Does this curriculum meet the requirements outlined in statue that states one-half unit of health during each school year? If not, please provide recommendations to fulfill this statue.
- At Park River we offer Physical Education for one-half credit as a 9th and 10th grade students. A 11th grade student would have completed their requirement for Physical Education as a 10th graders. Does this curriculum meet the requirement outlined in law that states one-half unit of physical education during each school year? If not, please provide recommendations to fulfill this requirement.
- Two units of fine arts, at least one of which must be music must be made available to each student. What courses other than band and chorus would qualify to meet this requirement?

Your prompt response to these questions would be greatly appreciated as Park River School Board prepares to meet the challenges of providing a quality education for all students.

Sincerely, Mr. Harold F. Knoll Superintendent

The mission of the Park River Schools is to Promote Learning for all People in a Peritive & Caring Atmosphere. The Park River School District does not discriminate on the basis of mos, color, national origin, age, gender, second orientation, or handless in its conductor of public description.



Department of Public Instruction

600 E Boulevard Ave., Dept. 201, Bismarck, ND 58505-0440 (701) 328-2260 Fax - (701) 328-2461 http://www.dpi.state.nd.us

Dr. Wayne G. Sanstead State Superintendent

October 14, 2004

Harold F. Knoll Superintendent Park River Public Schools P. O. Box 240 Park River, ND 58270

Dear Harold:

Your letter surprised me as you have had many conversations with me and I understand with many members of my staff regarding the new curriculum statute, and we all believed that our position was clear. Apparently, you do not feel it was.

The new curriculum statute which goes into effect on July 1, 2005, was introduced by the Legislative Council. The statutory change clearly was not meant to support the status quo. You have repeatedly asked whether the Department intends to obtain a ruling on the health requirement in the statute, and we have told you that we do not intend to do so because we feel the language is clear. It may not be what you'd like to see in the law, Harold, but we feel it is clear.

- You ask if your current health curriculum offering meets the requirements in the new law. No, it does not. The statute requires that 1/2 unit of health be made available each year to every student. According to what you've told us, your district provides no health offering for 11th and 12th grade students.
- You further ask if your current physical education curriculum offering meets the requirements in the new law. No, it does not. The statute requires that 1/2 unit of physical education be made available each year to every student. According to what you've told us, your district provides no physical education offering for 11th and 12th grade students.
- You ask about the required units of fine arts: The statute specifies that <u>at least</u> one must be music. The Department has worked with outstanding teachers in developing fine arts state content standards in music, drama, visual arts, and dance. The Education Standards and Practices Board has identified fine arts as music and visual arts; however, they do have standards for dance (within physical education) and for drama (within English). We will accept coursework in English (specifically in drama or theater arts), in physical education (dance only), and in music (excepting individual lessons) toward meeting the

School for the Deaf Devils Lake, ND (701) 682-8000

School for the Blind Grand Forks, ND (701) 795-2700

State Library Bismarck, ND (701) 328-2492 Harold F. Knoll October 12, 2004 Page 2

statutory requirements. We have determined that all art courses will count as fine arts if they are within the course codes 02000; commercial art within the trade and industrial area (commercial art course 17073 and photography 17080) will be counted toward the career and technical education requirement of two credits.

You asked that we provide recommendations, Harold, for your school to meet the statutory requirements in this law. We feel it is clear: according to the statute, you must increase your offerings in health and in physical education to include 11th and 12th grade students. There is a great deal of information available in educational research as well as in the popular press about our students' problems in these areas. I'm sure you and your board have heard or read a great deal about this concern.

You have told us that you provide music, but I don't recall how many units you make available to students or if you have an arts program. Perhaps we've addressed it adequately above. For that reason, we certainly would have no further recommendation for your third question.

Sincerely,

Dr. Wayne G. Sanstead State Superintendent **PUBLIC SCHOOL DISTRICT NO. 78**

0

Board of Education:

P.O. Box 240 Park River, North Dakota 58270

Harold Knoll, Superintendent

Chyle, President Heggen Jana Hankey Diana Hahn Kenneth Hylden

TELEPHONE (701)284-7164 FAX (701)284-7936 www.parkriver.k12.nd.us

David K. Beckman, Principal High School Brenda Nilson, Principal Elementary Rebecca Svobodny, Business Manager

October 16, 2004

Dr. Wayne G. Sanstead Department of Public Instruction 600 E Boulevard Ave., Dept. 201 Bismarck, ND 58505-0440

Dear Wayne:

Wayne, thank you so much for your prompt and candid response to my letter dated October 6, 2004, in which I requested interpretation to NDCC 15.1-21-02 (effective through June 30, 2005 High Schools-Required units.) Again, I appreciated your telephone conversations with me regarding this matter and I am sorry to hear you were surprised to receive my letter requesting in writing your position of the interpretation of this law. Wayne, I think the experience I had with the late Pete Gefroh and working with the Department of Public Instruction provided me with a great deal of experience in interpreting statue; however, I really didn't understand what was meant by each year. I really learned a great deal and somewhat understand the politics of government; however, the only intent of this letter was to get a specific clarification in interpretation as it was much different than some of our local legislators were informing us. As we all know, the better the communication we have between the DPI, Legislators, and school officials, the smoother the process to provide a quality education for all students will be. A case in point would be the interpretation of NCLB requirements and the many changes in the interpretation by the federal government of the various components of the act.

Your letter will give the Park River School District and the administration a better understanding in order to make adjustments in our curriculum and provide a quality education that meets the needs of all students. Again, I apologize for any inconvenience that I have caused you; however, the clarity in your letter outlines the future curriculum offerings that we need. I will share this with my staff and our local legislators.

Sincerely,

Mr. Harold T. Knoll

Mr. Harold F. Knoll Superintendent

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Physical Education Requirements for Hazen Public High School

4B 1048 19 Janos-Mark Nelson Hagen Pub School

Physical Education Presently:

ONE Credit for Graduation

9th Grade PE (1/4 credit) is required.

10th Grade PE (1/4 credit) is required

Students then need 1 more semester of PE for graduation during either their Junior or Senior year.

We are presently changing the 9th Grade PE and 10th Grade PE to semester classes and the Physical Education offered during the Junior and Senior year will be electives.

With the new requirement gym space is going to be a real problem as we share a gymnasium with the Middle School.

Health Requirements for Hazen Public High School

Health Presently:

1/4 Credit for Graduation

10th Grade Health (1/4 credit is required)

We are presently in the planning stages of making Health ½ Credit.

If the present law stays in place the following would be needed by Hazen Public High School:

2 additional full time staff members at a cost to the district of \$78,726 for two FIRST YEAR instructors in a worst case scenario.

Additional Information:

According to the Department of Public Instruction, there are now 4 courses in the K-12 Course Code and Description Manual that would qualify for the Health Requirement.

These would be: 08010 (PE) with a course title of Health

13023 (Science) with a course title of Health

09129 (Family and Consumer Science) with a course title of Individual

and Family Health

18010 (Health) with a course title of Health

Three of the four courses (title of Health) have the same course descriptions in the manual.

With the concerns of NCLB and course content, it would be more important to place our emphasis on the Content Areas identified by NCLB.

Good morning, Chairman Kelsch and members of the House Education

Committee. My name is Jackie Stromme, and I am a senior at Bismarck High School. I

am here today to testify in the opposition of house bill 1048, and asking for a "do not

pass" recommendation from this committee.

My experiences with gym and fitness classes have been positive ones. After one sits through classes all day long it is nice to get up and have a chance to run and be active. Especially for myself, being a very active young child, teachers use to always tell my parents that they should get me into more activities and give me a chance to exert my energy. I feel our gym classes give us a chance to find something that we are good at, whether it is dodge ball, badminton, or even basketball. Our gym classes let us set our own goals of what we would like our fitness levels to be like at the end of the year. If my opportunity of participating in these gym classes diminishes, then the likely hood that I will complete my goals will also diminish. In our gym classes, most of the games we play involve teamwork. Learning how to work with others is something that we must carry on and use out in the real world.

For all of these examples and more, we must keep our classes for the benefit of our youth's health and well being. Thank you for giving me your time and attention.

HB 1048 19 Jan 05

Good morning, Chairman Kelsch and members of the House Education

Committee. My name is Ben Stuber, and I am a senior at Bismarck High School. I am
here today to testify in the opposition of house bill 1048, and asking for a "do not pass"
recommendation from this committee.

The times I have spent in gym class have been great. There's nothing I look forward to more in the day than going to gym class. Breaking the monotony of sitting in a desk all day long and getting to play some matball is a great tradeoff. All through my life I've enjoyed phy-ed. In grade school, I first learned about my physical level.

Running the mile and doing pull-ups and sit-ups made me realize that I enjoyed being active. One of the very first goals I set in gym class was to earn a Presidential Physical Fitness Award, which I ultimately ended up with 6. When it came to playing sports, gym class only helped me out by helping me maintain my physical level by participating in class. Being involved in games in gym class teaches you some important lessons in life. Teamwork, competitiveness, and respect for others are just some to mention. When I became a junior, I learned how to perform CPR in phy-ed. Knowing how to do that may possibly save someone's life in the future. In my opinion, if gym classes were reduced in school's curriculum, children would never really learn the importance of maintaining a healthy body and lifestyle. Thank you for your time.

4B1048 19 Jan 05

Testimony

House Bill 1048

House Education Committee

Wednesday, January 19, 2005

Amanda Schreiber

Good morning, Chairman Kelsch and members of the House Education Committee. My name is Amanda Schreiber I am a senior at Bismarck High School. I am here today to testify in opposition of House Bill 1048, and asking for a "do not pass" recommendation from this committee.

I am testifying today because I believe Physical Education is an important, enjoyable, and worthwhile high school class. Through my high school years my Physical Education classes have been a time for positive interaction with my peers while getting physical exercise. In Physical Education today everyone gets involved, no one is singled out and there is a positive atmosphere.

One way I personally benefit from Physical Education classes is the break they give me from my academic classes throughout the day. I am currently taking college level calculus and government. After these two challenging classes I look forward to my Physical Education class as a healthful release from demanding mental activities.

Chairman Kelsch and members of the committee, I strongly urge a "do not pass" recommendation on House Bill 1048. Thank You.

Good morning, chairman Kelsch and members of the House Education Committee. My name is Cody Myers, and I am a senior at Bismarck High School. I am here today to testify in opposition of House Bill 1048, and asking for a "do not pass" recommendation from this committee.

In my experience as a student in the Bismarck public schools system, I have found physical education to be very important for a number of reasons. The physical education program in today's schools does so much for a student it teaches them life long exercise routines and habits. Activities such as Golf, Horseshoes, and bowling, teaches students to get out and stay active which creates a healthy social life as well as improving on their physical fitness.

P.E. is not what it used to be even in elementary schools. Now games are created for kids of all talents to participate once again helping to create healthy lifestyles. I myself know the importance of being fit and in shape and how it boosts confidence and creates awareness. I wasn't always able to do what I can today such as running a mile in under 5 minutes and running an average of 10 miles a day. Physical Education taught me about not only setting goals but working hard to achieve them. In short I would love to see the youth of our great state grow up and have the same benefits I was given.

TESTIMONY ON HB 1048

House Education Committee

January 19, 2005

by Parag Kumar, MD FAAP

Pediatrician, Medcenter One Health Systems

Assistant Professor of Pediatrics – UND School of Medicine & Health Science

Madam Chair Kelsch and members of the House Education Committee: My name is Parag Kumar. I am a pediatrician at Medcenter One in Bismarck. I am the leading expert in North Dakota on Childhood Obesity and I represented our great state at a national summit on Childhood Obesity. On behalf of Medcenter One, I am here to speak in opposition of HB 1048.

I have been a pediatrician at Medcenter One for two and a half years. I am one of 6 pediatricians who see approximately 30,000 patients annually in a 175 mile radius of Bismarck. I am also the father of two sons who attend elementary school. Along with my colleagues, I am truly frightened by the growing problem of obesity and related health concerns in children, generally under the age of 18, who are now regular patients because they have type II diabetes, high cholesterol, high blood pressure and orthopedic complaints – illnesses and diseases normally seen **in adults**. I acknowledge that this problem is rooted in more than just what is, or isn't going on in school, but schools are very much part of the solution. One problem is identified as a lack of physical activity; the best and easiest solution is maintaining physical education for all students.

It disturbs me, as it does the parents of my patients, who try to change their child's life-style at home, only to send them to school where sitting is emphasized. We know there is a correlation between ADHD and the inactivity levels of children. We can counteract many of the health issues of children if we advocate and offer regular physical education and activity. The role of schools offering regular physical education is critical as many families can not afford memberships at local health clubs, the YMCA, or in competitive team sports which can be expensive.

We have seen low self esteem, social isolation and increased depression in children who are overweight. However, we also know that physical education and physical activity improves self esteem. In all likelihood, once a child is obese, they are obese for life. But this can change. We can show

them, we can teach them and we can give them the opportunities to attain their full potential by mandating minimum time to be physically active in schools. Formed in childhood, positive physical education and health classes create lifelong skills so students enjoy physical activity as they grow and develop and we can work to curb obesity and its associated conditions. Even children who are not overweight or obese need to be physically active to maintain good health.

Think about this - this is the first generation at risk of not living as long as the generation before it. This is a crisis we can change – by acting now, we can work together to make significant differences for our adolescents. The act of maintaining physical education is only one solution of a very large problem, but sends a resounding message to our students.

I would be happy to provide committee members with more information and I can be reached through the contact information listed. Again, I ask for your adamant opposition to this bill. Are there any questions of me at this time?

Parag Kumar, MD FAAP 701.323.KIDS

TESTIMONY – HOUSE BILL 1048

House Education Committee
Wednesday, January 19, 2005
Dr. Todd Twogood
Pediatrician, Medcenter One
President-elect, North Dakota Academy of Pediatrics

Good morning, Chairman Kelsch and members of the House Education Committee. My name is Dr. Todd Twogood and I am a pediatrician with Medcenter One and am president-elect for the ND Academy of Pediatrics. I am here today to testify in opposition of House Bill 1048, and ask for a "do not pass" recommendation from this committee.

Pediatricians across North Dakota are seeing scary trends with regards to increased overweight and obesity in pediatric patients. Additionally, we are seeing increased prevalence of pediatric obesity-related conditions such as high cholesterol, high blood pressure and type II diabetes. These are conditions that historically have only been seen among the adult population. To stand before you today and even say the word "kid" in the same sentence as high cholesterol, high blood pressure and type II diabetes sends a clear message as to the gravity of the situation. Members of the committee, we are in a crisis.

As pediatricians we see children one patient at a time, but many more can be touched through broader policy changes, such as physical education in schools, recess time and good vending machine options.

The American Academy of Pediatrics recommends implementing physical education and health education curricula that emphasize enjoyable participation in daily physical activity and that a help students to develop the knowledge, attitudes, motor skills, behavioral skills, and confidence needed to adopt and maintain physically active lifestyles. Prevention is one of the hallmarks of pediatric practice and as pediatricians, we support policies that support healthy lifestyles for kids. Opportunities for physical activity in childcare centers, schools, after-school programs and other community settings need to be enhanced and protected. Prevention of being overweight is critical, because long-term outcome data for successful treatment approaches is limited.

As legislators, you have the right and responsibility to set and maintain high standards for children. Thank you for your time and attention in defeating HB 1048. Are there any questions of me?

19 Jan 05

Testimony

House Bill 1048

House Education Committee

Wednesday, January 19, 2005

Deanna Askew

Parent and Co-Chair, Healthy North Dakota Physical Activity Committee

Chairman Kelsch and members of the House Education Committee, Good Morning. My name is Deanna Askew and I am the Co-Chair of the Healthy North Dakota Physical Activity Committee. Tam also a parent. I am here today to testify in opposition of House Bill 1048, and ask for a "do not pass" recommendation from this committee.

Healthy North Dakota is composed of 19 committees and focus areas with more than 400 North Dakotans representing about 150 agencies, organizations and businesses from across the state. This grass-roots effort is developing strategies to address health issues and to encourage comprehensive healthy lifestyles for all North Dakotans. Increasing physical activity among youth and adults is a priority for Healthy North Dakota.

As a parent who believes in the benefits of physical activity, I am raising my children to value movement as well.

In my home, we encourage healthy behaviors and talk about how we have one body and it's up to us to take care of it.

My husband and I model healthy behaviors to our children and we often bike, run, swim and play active games as a family.

In sending our kids off to school, it only seems logical that the school system would provide a supportive environment that would reinforce the lessons we are teaching at home.

As adults, we know how challenging it can be to find 30 minutes a day to be physically active. If our children are raised with daily physical activity, and if this is reinforced in our schools, it only makes sense that as adults our kids will know to be active 30 minutes a day and won't struggle to "find" the time.

I am also a registered dietitian who, over the years, has counseled many adults on their eating and physical activity habits. It was very apparent to me during my practice that those adults who had positive physical activity experiences in their youth were much more likely to reestablish physical activity habits and had an easier time doing so.

I know that we, as parents, all want what's best for North Dakota's kids.

The 2003 Legislature was wise to increase the requirement of offering more Physical Education. I urge you to do the same.

HB 1048 19Jan 05

Testimony

House Bill 1048

Wednesday, January 19, 2005; 10 a.m.

North Dakota Department of Health

Good morning, Chairman Kelsch and members of the House Education Committee. My name is Terry Dwelle, and I am State Health Officer for the North Dakota Department of Health. I am here today to testify in opposition to House Bill 1048 and to ask for a "do not pass" recommendation from this committee.

House Bill 1048 would decrease the units of health and physical education required to be offered to high school students in North Dakota. As State Health Officer and a practicing pediatrician, I strongly believe this is a step in the wrong direction. We should be emphasizing physical activity, especially in schools where our young people spend significant time.

Studies have shown that being overweight and obese is epidemic in the United States and in North Dakota and, in fact, is rising among children and adolescents, as well. The percentage of high school seniors in North Dakota who are overweight increased from 6 percent in 1999 to 10 percent in 2003. Being overweight or obese is a major risk factor in the development of heart disease and diabetes.

While the number of people who are overweight or obese has been increasing, physical activity and physical education in schools has been decreasing. The percentage of high school students participating in physical education dropped from 64 percent in 1992 to 52 percent in 2003. In addition, 70 percent of high school freshmen report being enrolled in physical education classes, compared to only 39 percent of seniors.

We know that to effectively change high-risk behavior, three things are needed: policies, such as requiring physical education to be offered; supportive infrastructures; and community empowerment and engagement.

In a nutshell, the way to prevent being overweight and obese is clear: increase the amount of physical activity and decrease the caloric intake. As a society, we are sedentary and are becoming more so in this era of computers, video games and television. That's why it is more important than ever to promote physical activity for our young people.

We're all familiar with "No Child Left Behind." I recently saw a button that underlines the importance of physical activity. It read: "No Child Left on Their Behind." It's vital that we focus on developing not only our students' minds, but also their bodies.

Preserving the legislation passed in 2003 that asks schools to offer physical education every year throughout high school helps to create a supportive infrastructure for North Dakota's children so that they can learn to assimilate regular physical activity into their everyday lives.

This concludes my testimony. I am happy to answer any questions you may have.

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TESTIMONY ON HB 1048

House Education Committee
January 19, 2005
by Valerie Fischer, Director of School Health
328.4138
Department of Public Instruction

Madam Chair Kelsch and members of the House Education Committee: My name is Valerie Fischer and I am the Director of School Health for the Department of Public Instruction. On behalf of the Department, I am here to speak in opposition to HB 1048.

The obesity epidemic is one of the greatest public health, social and economic challenges which threaten our goals to prepare students for a full and productive future. Consequently, states have no choice but to examine policies on health and physical education. The value of regular physical activity has never been more widely recognized and accepted - there are studies which validate that students who have regular physical activity and physical education are better learners and better learners are high test achievers. Promotion of physical education/activity has long been a fundamental component of the education experience; and as a result, schools are not being asked to assume new responsibilities. Education policymakers understand that physical education and health are as much an academic discipline as anything else taught in school – a discipline that gives students some of the most critical skills they need to be valuable citizens.

Equal to the need for physical education is the need for health education. Like it or not, the family structure as we knew it has changed – often leaving the true 'education' of health and social health issues to educators. Quality health encompasses curriculum designed to motivate and assist students to maintain and improve their health, prevent disease, and reduce health-related risk behaviors.

We need to teach students skills to be positive advocates for their own health, to be wise decision makers - it has to become personal for them as they become independent in their thinking and actions towards adulthood. Studies have found that participation in physical education increases adolescents' self esteem, as well as their physical and mental health. They are also less likely to be regular or heavy smokers, use drugs or alcohol and more likely to stay in school, have good conduct

and experience high academic achievement. Health classes have a greater impact than we can imagine. (American Journal of Clinical Nutrition)

We now know that aerobic fitness aids cognition. Researchers have found that subjects who were the most aerobically fit had the fastest cognitive responses. Physical activity not only increases blood flow to the brain, but speeds recall and reasoning. The connection between physical activity and academic achievement was recently demonstrated by the California Department of Education, who conducted a study of 353,000 5th graders, 322,000 7th graders and 279,000 9th graders. Findings indicated 1) higher achievement was associated with higher levels of fitness at each of the three grade levels, 2) the relationship between academic achievement and fitness was greater in mathematics than in reading, particularly at higher fitness levels, and 3) students who met minimum fitness levels in three or more physical fitness areas showed the greatest gain in academic achievement at all three grade levels.

Next, we believe our position about teacher availability to teach physical education and health is substantiated by the ND Education Standards and Practices Board (ESPB), who do not consider physical education a teacher shortage area since there are more graduates than there are openings. This is true for the past several years, as well as projections for the next several years (ESPB, January 2005). According to DPI data, there are 1199 licensed staff currently teaching with a physical education major and 536 licensed staff teaching with a physical education minor. Health courses can be taught by any teacher with a major in any one of four disciplines – Physical Education, Family and Consumer Science, Science, and Health Education; currently there are 2527 secondary teachers who can teach health in their licensed major or minor.

To demonstrate the grass-root response regarding PE and health, the *Fargo Forum* printed a story, "*Phy Ed offerings may be reduced*", on Thursday, January 6, 2005. The next day, January 7, 2005, the *Forum* editorial was titled "**Keep gym, health in curriculum**". The *Forum* daily electronic web poll question, "Should ND schools be allowed to reduce physical education offerings?" displayed 1408 responses, with an overwhelming 82% voting no, PE offerings should remain in place. We believe people are voicing their support to keep PE part of the curriculum.

From all that you have heard today, I trust you know how critical physical education and health is as part of a comprehensive curriculum. Please don't lessen the established standards. If we error – let's always err on the side of what's best

for children. Ask yourself - what's good in this change for kids? In the interest of our students and their health, I hope you will vote to maintain the current physical education and health requirements. This concludes my testimony opposing HB 1048. I'd be happy to answer any questions you may have.

Board of Directors

Mr. Keith Nielsen, President Mr. Bruce Kitsch, Vice-president

Mrs. Michelle Logie, Director

Mr. Robert Henschel, Director

Mr. Steve Loehr, Director

Starkweather Public School District #44

505 East Main PO Box 45 Starkweather, North Dakota 58377-0045 Phone 701-292-4381 Fax 701-292-5714

Administration
Mr. ElRoy Burkle, Superintendent
Mr. D.J. Dockter, Secondary Principal
Mrs. Karen Lindenberg, Elementary Principal
Mrs. Julie Wass, Business Manager

January 18, 2005

ND House Education Committee Members Bismarck, ND

Dear Education Committee Members,

My name is ElRoy Burkle and I serve as shared superintendent the Starkweather, Munich and Border Central Public Schools. Due to school board meetings scheduled for the evenings of January 18th and 19th, I am unable to attend the hearing on HB 1045. Please include this document as testimony in support of HB 1048.

In my professional opinion, the current health and physical requirements of one unit of health and physical education over the course of a high school career should remain. I do not support making one-half unit of health and one-half unit physical education available each school year to each high school student for several reasons.

- Changing this format results in a non-elective approach. Students do have the opportunity to
 take health related courses through distance learning, locally through advanced science courses,
 dual credit courses, and/or correspondence courses. The current language does not take into
 consideration the amount of health related curriculums that are available to high school students
 in other program areas such as Health Occupations, etc. Our state does not allow for cross-over
 curriculums. Current language indicates health, not health occupations, sports medicine, human
 anatomy, etc.
- 2. Making available does not simply mean that. It means that the course must be made available for each grade, each year. And if one student enrolls, the course must be offered. This would mean a separated health and separated physical education course for grade 9, 10, 11 and 12. In my opinion, our state does not have the staffing in both these areas to meet these needs. I am unaware of a comprehensive health curriculum in place for each grade 9 to 12 which is another concern. Also, schools are in the process of implementing the No Child Left Behind Act, and resources are not adequate to complete this task.
- 3. With number two said, according to the proposed funding information received by this office, there is not an adequate increase in state funding to cover the added costs of implementing these two mandates.

This office understands the national data and supports integration of life-long healthy practices for active living in not only health and physical education courses, but all curriculum areas. The problem lies with additional requirements without the increase in funding and staff storage to fully comply with current law. The additional concern is that there are numerous health related courses currently available to students, however, these courses do not qualify in meeting this requirement because the instructor must be certified to teach health, or the course must be health. These courses indicated previously do allow for students to gain additional knowledge in living healthy, active lifestyles.

Based upon the items listed, this office requests your support in HB 1048.

Thank you in advance for considering this request. Please feel free to contact me with any questions or concerns regarding the information presented.

Sincerely,

s/s ElRoy Burkle

Mr. ElRoy Burkle, Superintendent

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January 19, 2005 Testimony HB 1048

Whereas:

• In childhood and adolescence, regular participation in physical activity helps prevent many chronic diseases and maintain an overall healthy lifestyle¹;

 "Schools have a critical role in helping students learn and practice healthy eating habits, and in providing the knowledge, motivation, and skills children need for lifelong physical activity"²;

 In 2003 only 37% of North Dakota's high school students attended daily physical education classes ³:

 Twelve percent of high school males in North Dakota are overweight and 12% are at risk of becoming overweight and 10% of our state's high school females are at risk for and 6% of females are overweight³;

The over 280 members of the North Dakota Dietetic Association, with a mission to support the public through the promotion of optimal health and nutrition, strongly support efforts of school districts to provide adequate opportunities for our students to be physically active, including maintaining the amount of physical education offered to students. We also support increasing the amount of health education offered, and encourage schools to offer nutrition education annually and in conjunction with efforts to promote a healthy school environment.

As members of the Healthy North Dakota coalition of more than 150 agencies, organizations and businesses, we support preservation of the 2003 legislation requiring schools to offer one semester (1/2 unit) of physical education each year to students in grades nine through 12. The physical health and well-being of North Dakota's youth must be protected by increased physical education and physical activity in schools.

The members of the North Dakota Dietetic Association believe that with the current risks our children face in developing obesity and associated chronic diseases later in life, we should not take a giant step backward. We urge you to not support HB 1048.

Writing for the Board of the North Dakota Dietetic Association,

Karen K. Ehrens, LRD (Licensed, Registered Dietitian)

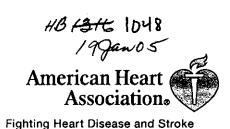
Legislative Chair

References

¹ Journal of School Health Vol. 71, No. 7, SHPPS 2000: School Health Policies and Programs Study.

² Bogden, J.F. Fit healthy and ready to learn: a school health policy guide. The National Association of State Boards of Education, 2000, Alexandria, VA.

³2003 North Dakota Youth Risk Behavior Survey.



Testimony House Bill 1048

House Education Committee Wednesday, January 19, 2005

June Herman Senior Advocacy Director, American Heart Association

Good morning, Chairwoman Kelsch and members of the House Education Committee. My name is June Herman, and I am the senior director of advocacy for the American Heart Association. I am here today to testify in opposition to House Bill 1048, and ask for a "do not pass" recommendation from this committee.

The epidemic of obesity in children and adolescents convinces us that an approach is needed that will reach a majority of our children and adolescents. Through schools, virtually all of our youth can be reached, and through youth, both parents and teachers may also be reached. Through their courses, school schedules, menus and vending-machine sales of soda and candy, schools have huge influence and responsibility, with children spending 2,000 hours a year in school.

Expanding waistlines are even squeezing the bottom line of the nation's schools, as poor eating and exercise subtly strip money from education. With 9 million overweight schoolchildren, a number that has tripled since 1980, there is a new study which may give education leaders a traditional motivation for making changes: money.

Based on a study of 9 states, all which provide state money based on student attendance, those schools have lost dollars because of absenteeism, a problem caused in part by the poor nutrition and inactivity of those missing school – costing tens of millions of dollars. Unhealthy lifestyles by students and faculty lead to other hidden costs, from lower worker productivity to the added expenses of helping students who have fallen behind.

It's unfortunate that our discussion today is limited to defending a requirement that schools just "offer" PE one semester each year, rather than a full range of policies that build a strong physical education and physical activity focus for our state. A focus that includes every student being taught lifelong skills for physical activity, that recess can't be cut from a school schedule nor withheld as punishment, that the daily school schedule includes 30 minutes of physical activity everyday, and that school vending policies provide for healthy product offerings. Physical activity time, recess, and good vending policies will cost our schools nothing to implement.

In an effort to find a win-win solution on physical education and health course work, we approached the school board association to find common ground, and the opportunity was declined, as it would include "mandates". Health groups continued to work with education groups, to seek what funding solution could be considered. Pursuing funding, in order to provide physical education and health, was again not a shared agenda, nor have we heard what the costs of offering PE would be on the school system.

So we are here before you today, with school groups saying its not financially possible, and the Department of Public Instruction saying it is. And the health of our kids in-between, at risk.

The health advocates here today look to this committee's leadership to help pull all interests together to build healthier North Dakota schools. We encourage you to not go back to ground zero, which this bill proposes, but to seek out how we move ahead with our educational system's investment in student health curriculum.

By 2030, North Dakota will have one retiree for every two workers, and we'll be a much sicker population given current chronic disease trends. Between 2010 and 2030 the 65+ age group will grow by 75% while the working group will grow by less than 5%. What good is producing a highly educated workforce when their physical health is too great a burden for a business or government to afford?

Our time is growing short to address the health problems facing our state. When do we start building a healthier North Dakota?

19 Jan

Testimony

House Bill 1048

High School Required Units in Health & Physical education

By Frank Schill

Superintendent of Cavalier Public School

Members of the House of Education Committee:

I am Frank Schill Superintendent of Cavalier Public School. I am here to testify for HB 1048 which would change the statute of making available one-half unit of health during each school year and one-half unit of physical education during each school year to one-half unit of health and one-half unit of physical education over a four-year period.

As an administrator of a school district and as a citizen, I am concerned with the health of our youth. I am in agreement that our youth need to increase daily physical activity and exercise proper nutritional habits. The present statute requiring schools to make available health and physical education to all students does not increase physical activity or assist them in eating healthy meals or snacks. The present statute only makes the classes available.

Administratively, I will be required to change the school schedule and have available an instructor to possibly instruct four sections of health and four sections of physical education classes. It is entirely possible that no students will sign up for these additional health and physical education classes. As a result of staffing eight empty sections of health and physical education classes, Cavalier Public School will have little choice but to drop present electives taught by qualified instructors and have them teach the needed health and physical education classes thus resulting in fewer elective classes in other disciplines available for students.

The timing of the present statute concerns me. The effects of No Child Left Behind legislation and students being required to make adequate yearly progress will force Cavalier Public to require more math, science, and language arts classes for high school students. This may require the hiring of more staff without any additional federal monies. The burden will fall on the shoulders of the local taxpayers. It is my understanding that there will be no additional state monies to hire staff needed to offer the additional health and physical education classes, thus the burden once again will fall on local taxpayers. The movement to increase health and physical education classes will only add to the present pressure placed on local school districts, who are already struggling to meet adequate yearly progress.

I urge you to support HB 1048 requiring one-half unit of Physical education to be offered and one-half unit of Health offered over a four-year period. Thank you for the opportunity to submit this testimony. If I can respond to any questions, or if I can provide any more information that may be useful to you, I would be most happy to do so.



HB 1048 199anos

Testimony

House Bill 1048

House Education Committee

-Wednesday, January 19, 2005

Amy Heuer North Dakota Association for Health, Physical Education, Recreation and Dance (NDAHPERD)

Good morning, Chairman Kelsch and members of the House Education Committee. My name is Amy Heuer, and I am the Vice President of Health for NDAHPERD. I am here today to testify in opposition of House Bill 1048, and asking for a "do not pass" recommendation from this committee.

Today you will hear about the problems facing our youth and adults in the area of obesity and its related health issues. NDAHPERD believes that a major factor of this increase is the reduction of physical activity time during school hours. Over the past twenty years, childhood obesity rates have been rising, while the amount of PE time is decreasing. Two years ago the ND Legislature made a giant step forward in its recognition that something must be done to stop this trend by passing legislation that increased the amount of PE offerings for the high school level. To decrease this now would be a major step backwards, and would result in our abandoning the health and welfare of our students.

Physical Education classes have changed greatly over the past twenty years. We now teach fitness evaluation, lifetime sports, and outdoor recreation to name just a few of the new areas. We are able to expose students to a wide variety of activities, other than the typical team sport classes that many of us remember from our days in school. Students have options available to them that allow for all to find a physical activity class that interests them. This enables all of our students to experience a form of physical activity that they enjoy and will more likely continue throughout adulthood. That is a major goal of the "New PE" style of teaching. Keep all students moving all the time. Whether it is learning fitness concepts, how to swing a 5 iron, or how to read a compass, our students have choices available to them now that weren't twenty years ago.

To assist Physical Education teachers, NDAHPERD hosts annual workshops that provide information to assist in the "New PE" curriculum. These workshops allow teachers the opportunity to stay current with the latest in technology and curriculum development, as well as providing an opportunity to speak with fellow teachers from around the state.

In 2000, our state adopted a set of Five Standards for Physical Education. They are Movement Forms, Movement Concepts, Benefits of Physical Activity, Maintaining Physical Fitness, and Behavior and Physical Activity. Each of these Standards has benchmarks at the 4th grade, 8th grade, and 12th grade levels. It is Important that our students have the opportunity to learn and develop the skills to reach the benchmarks associated with these Standards. This would require giving students the opportunity to participate in Physical Education classes in each year of school. Would you expect a student to reach a math 9-12th benchmark with only a freshman math class?

There have been many studies that have shown a connection between physical activity and its effect on learning. I'm sure many of you have felt it already during this legislative session. After sitting for extended periods of time, listening to discussions, you may find you are having difficulty concentrating; it seems to take longer to read new legislation, the sound of someone's chair squeaking starts to bother you. If you have the opportunity to move to a different room for another meeting, by the time you get there you feel more alert, ready to concentrate. That is after just a short 5 minute walk. Imagine how our students feel after 40-50 minutes of activity. We need to allow our students every opportunity to perform to their highest ability while in school.

NDAHPERD is asking you to consider the future of our youth and our state. By keeping our students' active through regular Physical Education classes throughout high school, you will be allowing them the necessary opportunities to become better students and more productive citizens for the state of North Dakota. Once again, I would like to ask the Education Committee for a "do not pass" recommendation on House Bill 1048.

HB1044 199anos

TESTIMONY ON HB 1048 HOUSE EDUCATION COMMITTEE January 19, 2005 by Anita K. Decker, Director School Approval and Accreditation 328-1718 Department of Public Instruction

Chairwoman Kelsch and members of the committee:

My name is Anita Decker. I am the director of School Approval and Accreditation for the Department of Public Instruction. I am here to speak in opposition to HB1048 regarding changes in high school instructional units.

The 2003 Legislature took a tough stance in support of students when they passed a revision of NDCC 15.1-21-02 regarding high school required units. It's encouraging that so many health professionals have entered the public arena in support of that legislative stance.

Legislators recognized the eroding state of health and physical well-being of many of North Dakota's high school students when they mandated that high schools must annually offer one-half unit of each, physical education and health to every student. It's important to note that this statute requires only that a school make the courses available to all students every year—it does not require that students take the courses. Forty-two states have set in law what courses students must take in order to graduate; in North Dakota, that is determined by the local school board.

Courses can be configured as needed by each school. For example, a small school may offer one physical education class for all grade levels and one health class for all grade levels. Course content would change each year so that students are indeed offered four different classes. Health courses can be offered in any one

of four disciplines—physical education, health education, family and consumer science, and science. Again, the course content would change each year. This is not unlike band, for example: each year a school offers band but they don't play the same music for four years.

A larger school may offer separate classes in physical education and health for each grade level.

While we recognize the difficulties schools face in expanding curricular offerings, those concerns must be balanced with the needs of our young people. We believe wholeheartedly that students who participate regularly in physical activity are better learners and subsequently achieve at higher levels.

In assistance to schools, we will look at all ways of meeting this curriculum requirement with them; for example, including summer courses to meet the physical education offerings; dual credit, distance education, and Division of Independent Study for meeting the health course requirements. In addition, we believe education cooperatives, extended school year or block schedule options—and especially joint powers organizations may enable schools to more easily meet these requirements.

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The Forum

The Forum

Published since 1878 A Pulitzer Prize-winning newspaper

> William C. Marcil Publisher

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OUR OPINION

Keep gym, health in curriculum

fficials of the North Dakota School Boards Association are as wrong as wrong can be to oppose a yearly health and physical education requirement in public schools. At a time when youth obesity is an epidemic, the association and its member school districts are sending the wrong message to students and families.

The half-credit "during each school year" requirement was put in place by the 2003 Legislature, in part as recognition of the health risks

Today's issue: School boards group wants to scrap yearly phy-ed requirement.

Our position: Youth obesity is an epidemic and the schools have a role in addressing it.

associated with youth obesity. It is slated to go into effect July 1. The requirement is necessary for school accreditation.

Some school district officials have complained they can't afford to offer a different health and phy-ed curriculum for each high school grade. They would like the yearly requirement in the

law removed, thus allowing them to offer a half-credit each of phy-ed and health over four years.

Bad idea. While local control is always desirable, it sometimes stumbles (teacher pay, for example). In the case of miniah trida achoal districts that

scrap gym and health classes are abdicating their responsibility to the health and welfare of their students. If local districts won't do what they should do, the state - which funds a significant share of public education should step in.

The numbers are staggering. Some 16 percent of children and teens are overweight, says the National Center for Health Statistics. That's triple the rate in 1980. If the trend continues, kids will continue to get fatter and less healthy. Indeed, youth diabetes, which is associated with obesity, has increased alarmingly among American children.

The health costs generated by obesityrelated maladies far outstrip the costs of comprehensive school physical education and health programs. Despite what the schools boards group contends, schools do have a role and responsibility in educating children about healthy lifestyles. Physical activity in a gym and classroom studies focusing on good health have always been parts of the curriculum in good schools as an adjunct (or sometimes the only opportunity) to what young people learn at home.

It's nothing short of irresponsible for some school districts and their lobbying organization to minimize the importance of physical education and health studies. The 2003 Legislature was right to approve the yearly half-credit requirement. The 2005 session should keep it in place.

> Forum editorials represent the opinion of Forum management and the newspaper's Editorial Board

> > Your Editorial Page Editor Jack Zaleski, (701) 241-5521 jzaleski@forumcomm.com

Friday, January 7, 2005 A9

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Your Editorial Page Editor Jack Zaleski, (701) 241-5521 .. jzaleski@forumcomm.com

Tuesday, January 18, 2005 A7

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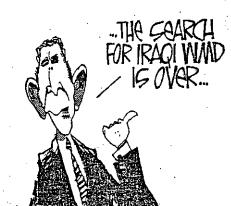
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YOUR OPINION

Physical education a vital element in public schools

By Wayne G. Sanstead hanks to The Forum for your editorial on Jan. 7, "Keep gym, health in

The 2003 Legislature took a tough stance in support of

students when they passed a new minimum curriculum statute to go into effect this July. Legislators recognized the delicate state of health and



Sanstead

physical wellbeing of many of North Dakota's high school students when they mandated that schools must annually offer onehalf unit of each physical education and health. They also recognized that some schools would have to make changes to

Therefore, they gave schools two vears to prepare.

It's important to note that this statute does not go so far as to require that all high school students must take physical education and health each year only that their high schools. must offer the courses for them to take. Some of the state's high schools already require four years of physical education for graduation.

If we have any hope of changing the alarming statistics on student fitness, we must be aggressive in our attempts to inform and educate all parties not just educators, but also parents and students - about the benefits of regular physical education and health. The place to provide that education is the school.

While we recognize the difficulties schools face in those concerns must be balanced with the desperate needs of our young people. We believe wholeheartedly that students who participate regularly in physical activity are better learners and subsequently achieve at higher.

I'm pleased that many health care professionals have entered the public arena in giving support to the retention of the physical education and health requirements in the statute. Medical experts have predicted that if we don't do something soon to improve health and general fitness, we will actually begin to see a decrease in life expectancy. Further, your readers showed their concern by polling overwhelmingly that physical education should be left in the curriculum.

Sanstead is North Dakota's Superintendent of

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TESTIMONY FOR HB 1048

Mary Wahl, NDCEL

First of all, some clarification by asking and answering some questions. Are we as educators concerned about children's health? Do we as educators understand the connection between healthy bodies and better learning? Yes, we are concerned about children's health. Yes, we do understand the connection.

We have heard the medical community, the Department of Health, and the Department of Public Instruction in previous testimony, discussions, and through their study resolution imply that maybe schools are not concerned and that we maybe don't understand. We want to assure them and you that we are concerned and that we do understand.

We would remind those who would criticize us for resisting a requirement for significantly increased health and physical education offerings at the high school level, that schools for years have been addressing this general health of school children problem and we have done so, frankly, with very few partners. For years we have offered physical education and health courses at every elementary grade level and also offered courses at the high school level. We have done and will continue to do our part in addressing children's health issues.

Having said that, we do support HB 1048. If current law is allowed to go into effect in August, it would result in an unfunded mandate to many schools who with

declining enrollments are already struggling to meet the requirements imposed with regard to increased high school offerings and NCLB.

And this is, in no small part, a money issue.

We applaud Medcenter One for their new Shapedown program designed to address childhood obesity. But even with \$31,500 in grants the 10 participating families will each pay \$350 to be in the program. That means the cost of the program is \$3500 per family.

These programs, whether sponsored by hospitals or by school districts, have a price tag that someone must pay and it can be a significant price tag.

As importantly, we object to the increased requirements in this bill because the medical community has thus far failed to develop the type of program we believe is needed to address this problem of childhood obesity. We believe that without such a comprehensive plan little progress will be made in addressing the problem.

Let us elaborate. We are told that 1 in 6 North Dakota students in sixth grade are overweight. And yet all of these students have had physical education and health instruction since they started school. It would also appear that this rate does not increase significantly or perhaps even at all at the high school level. Certainly this suggests that the problem in general is much larger than the absence in some high schools of yearly offerings of physical education and health. Certainly this suggests that we do, indeed, need a comprehensive plan to address the problem.

Let us suggest to you what we believe to be a large part of the problem by sharing some statistical information with you. A national survey of 800 plus mothers of children 2 years of age and under found that 50% didn't know the daily nutrition guidelines for

their child. Research indicates that the average American child watches 4 hours of television daily with some studies broadening that "television" category to include computers and video games. A study of researchers at John Hopkins University School of Medicine along with experts at the CDC and the National Institute of Health concluded that a child's weight increases with the number of hours he or she spends watching television. The study's authors point out that the average high school graduate will likely spend 15,000 to 18,000 hours in front of a television set, but only 12,000 hours totally in school.

And so the problem, we believe, is not primarily what schools are or aren't doing but rather what many parents aren't doing in their homes with regard to adopting and modeling healthy life styles for themselves and their children.

We absolutely agree with Dr. Kumar of Medcenter One who stated in his January 29th letter to the Bismarck Tribune that "Children and parents need resources and personal support to make healthful choices and adopt healthy lifestyles." Schools are providing those resources to children. Parents are not getting that information and support from the medical community. In an assessment entitled "ND Parents Perceptions and Behaviors Concerning the Utilization of Preventive and Well-Child Services for Children and Adolescents", the assessed group participants indicated a great need for preventive and health information. However, most parents could not recall receiving information about the importance of preventive and well care from their physician or anyone else. We believe that parents would be doing a much better job if educated and encouraged by the medical community and if they had their efforts reinforced by their communities and public awareness campaigns in general.

We have heard from the medical community, the Health Department and DPI of some programs that they are instituting to address this obesity problem. We applaud them for their efforts. We do not, however, believe that a program here and a program there in a community here and a community there is the answer just as we don't believe that additional physical education and health courses at the high school level are the answer. We believe that the only way this childhood obesity problem can be addressed is through a comprehensive statewide program directed by the medical community and implemented and coordinated through public health units community by community. We assume that the Department of Public Instruction would also play a part in developing this program as it relates to schools. Individual schools and school districts are ready to be involved in such community based "Healthy Children' initiatives that are appropriate to our mission.

As part of those programs, communities may decide that physical education and health offerings at their schools need to be changed or enhanced. They might decide they are adequate. We believe these decisions should be made by local communities in the context of Healthy Children initiatives. Only then, we believe, will these decisions make sense and truly make a difference.

We urge you to pass HB 1048 and let local communities make decisions regarding their schools' health and physical education offerings.

Excellence in North Dakota public education through local school board governance

Senate Education Committee HB1048

Bev Nielson, North Dakota School Boards Association

Chairman Freborg and members of the Committee, my name is Bev Nielson with the North Dakota School Boards Association. I am here to testify in favor of HB1048.

I am not here to ask you to reduce physical education and health requirements, as they exist in this current school year. NDSBA's Delegate Assembly unanimously passed a resolution that asks you not to increase the required units of physical education and health.

It is not our intention to make light of the importance of healthy lifestyles or our society's problem with obesity, but our plates are full.

NDSBA accepts the new academic course offering requirements that go into affect July 1, 2005 because there is a compelling argument for equity of academic opportunities across the state. The addition of these academic courses will be a costly endeavor, especially for those districts with declining enrollment that are making reductions in force just to meet budget. Districts are going to make the new academic requirements work.

When the Conference-Committee was meeting in the final hours of last Session, the subcommittee on this section was working diligently with us to iron out the language for required course offerings. Dr.-Klundt and I made it clear that we could not accept additional requirements for phy. ed. and health. Subcommittee members agreed. We thought that issue was settled and went on to have long, heated discussions on elective offerings.

Our groups, as well as legislators we spoke with after the Session, were surprised to see how the words came out in the end. It read: a half unit of health and a half unit of physical education offered to every student, every year. That was not our intent.

Costs involved in adding staff and developing curriculum, as well as juggling gym schedules, are just not something our districts need right now. Even though schools will have no idea how many students might choose to take these optional classes, they will have to schedule and staff for the possibility.

It would be wonderful if schools had the time, staff, and money to increase student's academic achievement, as well as address all the physical and social problems present in today's world, but the fact of the matter is—we have limited time, staff, and money.

The House passed HB1048 overwhelmingly and we are hoping the Senate will do the same.

Testimony

House Bill 1048

Senate Education Committee

Wednesday, March 2, 2005; 9:30 a.m.

North Dakota Department of Health

Good morning, Chairman Freborg and members of the Senate Education Committee. My name is Terry Dwelle, and I am State Health Officer of the North Dakota Department of Health. I am here today to testify in opposition to House Bill 1048 and to ask for a "do not pass" recommendation from this committee.

House Bill 1048 would decrease the units of health and physical education required to be offered to high school students in North Dakota. As State Health Officer and a practicing pediatrician, I strongly believe this is a step in the wrong direction. We should be emphasizing physical activity, especially in schools where our young people spend significant time.

Studies have shown that being overweight and obese is epidemic in the United States and in North Dakota and, in fact, is rising among children and adolescents, as well. The percentage of high school seniors in North Dakota who are overweight increased from 6 percent in 1999 to 10 percent in 2003. Being overweight or obese is a major risk factor in the development of heart disease and diabetes.

While the number of people who are overweight or obese has been increasing, physical activity and physical education in schools has been decreasing. The percentage of high school students participating in physical education dropped from 64 percent in 1992 to 52 percent in 2003. In addition, 70 percent of high school freshmen report being enrolled in physical education classes, compared to only 39 percent of seniors.

We know that to effectively change high-risk behavior, three things are needed: policies, such as requiring physical education to be offered; supportive infrastructures; and community empowerment and engagement.

In a nutshell, the way to prevent being overweight and obese is clear: increase the amount of physical activity and decrease the caloric intake. As a society, we are sedentary and are becoming more so in this era of computers, video games and television. That's why it is more important than ever to promote physical activity for our young people.

We're all familiar with "No Child Left Behind." I recently saw a button that underlines the importance of physical activity. It read: "No Child Left on Their Behind." It's vital that we focus on developing not only our students' minds, but also their bodies.

Preserving the legislation passed in 2003 that asks schools to offer physical education every year throughout high school helps to create a supportive infrastructure for North Dakota's children so that they can learn to assimilate regular physical activity into their everyday lives.

This concludes my testimony. I am happy to answer any questions you may have.

TESTIMONY ON HB 1048
SENATE EDUCATION COMMITTEE
March 2, 2005

by Anita K. Decker, Director School Approval and Accreditation 328-1718

Department of Public Instruction

Chairman Freborg and members of the committee:

My name is Anita Decker. I am the director of School Approval and Accreditation for the Department of Public Instruction. I am here to speak in opposition to HB1048 regarding changes in high school instructional units.

The 2003 Legislature took a tough stance in support of student health and well-being when they passed a revision of NDCC 15.1-21-02 regarding high school required units. The Department testifies against changes in the bill, believing that the legislative intent matches the words: "make available to each student…during each school year. Perhaps that was your intent. We have heard from some legislators that the words "during each school year" were a clerical error.

There is widespread belief that the Department's position is that every student must take health and physical education every year under this law. That is simply not true: our position has been that the courses must be <u>available</u> to every grade level every year. In all honesty, every student will not want to take physical education or health every year. The point of the current statute is that every student has a course available. Forty-two states mandate what courses students must take in order to graduate. North Dakota is not one of those states.

Courses can be configured as needed by each school. For example, a small school may offer one physical education class for all grade levels and one health

class for all grade levels. Course content would change each year so that students are indeed offered four different classes over the four-year period. Health courses can be offered in any one of four disciplines—physical education, health education, family and consumer science, and science. Again, the course content would change each year. This is not unlike band, for example: each year a school offers band but they don't play the same music for four years.

When HB 1048 was heard in the House committee, we heard the concern that schools would not meet the minimum curriculum requirements and would be "not approved." The Department has a long tradition of providing an option in those situations: If a school offers a course but no students take it, the school receives a "bye" for that school year.

While we recognize the difficulties schools face in expanding curricular offerings, those concerns must be balanced with the needs of our young people. We believe wholeheartedly that students who participate regularly in physical activity are better learners and subsequently achieve at higher levels.

It is encouraging to see the level of interest, concern, programming, and support from the health community. This truly is a community effort. Two of the state's largest newspapers, the Fargo Forum and the Bismarck Tribune, have encouraged increasing physical education offerings. Daily one reads and hears in both popular and professional press and electronic media of the eroding state of health and physical well-being of students. The latest issue of the NEA Journal addressed the issue as its cover story as did the December issue of the National Association of State Boards of Education.

In assistance to schools, we will look at all legal ways of meeting this curriculum requirement with them; for example, including summer courses to meet the physical education offerings; dual credit, distance education, and Division of Independent Study for meeting the health course requirements. In

addition, we believe education cooperatives, extended school year or block schedule options—and especially joint powers organizations may enable schools to more easily meet these requirements.

Our School Health Unit has pledged to work with teachers attending the annual Roughrider Health Conference to develop new health curriculum. My unit in the Department and the Education Standards and Practices Board have plans this summer to have phy ed teachers align the ESPB teacher education program standards in physical education and our curriculum descriptions with the state content standards in physical education to assure that all are being addressed appropriately and adequately. We have worked, and will continue to work, with the professional organization, the North Dakota Association for Physical Education, Health, Recreation, and Dance, in implementing these plans.

If you determine that the current statute needs to be changed, perhaps you might consider further amending this bill in one of two ways:

- 1. Extending the implementation date to 2007, allowing time for additional study of the issues surrounding student health and wellbeing, as provided in HCR 3051 or
- 2. Making the statutory requirement one unit of physical education and one unit of health during the four years of high school.

As you make your deliberations, I would like to share with you the current status of schools surrounding these issues. This does not seem to be a large school/small school issue.

The first printout is a 5-year history of North Dakota High School Physical Education Course Enrollment. The data is from the MIS03 reports made to the Department by districts each year. Please note: some corrections to the data for this school year have yet not been made in cases where errors were made in reporting by the district.

- Schools are arranged alphabetically first by city, then by school building. Headings show enrollment by grade level in each year.
- There are a number of physical education courses available: for example, look at Beulah on page 1: over the five-year period they offered five different PE courses as shown in the third column—course code. Every year they had student enrollment at every grade level.
- If you will look at Bismarck High on page 1, you will see that it shows enrollment in physical education for grades 10 through 12 only. Since Bismarck High is a grade 10-12 high school, you will see 9th grade enrollment in the three Bismarck middle schools.
- This report is excerpted from a 10-year report so if a school shows no enrollment for a particular course for this five years, it did offer that course sometime in the prior five years. Belcourt, also on page 1, provides an example with course 8031.
- There is a summary of enrollment in all courses on the last page.
- Most schools show some enrollment in physical education at all grade levels and would thereby meet the requirements in the current statute, before amendment. A good example is Grand Forks: Representative Horter was told that implementation of this law would cost Grand Forks Public Schools an additional \$250,000 per year. If you will notice on page 3, both Central High School and Red River High School show enrollment in all four grade levels. They would meet the requirements in the current statute and they would not need to add anything. It's about making the courses available, not requiring that all students take them. The Hazen superintendent testified on this bill that it would cost his district over

\$75,000 to implement this statute. My purpose today is not to embarrass Supt. Ness or his district but if you will look on page 4, you will see that Hazen meets the statutory requirement now. These are only two areas where misinformation has resulted in mistaken conclusions.

- The second handout shows a two-year enrollment history in health courses. For purposes of brevity, I limited this handout to two years in each of four disciplines.
- Teachers in any one of four disciplines can teach health—physical education, family and consumer sciences, science, and health education.
- There is one course targeted to individual health in each discipline.
- The disciplines are identified across the top. 8010 is physical education, 9129 is family and consumer sciences, 13023 is science, and 18010 is health education.

Testimony on HB 1048

By

Dr. M. Douglas Johnson, Assistant Executive Director-NDCEL

Chairman Freborg and members of the Committee, for the record my name is Doug Johnson and I represent the ND Council of Educational Leaders. I am here to testify in support to HB 1048.

The NDCEL philosophically agrees that the offering of additional physical education and health classes would be a benefit for our students. These courses help address issues of obesity and the teaching of living healthy life styles. However, it is our belief that offering additional courses in health and physical education is a choice that needs to be made at the local level, based on local needs, and decided by the district's ability to accommodate their choice to support these additional classes. Without the adoption of HB 1048, all school districts will have to offer a half credit of health and a half credit of physical education each year. This, in essence, becomes an unfunded mandate to increase the course offerings for every school that currently does not offer these course opportunities. This will have a significant impact on school district budgets and facilities.

In January of this year the NDCEL conducted a survey to determine what impact the current law would have on school districts if HB1048 is not passed. The survey assumed, based a letter given to Park River Public Schools by Superintendent of Instruction, Dr. Wayne Sanstead, that the curriculum statue for physical education and health would, as of July 1, 2005, require that ½ unit of health and physical education must be made available each year to every student. Our interpretation of this letter is that a different health and physical education course must be offered for each grade level. Consequently, the survey asked superintendents to determine how many staff would need to be hired to meet the current law, what the cost of those hires would be to the district, and what other impacts such as classroom space, curriculum materials, and scheduling conflicts

would be created if they had to offer these classes each year and all students elected or were required to take these two courses for all four years of high school.

School superintendents representing nearly 50 school districts across our state responded to the survey. They estimated that they would need to hire nearly 46.50 health/physical education teachers to meet the requirement. The cost of these hiring the additional staff to meet the requirements would be nearly \$1,543,000. When asked what other impacts this would have on their school districts, superintendents cited the scheduling conflicts, classroom space and the elimination of electives to offer these newly required courses as the biggest obstacle they face in the implementation of the law as it is currently written. The summarized responses from the superintendents are included in my testimony. However, I thought some comments from superintendents were representative of the nearly 50 that I received and they are shared below:

"At a time of declining enrollment it is extremely difficult to add staff and curriculum in this area. We have a good number of students that earn more than one credit in phy ed now but with less money coming in to spend it in this manner does not make sense to me. At Garrison we are finding better ways to address the health and physical fitness of our students and community."

"...if the health dept. wants to fund the additional teachers from their budget, then we would be more than happy to hire them.

I would like to see the health department pay for flu shots for all employees and students in each school district in the state. While I believe that this would be of great health value to all in education, I would not lobby to "tell them what to do". Much the same as I do not want them lobbying to tell me how to spend my money."

"No one is more of an advocate for physical activity opportunities for students than I am. However, it would seem that this very well may be one of those "societal ills" that we leave in the hands of parents (heaven forbid!) When I see students being dropped off 10 feet from the school door instead of being allowed to walk the 6-10 blocks from home to school, I'm not sure that families have fully realized how important it is for their kids to get some exercise. Perhaps the Dept of health, etc. could spend some of the tobacco money or their budget to do a media and training blitz for our parents and the public. That way perhaps our "educating" budgets could be used to meet the increased demands we face from, among other things, NCLB."

"Time becomes a problem as well as elective courses that are offered. Medina Public School currently requires 25 credits to graduate and that number allows for 1 credit of Phy. Ed. and a half unit of Health. If we need to offer a credit every year we will be forced to drop our elective classes, when at this time, schools are under fire form the press and government that we are not preparing the students for the future. What classes get eliminated, vocational, foreign language, Advanced Science and Math, technical classes? Where does it all end? All the phy ed in the world is not going to keep students from consuming chips and pop, Big Macs, super burgers etc. Where are the parents? Sorry for venting."

"Student schedules are already full. What class should not be offered in order for students to take a health or PE class. We are a small school and do not have the students to make all classes offered viable. Do we place less emphasis on music, science, math during a 7 period day so students have access to health & PE? We are not certain what type of class will count as a Health Class. Will Health Careers be ok? If not than we need to make available another type of health class. Where do we find the teacher time?"

"We do not have the staff to implement the law as written. Nor is there a need. Our state needs to get on the bandwagon with the feds in all respects. The emphasis right now is on English/language arts and mathematics. We have are hands full trying to staff highly qualified teachers in core subjects and elementary school. The department of health should watch our kids in small schools. They are constantly on the go and involved in all types of athletics and other activities. Additional staff would cost us between \$15,000 - \$25,000 depending on the availability of a part time health and PE teacher in Scranton? Good luck, this is a crazy law."

Chairman Freborg and members of the Senate Education Committee, this concludes my testimony. I encourage your committee to give HB 1048 a do pass vote. At this time I would be happy to answer any questions that you have in regard to my testimony.

TESTIMONY

AMMENDMENT TO 15.1-21-02

EFFECTIVE AFTER JUNE 30, 2005 HIGH SCHOOLS-REQUIRED UNITS

By Harold F. Knoll

Superintendent of Park River Public School

Senator Freborg and Members of the Senate Education Committee:

I am Harold Knoll, Superintendent of Park River School and representative of the Multi County Administrators. I am here to testify in favor of HB 1048 which would change the statute of making available one-half unit of health during each school year and one-half unit of physical education during each school year to half unit of health and half unit of physical education over a four-year period, which is the present approval requirement. During the last minutes of the 58th legislative assembly Senate Bill 2154 included language to change the PE/Health required units from one half unit of health and one-half unit of physical education to one-half unit of health during each school year (and) one-half unit of physical education during each school year.

Arguing against making health and physical education available each year to every student 9-12 is like arguing against motherhood and apple pie. With frighteningly high rates of drug and alcohol abuse, depression and suicide, and obesity, how can one reasonably oppose requiring schools to make available health and physical education each year to every student? THERE IS REASON TO OPPOSE SUCH A MANDATE, HOWEVER.

The main reason to oppose the health and physical education requirement each year to every student is that while creating an administrative nightmare, it will not impact behavior. One might reasonably be able to defend requiring a health and physical education class for each student each year; however, simply making it available will accomplish nothing. Students who wish to lead healthier lifestyles will likely be the only ones who enroll. Students who most need to take the class won't.

An example of the phenomenon of the most in need being the least likely to attend is that of the parents who attend parenting classes. The parents who voluntarily attend parenting classes are almost always those who are already doing an exemplary job of parenting. The parents most in need of instruction generally attend parenting classes as a result of a court order. Does that mean offering such classes are a waste of time? Of course not. But the dilemma is in the details when it comes to making health and physical education classes available to each student each school year.

The intent of the new legislation may have been clear when it was adopted; however, the interpretation of this law by the Department of Public Instruction was much different than some of you as legislators gave to us superintendents. Please refer to attachments A, B and C (I will review them with you at this time as this interpretation will have serious impact on the majority of the school districts.) If this interpretation by the DPI were enforced as outlined in Dr. Sanstead's letter dated October 14, 2004, a majority of the public schools in North Dakota would lose foundation aid payments because of not making available ½ unit of health to every student each year. This is not an issue of large schools versus small schools; as it would have a serious financial impact on all schools trying to hire staff for this requirement.

Another point of emphasis to support the amendments in the NDCC 15.1-21-02 is that there aren't any standards and benchmarks established by the DPI for the implementation of a 11th & 12th grade health curriculum. Offering additional credits in health will not guarantee that students who elect to take these classes will learn important health concepts. Without standards, the curriculum could include any information a district or instructor would choose to teach. The instruction may or may not improve the overall understandings and behaviors of our students related to health.

The Multi-County Administrators urge you to support and adopt the amendments outlined in this bill by Representative Herbel. Thank you for the opportunity to submit this testimony. If I can respond to any questions, or if I can provide any more information that may be useful to you, I would be most happy to do so.