

COMMENT: The language of this initiative is akin to a statute. It is beyond a policy statement, which is what an amendment to the Constitution should be. It is case of "ballot box budgeting", whereby an expenditure is being proposed for which there is no funding. An excerpt from the fiscal note prepared by the Fiscal Division of the Legislative Counsel Bureau can be found at the bottom of page 2.

Initiative Petition

State of Nevada

The People of the State of Nevada do enact as follows:

We are amending the Constitution of the State of Nevada by adding a new section concerning
Daily Physical Education Kindergarten through Twelfth Grade in all Public Schools

Physical Education Requirements:

A. Every pupil in a Kindergarten program through grade twelve, including pupils with disabling conditions and those in alternative education programs, shall participate in daily physical education for the entire school year. Pupils in elementary schools shall participate in physical education for at least one hundred fifty minutes during each school week, and students in middle schools and high schools shall participate for at least two hundred fifty minutes per week.

B. Schools shall establish specific learning goals and objectives for physical education. A sequential, developmentally appropriate curriculum shall be designed, implemented and evaluated to help pupils develop the knowledge, motor skills, self-management skills, attitudes and confidence needed to adopt and maintain physical activity throughout the pupils' lives. The physical activity program prescribed in this section shall:

1. Emphasize knowledge and skills for a lifetime of regular physical activity.
2. Be consistent with National Standards that are appropriate to the pupil's age, development and skills.
3. Devote at least fifty percent of class time to actual physical activity each week, with as much time as possible spent in moderate to vigorous physical activity.
4. Provide multiple and diverse physical activity choices.
5. Feature cooperative activities and competitive games.
6. Meet the needs of all pupils.
7. Take into account gender and cultural differences.
8. Teach self-management skills and movement skills.
9. Actively teach cooperation, fair play and responsible participation in physical activity.
10. Include ratios of teachers to pupils that are comparable to those in other curricular areas.
11. Promote participation in physical activity outside of school.
12. Be an enjoyable experience for pupils.

C. Suitably adapted physical education shall be included as part of Individual Education Programs or other written plans for pupils with chronic health programs or other disabling conditions or other special needs that preclude certain pupils from participation in regular physical education instruction or activities.

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D. All pupils shall be regularly assessed for attainment of physical education learning objectives. Health-related fitness testing shall be integrated into the curriculum as an instructional tool. The tests shall be appropriate to the developmental levels and physical abilities of pupils and shall be used to teach pupils how to assess their fitness levels, set goals for improvement and monitor progress in reaching fitness goals.

E. Exemptions from physical education courses shall not be permitted on the basis of participation on an athletic team; a community recreation program; participation in The Reserve Officer Training Corps; the marching band or other school or community activities. A pupil may be excused from physical education courses if a physician states in writing that physical activity will jeopardize the pupil's health and well-being or if a parent or guardian requests and exemption on religious grounds.

F. All physical education shall be provided by highly qualified and adequately prepared licensed physical education teachers. A physical education teacher is deemed highly qualified if they hold a current and valid physical education teaching license and have successfully passed a national certification examination such as PRAXIS II, and regularly participate in professional development activities to effectively deliver the physical education program.

DESCRIPTION OF EFFECT (Please Note: This is part of the initiative petition)

School-aged children and youth in grades in kindergarten through twelfth and attending public schools in the State of Nevada will be provided daily physical education by a highly qualified, licensed and credentialed physical education teacher. Elementary aged children will be provided a minimum of one-hundred-fifty minutes of physical education weekly. Middle school and high school students will be provided two-hundred-fifty minutes of physical education weekly. Teacher to student ratios will be comparable to those of other academic curricular areas. Exemptions from the physical education requirement will be provided for physician verified medical purposes and/or on religious grounds. Students will be required to attain learning objectives as delineated by National Standards from the National Association for Sport and Physical Education.

Excerpted from the Fiscal Note Prepared by LCB Fiscal Analysis Division

The note is based on 2009-2010 school year being the first school year the initiative would be effective if approved by the voters.

“The fiscal impact would depend on how the provisions of the Initiative are implemented. Utilizing the statewide average teacher-to-student ration, an estimated 2,470 additional PE teachers would be required at an estimated cost of \$120 million in the 2005-2006 school year. If the initiative was implemented without reducing instructional time devoted to core subject areas, additional instructional minutes would need to be added to the school day. Assuming instructional time devoted to core academic subjects would not be reduced, the Fiscal Analysis Division estimates that 30 additional minutes would need to be added to the elementary school day and one additional hour would need to be added each day for middle and high schools. The estimated cost for adding additional minutes to the school day is \$137.3 million in the 2005-06 school year. With these assumptions, the Fiscal Analysis Division estimates that the additional costs of this Initiative would approximate \$257.3 million for the 2005-06 school year.”

“NOTE: Additional costs for facilities, developing standards for highly qualified status, teacher time spent on developing and implementing a PE curriculum with corresponding assessments, updating IEPs for special education students, and other costs related to program implementation are not included in this estimate.”