

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1320

2005 HOUSE EDUCATION

HB 1320

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1320**

House Education Committee

☐ Conference Committee

Hearing Date **24 January 05**

Tape Number	Side A	Side B	Meter #
1		X	300 - end

Committee Clerk Signature



Minutes:

**Chairman Kelsch** opened the hearing on **HB 1320**.

**Rep. Sally Sandvig, District 21** introduced the bill requiring recess for elementary students.

**(Copy attached.)** She also distributed some handouts: One related to obesity, one to a child's right to play. **(Both are attached.)**

**Rep. Mueller:** Do you have any information on what schools are doing?

**Rep. Sandvig:** Some schools are having recess, others are not having it or not reporting it.

DPI will tell you more about that.

**Rep. Sitte:** Last week this committee heard about the importance of activity in regards to HB 1048. Exercise is important for a number of reasons. It keeps them healthy and helps them burn off extra calories to keep their weight under control. It triggers the release of brain chemicals. It actually increases brain responses. Students who are the most physically fit have the fastest

reaction time in processing information and problem solving. Regular exercise is just as effective as drugs in dealing with depression. Recess costs the schools nothing.

**Rep. Hawken:** Is there anything in current law that prevents teacher from having physical activity in class.

**Rep. Sitte:** No, there is not.

**Rep. Hanson:** Recess and PE in an elementary school? Do we need recess in middle school?

**Rep. Sitte:** We can amend to say if there is PE, they can excuse the recess.

**Rep. Hunsakor:** Is this not being done? I thought they were having recess? Is there evidence that schools are not providing this?

**Rep. Sitte:** It's really a matter of local discretion. There are some schools that do not provide recess.

**Anita Decker, director of School Approval and Accreditation, DPI** testified in favor of the bill. (Testimony attached.)

**Rep. Hawken:** What is the number of hours in a school day. Will this take from the day?

**Decker:** The school day is 5.5 hours and already allows time for recess.

**June Herman, senior advocacy director, American Heart Association,** testified in favor of the bill. (Testimony attached.)

**Rep. Herbel:** When substitute teaching in elem.school, I recall it took me 10 min to get them dressed and undressed. The benefit of 10 min. seems almost irrelevant. We also have an interpretation that we are going to mandate additional PE for students. Won't space be a problem?

**Herman:** I do acknowledge the issues you raise. It takes both the educational and health community and the Legislature to work together to set expectations and work for ways to work through it. I would not prescribe how each school does it but only encourage the expectations and standards put out there that they try to achieve a certain level of physical activity each day.

**Rep. Herbel:** I think to we have to deal with all the issues, is to educate the parents because they can provide the activities and so many things we're trying to legislate to them.

**Herman:** We are also pursuing that angle. When we look at the number of hours children are in the classroom and at the school, it's important that we also look at building it into the daily schedule. We're also educating work sites, helping them look at what's going on.

**Karen Ehrens, ND Dietetic Assn. and Partner in Healthy North Dakota,** testified in support of HB 1320. (Testimony attached.)

**Kim Senn, director of Coordinated School Health for ND Dept. of Health,** testified in favor of the bill. (Testimony attached.)

**Vivian Schafer, former kindergarten teacher,** testified in favor of the bill. It is very important that children take a break. I'm concerned about their brain power. They need to be very alert. I know it's a nightmare to dress children on that first day of inclement weather, but that also becomes a learning tool and they learn to dress themselves quickly.

**Bev Nielson, ND Association of School Boards,** testified in opposition to the bill. Perhaps this could be a concurrent resolution, we'd go along with that. Teachers have a sense of when their class needs to get up and move around because they have lost their attention. Many schools have fourth period PE which utilize the gym in that school. They can move around in their classroom as we believe they do now, the gym is probably not going to be available. A lot of

schools move around for gym, art, etc., so kids are moving around the building already. The bill does not say outside but from the reference to inclement weather it leads me to believe the intention is that it be outside. There is just not enough time to get children ready to go outside and back in in less than 30 minutes.

**Rep. Mueller:** Do you know how many schools are not doing this currently.

**Nielson:** I don't know, and it's not necessarily being reported to DPI. I think smaller schools probably do it, but in the larger school it cuts into academic time.

**Rep. Herbel:** What is the definition of "recess"? **Leg. Intern, Sonja,** will check on it.

**Charles DeRemer, assistant superintendent of Instructional Services for the Fargo Public Schools,** testified in opposition of the bill. **(Testimony attached.)** I am not against recess, but am concerned about what the bill requires us to do. It does not acknowledge that we already offer PE to each student. What is the goal we are trying to reach here? If it's physical activities then we need to do it more systemically than just add recess. I also think that when we mandate we also have to measure whether the mandate has any effect on the school and does what it intends to do. I don't see that here.

**Rep. Hanson:** If we amended that recess or PE, would that work in your system?

**DeRemer:** It would certainly help.

**Doug Johnson, ND Council of Education Leaders,** testified in opposition to the bill. I feel it creates another mandate and more reporting requirements. We do support greater amounts of physical activities for our students. I think a resolution would be the better way. We need to look at additional ways to increase physical activities for our students.

Page 5

House Education Committee

Bill/Resolution Number **HB 1320**

Hearing Date **24 Jan 05**

There being no further testimony, Chairman Kelsch closed the hearing on HB 1320. She appointed a subcommittee to look at the bill. **Reps. Meier, Sitte, and Solberg** were appointed to the committee. Chairman Kelsch asked them to bring something forward by Wednesday, Jan 27, or at least by Monday, January 30.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1320**

House Education Committee

☐ Conference Committee

Hearing Date **31 Jan 05**

Tape Number	Side A	Side B	Meter #
1		X	4,360 - 4675

Committee Clerk Signature



Minutes:

**Chairman Kelsch:** We have the resolution that has been submitted for Rep. Sandvig's recess bill. We will take up the recess bill because we won't be able to hear the resolution until next week. They end up falling on different parts of the calendar. Whoever carries the bill can say there is a resolution put in and we'll be hearing it next week. We know the importance of recess but didn't want to mandate it for school districts.

**Rep. Meier:** I did talk to Rep. Sandvig about disapproving the bill and coming up with a resolution and she was fine with that.

**Rep. Hawken:** I move a Do Not Pass on HB 1320.

**Rep. Herbel:** I second.

There was no further discussion on HB 1320.

A roll call vote was called.

Yes: 14 No: 0 Absent: 0 The motion carried.



Page 2

House Education Committee

Bill/Resolution Number **HB 1320**

Hearing Date **31 Jan 05**

**Rep. Hawken will carry the bill.**

**Chairman Kelsch:** The resolution is HCR 3034 and we will hear that next week.

Date:  
Roll Call Vote #:

31 Jan 05  
1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1320

House Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

do Not Pass

Motion Made By

Hawken

Seconded By

Herbel

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	✓		Rep. Hanson	✓	
Vice Chairman Johnson	✓		Rep. Hunsakor	✓	
Rep. Haas	✓		Rep. Mueller	✓	
Rep. Hawken	✓		Rep. Solberg	✓	
Rep. Herbel	✓				
Rep. Horter	✓				
Rep. Meier	✓				
Rep. Norland	✓				
Rep. Sitte	✓				
Rep. Wall	✓				

Total (Yes)

14

No

0

Absent

0

Floor Assignment

Hawken

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

**REPORT OF STANDING COMMITTEE (410)**  
January 31, 2005 12:18 p.m.

**Module No: HR-20-1417**  
**Carrier: Hawken**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1320: Education Committee (Rep. R. Kelsch, Chairman) recommends DO NOT PASS**  
**(14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1320 was placed on the**  
**Eleventh order on the calendar.**

2005 TESTIMONY

HB 1320

## **House Bill 1320**

**Chairwoman Kelsch and members of the Education Committee:**

**For the record I'm Representative Sally Sandvig from District 21 in Fargo, and I'm here as the prime sponsor of House Bill 1320.**

**House bill 1320 will require recess in schools. This legislation is a result of a Women-in-Government task force on obesity that I attended last year. The need for more exercise in school age children was one of our recommendations.**

**Around 14% of adolescents and children are overweight and this figure has more than doubled since the early 1970's. Type two diabetes accounts for about 1/2 of the new cases and is no longer adult onset anymore. 60% of children between ages 5 and 10 have at least one cardiovascular disease risk. These factors have tremendous implications on our nation's health spending. Recreation for children has become television, computer, and video games.**

**Some of the problems with attention defect hyperactivity disorder may be solved by some activity to burn off excess energy and give the mind a break.**

**What some states have done: Indiana developed a program to help prevent osteoporosis in women called Jump Girls Jump, where girls stand up and jump 5 times by their desks 3 times a day for 8 months. They found an increase in bone density of 3.2%. This program is based on research by the University of British Columbia; Texas Senate Bill 19 allows the State Board of Higher Education to require physical activity during every school day through grade six.**

**I have a couple of handouts for you; one relating to obesity and the other about recess.**

**I realize that this bill is only a rough draft and is not perfect, but it is a tool for discussion. DPI has some suggestions which I am open to.**

**Thank you for your time and I hope that you will give this bill a lot of consideration.**

# The NIH Word on Health

*Consumer Health Information Based on Research from the National Institutes of Health*

**June 2002**

## **Childhood Obesity on the Rise**

by Carol Torgan, Ph.D.

Open your window on a sunny afternoon, and what do you hear? The chirping of singing birds? The yelling of playing children? Odds are these days that you'll hear the birds but not the children. As kids spend more time in front of television, computer and video screens, their physical activity levels have decreased. And their body weights have increased.

Obesity in kids is now epidemic in the United States. The number of children who are overweight has doubled in the last two to three decades; currently one child in five is overweight. The increase is in both children and adolescents, and in all age, race and gender groups.

Obese children now have diseases like type 2 diabetes that used to only occur in adults. And overweight kids tend to become overweight adults, continuing to put them at greater risk for heart disease, high blood pressure and stroke. But perhaps more devastating to an overweight child than the health problems is the social discrimination. Children who are teased a lot can develop low self-esteem and depression.

There are many causes of obesity. While there's no doubt genetics plays a role, genes alone can't account for the

**contents**

### **Did You Know That...**

- Obese children and adolescents have shown an alarming increase in the incidence of type 2 diabetes, also known as adult-onset diabetes.
- Many obese children have high cholesterol and blood pressure levels, which are risk factors for heart disease.
- One of the most severe problems for obese children is sleep apnea (interrupted breathing while sleeping). In some cases this can lead to problems with learning and memory.
- Obese children have a high incidence of orthopedic problems, liver disease, and asthma.
- Overweight adolescents have a 70 percent chance of becoming overweight or obese adults.

huge increase in rates over the past few decades. The main culprits are the same as those for adult obesity: eating too much and moving around too little. Almost half of children aged 8-16 years watch three to five hours of television a day. Kids who watch the most hours of television have the highest incidence of obesity.

If you're concerned your child may be overweight, talk with their doctor. A health care professional can measure your child's height and weight and calculate a ratio known as body mass index (BMI). This number is compared to a growth chart for children of your kid's age and gender to determine whether his or her weight is in a healthy range.

### Encourage Activity

You can help your children maintain a healthy body weight by encouraging them to be active. Try taking them to a park. According to the National Recreation and Park Association (NRPA), 75 percent of Americans live within a two-mile walking distance of a public park.

The National Heart, Lung, and Blood Institute (NHLBI) of the National Institutes of Health has teamed up with NRPA to offer a nationwide program called Hearts N' Parks. Park and recreation

### Resources that can help!

For information on Hearts N' Parks, contact NIH's National Heart, Lung, and Blood Institute at:

**NHLBI Information Center**  
P.O. Box 30105  
Bethesda, MD 20824-0105  
Phone: 301-592-8573  
Fax: 301-592-8563

E-mail: [NHLBIinfo@rover.nhlbi.nih.gov](mailto:NHLBIinfo@rover.nhlbi.nih.gov)  
[http://www.nhlbi.nih.gov/health/heart/obesity/hrt\\_n\\_pk/](http://www.nhlbi.nih.gov/health/heart/obesity/hrt_n_pk/)

NHLBI's Obesity Education Initiative (OEI) has information about weight control, including tools such as a BMI calculator for adults (see your doctor about BMI calculations for children) and Menu Planner, at [http://www.nhlbi.nih.gov/health/public/heart/obesity/lose\\_wt/index.htm](http://www.nhlbi.nih.gov/health/public/heart/obesity/lose_wt/index.htm).

Free materials for the public with practical information on weight control, physical activity, obesity and related nutritional issues can be obtained from the Weight-control Information Network (WIN), a service of NIH's National Institute of Diabetes and Digestive and Kidney Diseases. **Contact them at:**



departments and other community-based organizations receive assistance from NHLBI on providing activities for kids and adults that encourage healthy lifestyle choices. The goals are to reduce obesity and the risk of heart disease by encouraging nutritious eating habits and regular physical activity. Kids may go on field trips to local grocery stores and restaurants to learn how to make healthy selections and read food labels. They might participate in soccer, tennis, basketball, bowling, swimming, or hiking.

1 WIN Way  
Bethesda, MD 20892-3665  
Phone: 202-828-1025 or 1-877-946-4627  
Fax: 202-828-1028  
Email: WIN@info.niddk.nih.gov  
<http://www.niddk.nih.gov/health/nutrit/win.htm>

Karen Donato, coordinator of NHLBI's Obesity Education Initiative, says that the program emphasizes non-competitive activities where everyone joins in the fun. "There shouldn't be kids sitting on the sidelines," she says.

An increasing number of schools are also encouraging healthy lifestyle behaviors. More nutritious choices in cafeterias and vending machines, such as salad bars and baked food rather than fried, encourage kids to try items other than sodas, candy bars and french fries. Some schools offer opportunities for increased physical activity through intramural sports programs and good-old-fashioned recess. A recent report from the U.S. Surgeon General's office calls on schools to provide daily physical education (PE) for all grades. In schools where PE classes are offered, kids are now engaging in more activities that emphasize personal fitness and aerobic conditioning, rather than the competitive dodge-ball games you may recall from childhood.

Parents can get involved by making sure that their schools have healthy food options and provide PE. PTAs are a good place to speak out and take an active role.

While children can play ball at the local park and choose healthier foods in school, at the end of the day family support is what really counts. You are a role model for your kids. Children form habits from parents, and usually maintain them into adulthood. If your children see you reach for a banana instead of a brownie, they are likely to do the same. If they see you go for a walk or wash the car, they may join in.

When was the last time you biked or shot some hoops? According to Donato, sometimes we all need to be reminded to have fun and appreciate the value of play. Instead of opening your window to listen to the sounds of the season, open your door, go outside with your children and play. – **a report from The NIH Word on Health, June 2002**

## A Word to the Wise...

Help your children maintain a healthy body weight



- › Be supportive. Children know if they are overweight and don't need to be reminded or singled out. They need acceptance, encouragement and love.
- › Set guidelines for the amount of time your children can spend watching television or playing video games.
- › Plan family activities that involve exercise. Instead of watching TV, go hiking or biking, wash the car, or walk around a mall. Offer choices and let your children decide.
- › Be sensitive. Find activities your children will enjoy that aren't difficult or could cause embarrassment.
- › Eat meals together as a family and eat at the table, not in front of a television. Eat slowly and enjoy the food.
- › Don't use food as a reward or punishment. Children should not be placed on restrictive diets, unless done so by a doctor (for medical reasons). Children need food for growth, development and energy.
- › Involve your children in meal planning and grocery shopping. This helps them learn and gives them a role in the decision making.
- › Keep healthy snacks on hand. Good options include fresh, frozen, or canned fruits and vegetables; low-fat cheese, yogurt or ice cream; frozen fruit juice bars; and cookies such as fig bars, graham crackers, gingersnaps or vanilla wafers.
- › Focus on small, gradual changes in eating and activity patterns. This helps form habits that can last a lifetime.

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National Institutes of Health (NIH)  
9000 Rockville Pike  
Bethesda, Maryland 20892



Department of Health  
and Human Services



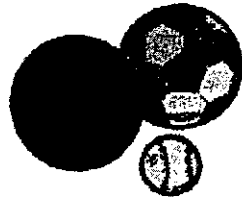
## The American Association for the Child's Right to Play

Is it a  
RECESS

Visit our Bulletin Board: <http://ipausa.org/ipw-web/bulletin/bb/>

**Who We Are**  
**What We Do**  
**Membership**  
**Donations**  
**IPA and the UN**  
**IPA Declaration**  
**History of the IPA**  
**Events**

### ~~the case for elementary school recess~~



There is a misconception in our society that recess d purpose. The Board of Directors of the American A: Right to Play (IPA/USA) believe that recess is vital healthy development. We are pleased to offer parent administrators the following information that support school recess.

### ~~resources~~

**Playday**  
**Recess**  
**Links**  
**Playwork**  
**Newsletter On-Line**  
**Play Shelf**

### ~~columns~~

**IPA/USA Board**  
**Web Master**

**The 16th IPA**  
**World Conference**  
**"PLAY:**  
**LEARNING FOR**  
**LIFE"**

18th 22nd July,  
2005

Berlin, Germany  
SEE:

[www.ipa2005.de](http://www.ipa2005.de)  
for more information

### Recess responds to the child's social and emotional needs . . .

- If we eliminate recess, we are ignoring the fact that for many children the opportunity to play with friends is an important reason for coming to school. Ask any group of Second Graders, "What do you like most about school?" and a majority will answer, "Recess!"
- Recess can serve as an outlet for reducing or lowering the child's anxiety. As adults, we all feel frustrated, tired, and even angry at times. Adults have learned to control these emotions. The elementary school age child has very few coping strategies, and as a result sometimes resorts to inappropriate outbursts, nail biting and temper tantrums. Recess provides a means for the child to manage stress.
- Our communities continue represent the great "melting pot," and recess is a contributing factor for cultural exchange. A vital aspect of play is the non threatening way children of different cultures learn from each other.
- Recess provides the opportunity for solitary play. Some children need the opportunity to break away from their classmates to collect their thoughts.
- Recess gives the classroom teacher an opportunity to assess the child's peer popularity.

### Recess contributes to the child's cognitive and intellectual needs . . .

- Students who do not get a break are much more fidgety in the classroom, and are deprived from interacting with different
- The mind, brain, and body are one. When children are deprived of vigorous recess activities the body's heart

peers and watching and learning from other children. Eliminating recess is counterproductive.

- Unstructured play gives the child an opportunity to exercise a sense of wonder, which leads to exploration, which leads to creativity.

isn't given the opportunity to pump fresh oxygen into the blood to nourish a sluggish brain.

- Americans could learn from other countries. In Japan, for example, long classroom sessions alternate with intense periods of play outside.

### **Recess addresses the child's physical needs .**



- Physical activity is essential for the healthy growth and development of children. Among 5 to 8 year-olds, 40% have significant cardiac risk factors like obesity, high blood pressure, high cholesterol, and an inactive life style.
- Play in the great outdoors during recess is an expanding and exciting experience for the young child. It is an opportunity to breathe fresh air, move on blades of green grass, smell fresh plants and flowers, and run to a favorite tree.
- Recess provides opportunities for children to explore many types of active play regardless of the stereotypical expectations associated with gender.
- Recess offers many children an opportunity to demonstrate favorite cultural games, hand and rhythmical chants, and other enjoyable pastimes.

- The US Army acknowledges the need for a ten-minute break every hour during training sessions. This "at rest" session increases the likelihood of greater results when training over an extended period of time. Children should be treated with no less respect.
- Recess affords an avenue for the child's natural urge for vigorous physical play. Through active and even rough and tumble play, young children learn about their bodies' capabilities, and how to control themselves in their environment.
- Traditional recess activities like jump rope, kickball, and hopscotch encourage children to take turns, negotiate or modify rules, and interact cooperatively.

**Recess is not an alien word in our adult vocabulary, nor an abnormal physical and mental needs. For example . . .**

- Judges call a recess when courtroom participants become
- Breaks and lunch hours are corporate versions of recess.

- tired or unfocused.
- Congressional sessions recess for similar reasons.
- Labor unions mandate breaks to ensure safety.

- Fortune 500 and cutting ed. businesses provide exercise rooms for employees.

**Children need a school recess.**



**RETURN TO MAIN RECESS PAGE**

**Also Read . . .**

**See the : State Recess Advocates List**  
**We now have Recess Advocates in 25 States!**

**Become a Recess Advocate**  
 We are recruiting Volunteers to be Recess Advocates in each state.

**Promoting Recess**  
 Suggests ways you can get involved and promote recess at your child's school.

**The Case for Elementary Recess**  
 We are pleased to offer parents, teachers, and school administrators the following information that supports the need for elementary school recess.

**Recess Rhymes**  
 This is an adaptation of Recess in rhyming verse.

**Recess Links**  
 Read what other organizations and magazines are saying.

**Review and Order II**  
**Elementary School Recess**  
 games, and activities 1

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HB 1320  
24 Jan 03

**TESTIMONY ON HB 1320**  
**HOUSE EDUCATION COMMITTEE**  
**January 24, 2003**  
**by Anita K. Decker, Director**  
**School Approval and Accreditation**  
**328-1718**  
**Department of Public Instruction**

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Madame Chair 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 support of HB 1320 regarding recess time for elementary children in North Dakota's schools. We commend Representative Sandvig and the other sponsors of this bill for recognizing the needs for physical activity in our elementary school-age children. We firmly believe that students who receive adequate physical activity perform better academically.

Last week I visited with Representative Sandvig about this bill. We discussed some of its strengths as well as some potential concerns.

Schools currently report each year the time they devote to curriculum areas—such as physical education—and MAY report the time they provide for recess. The current administrative rules for school accreditation require 90 minutes per week of physical education in grades K through 6. The time for physical education is reduced to 80 minutes per week for grades 7 and 8. Primary grades (kindergarten through

grade 3) may count up to 30 minutes per week of supervised free play toward the time requirement for physical education.

Teachers from around North Dakota developed physical education content and achievement standards since 2000. These standards, which are scheduled to be reviewed and refined this summer, identify what students need to be able to do at appropriate grade levels. [I have given a copy of those standards to the chair for those of you who may want to review them. They are also available on the Department's website at <http://www.dpi.state.nd.us/standard/index.shtm>.] As a general rule, for areas that are not tested in the state assessment, a school is the sole judge of how well their students perform and can increase the emphasis and time for areas of underachievement.

Some concerns we have:

- Since we don't currently require reporting of recess, this bill would require programming changes to provide "flags" if a school didn't hold recess for 10 minutes in the morning and again for 10 minutes in the afternoon.
- We don't currently collect an elementary school schedule. This bill is specific in its requirement that recess be held in the middle of the morning and in the middle of the afternoon. This would be new information we would have to gather through our Management Information System each fall.



- In the case of inclement weather, there is no system for checking to see if the principal holds recess indoors nor is there a method of assessing whether recess includes the opportunity to engage in physical exercise during each recess. In many elementary schools, these would be standard practice.
- What is the penalty for an infraction of this law? Is there a method of monitoring? Since Administrative Rules for accreditation are established through a different statutorily prescribed process, would the Department be expected to give recess the same consideration for approval as licensed teachers, curriculum, fire safety, and school calendar?
- Currently local schools set their own daily schedule, determine their own lunch times, and see that students are provided library services without designating a specific amount of time. While recess is also a non-curricular area, it would be judged for compliance with this legislation in a totally different way from other non-curricular areas.

This is a difficult issue. If passed, students will benefit from a guaranteed, set time for recess with physical activity required. Also, if passed, it will require additional data collection and possible penalties for failure to comply. Perhaps it would be more appropriate for the Legislature to concurrently resolve its support for the practice of recess and let schools know thereby of its expectation that it be carried out.

Testimony  
House Bill 1320



Fighting Heart Disease and Stroke

House Education Committee  
Monday, January 24, 2005

June Herman  
Senior Advocacy Director, American Heart Association

Good morning, Madam Chairman 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 support of House Bill 1320.

This bill shows the foresight that we didn't have, back when PE was required every year in high school. We encourage the protection of planned physical activity in the school, as it is much easier to protect something while most have it, rather than to try to get back.

In our effort to try to rebuild PE in the schools, we approached the North Dakota School Board Association to see if we could develop a win-win solution, and the opportunity was declined, as any solution would be "a mandate". Further efforts were again attempted, as we heard of concerns over funding PE, only to be told that any appropriation we would get would be used for other purposes.

That is why we see this as a proactive step. By protecting daily physical activity, you are establishing a good healthy lifestyle, at no additional cost to implement.

The following is proposed for your consideration:

- 1) On line 8, change the time allotment to 15 minutes. The National Association for Sports and Physical Education (NASPE) Physical activity guidelines for pre-adolescent (ages 5- 12) notes that children should participate in **several bouts of physical activity lasting 15 minutes** or more each day. The 15 minutes allows for a heart rate to increase and work long enough for the student to receive a cardiovascular benefit.
- 2) On line 13, at the end of the line after the word "recess", add the wording "and not withheld as punishment."
- 3) I encourage consideration of a new section, in order to expand the same opportunity to grades 7 - 12 in the form of fitness breaks. In doing so, you continue the positive daily physical activity experience started in K - 6, and build positive behaviors and the fitness that could carry to the workforce environment.

In 2002, approximately 61.6 percent of the adult population in North Dakota was obese (23.4 percent) or overweight (38.2 percent). Nationwide, annual medical costs related to obesity in 2003 dollars were calculated at \$75 billion dollars. Medicare and Medicaid financed about one-half of those expenditures. In North Dakota, annual obesity related medical costs were estimated at \$209 million per year.

That is why we need to start building a culture and focus on physical activity into all venues. Schools are one part of the solution. I would encourage that further work through an interim study or an educational congress would include a full assessment of the physical education, health and school health policies as part of looking at what we can do better for our kids.

HB 1320  
24 Jan 05



January 24, 2005  
Testimony HB 1320

Chairman Kelsch and Members of the Education Committee:

As members of the Healthy North Dakota coalition of more than 150 agencies, organizations and businesses, we support efforts to ensure adequate physical activity for North Dakota's children, such as HB 1320, which guarantees our children recess during the school day. Increasing physical activity among youth and adults is a priority area for Healthy North Dakota, where the percentage of high school seniors who are overweight increased from 6 percent in 1999 to 10 percent in 2003.

As the parent of a first-grader attending public school in Bismarck, I appreciate that my daughter has the opportunity to play, socialize and be active three times per day at recess. I appreciate the opportunity to share with you comments of some elementary classroom teachers about recess:

- "Students learn better after a recess break. They eat better during lunch."
- "As adults we do not focus or work well after sitting for more than 1-2 hours without a break....same for children."
- "During recess, students learn skills that are necessary for functioning in a democratic society. Less discipline problems."
- "Unstructured play is an essential element of a child's social development. Recess is a very important part of a student's day."

The 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 providing recess times for elementary students. We also encourage schools to offer nutrition education annually and in conjunction with efforts to promote a healthy school environment.

Policies and practices in schools like recess help to create a supportive environment for North Dakota's children so that they can learn to make regular physical activity part of their everyday lives. In order to combat the current epidemic of obesity, it will take the efforts not only of schools, but also families and communities to make physical activity a priority. Please join in making North Dakota healthy by supporting efforts to create environments where all of us can make healthy choices, including in schools where recess is a very important part of the school day.

Karen K. Ehrens, LRD (Licensed, Registered Dietitian)  
Legislative Chair, North Dakota Dietetic Association and Partner in Healthy North Dakota

## Testimony

### House Bill 1320

#### House Education Committee

Monday, January 24, 2005; 8 a.m.

#### North Dakota Department of Health

Good morning, Chairman Kelsch and members of the House Education Committee. My name is Kim Senn, and I am director of Coordinated School Health for the North Dakota Department of Health. I am here today to testify in support of House Bill 1320.

Separate and distinct from physical education, recess is an essential component of the total educational experience for elementary school children. Studies show that children need a variety of movement experiences to develop healthy bodies and minds capable of learning.

Inactivity is a major risk factor for serious health problems, and patterns of inactivity often begin at an early age. As a result of parents working outside the home, neighborhood safety issues, and a lack of community support, a growing number of children have limited time to participate in unstructured play in their neighborhoods. They spend more time watching TV, playing computer games or engaging in other sedentary activities. The result of this inactivity, coupled with poor nutritional habits, is that more children are overweight and obese and show early signs of heart disease, diabetes and other serious health problems. The involvement of young children in daily physical activity during school hours therefore is critical for their current and future health.

Recess provides children with discretionary time and opportunities to engage in physical activity that help to develop healthy bodies and enjoyment of movement. It also allows elementary children to practice life skills such as conflict resolution, cooperation, respect for rules, taking turns, sharing, using language to communicate, and problem solving.

Recess also can facilitate improved attention in the classroom and can result in enhanced cognitive abilities. Studies have found that students who do not participate in recess have difficulty concentrating on specific tasks in the classroom, are restless and are easily distracted. In addition, recess serves as a developmentally appropriate strategy for reducing stress.

Various organizations including the National Association of Elementary School Principals, the National Association for the Education of Young Children, and the American Association for the Child's Right to Play support recess as an important component of a child's physical and social development.

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

January 24, 2005

Testimony of Dr. Charles DeRemer, Assistant Superintendent of Instructional Services for the Fargo Public Schools.

I am here to testify in opposition to Bill 1320. While the concept of offering recess to students so that they may socialize and have some physical activity may be good, the requirements outlined in this bill are too restrictive and may actually inhibit the vary activity it seeks to provide. Let me explain.

Bill 1320 requires schools to offer three things:

- Recess to all k-6 students
- Recess must be held twice each day – one in the morning and one in the afternoon.
- Recess must be held indoors in case of inclement weather.

I would like to comment on each of these three points. First, in our district nearly two thirds of our sixth grade students are in a middle school setting. To provide recess for over <sup>600</sup>1000 students would be a great challenge. At present, these students are given 3-5 minutes each hour to move from classroom to classroom and socialize with their peers. In addition, we currently require each of these students to take 200 minutes of physical education each two weeks.

Second, the requirement of offering two recess periods a day is problematic. We currently offer one 15-minute period per day as well as 100 minutes of physical education per week. The Bill as presented does not acknowledge that students may receive the opportunity for physical activity in alternate ways.

Finally, this bill requires schools to offer recess inside in case of inclement weather. This requirement is not possible in our schools. Since we offer 100 minutes of physical education to each student we do not have the facilities to comply with this requirement unless we eliminated physical education.

In summary, our district is opposed to this Bill as written.