

1 **AN ACT** *to amend* 121.02 (5); and *to create* 121.02 (4m) of the statutes; **relating to:**
 2 physical fitness assessments.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the Joint Legislative Council’s Special Committee on Performance–Based Disease Management for Large Populations.

The Department of Public Instruction (DPI) and the University of Wisconsin (UW) received a 3–year grant, which ends in 2010, to administer the FitnessGram physical fitness test in middle schools that volunteer to participate. The FitnessGram is a software program which is comprised of 4 tests: body mass index measurement, a quasi–situps abdominal strength test, a flexibility test, and the Progressive Aerobic Cardiovascular Endurance Run (PACER). For all elements of the FitnessGram, age and gender norms have been developed and individual scores are measured against these norms. The PACER is a 20–meter shuttle run (back and forth) which is conducted in a class–based setting in which 20–50 children can run at a time. The PACER is designed to measure aerobic capacity. The UW has found that the PACER test is a good measure of fitness and a good indicator of diabetes risk.

This draft directs public schools, charter schools, and private schools to ensure that the physical fitness of pupils in grades 3 through 12 is assessed annually and specifies that the assessment must include an evaluation of pupils’ aerobic capacity. These schools are not required to assess pupils who have a disability or other condition as specified by DPI administrative rule. The results must be kept confidential but schools are required to send results to DPI and provide an individual child’s results to their parent or guardian.

3 **SECTION 1.** 121.02 (4m) of the statutes is created to read:

4 121.02 (**4m**) (a) Except as provided in sub. (b), a school district, a charter school,
 5 including a charter school operated under s. 118.40 (2r), and a private school as defined in s.
 6 115.001 (3r), shall:

1 1. Ensure that the physical fitness of pupils enrolled in grades 3 to 12 is assessed
2 annually beginning in the 2010–11 school year. The assessment shall include an evaluation
3 of pupils’ aerobic capacity based upon criterion–referenced standards that are specific to a
4 pupil’s age and gender and based on the physical fitness level required for good health, using
5 an assessment instrument.

6 2. Compile the results of the physical fitness assessment and provide summary results
7 to the department. The summary results may not contain the names of individual pupils or
8 teachers.

9 3. Ensure that the results of an individual pupil’s performance are kept confidential,
10 except that parents or guardians shall be provided with the results of their child’s physical
11 fitness assessment.

12 (b) The requirement under sub. (a) 1. does not apply to a pupil for whom, as a result of
13 a disability or other condition specified by rule under sub. (5), the assessment is inappropriate.

14 **SECTION 2.** 121.02 (5) of the statutes is amended to read:

15 121.02 (5) The state superintendent shall promulgate rules to implement and administer
16 this section, including rules defining “regular instruction” for the purpose of sub. (1) (L) 1.
17 and 2., identifying the pupils who are not required to be assessed under sub. (4m) (a) 1., and
18 specifying the assessment instrument to be used in the annual assessment of pupil physical
19 fitness under sub. (4m) (a) 1.

NOTE: Directs public schools, charter schools, and private schools to ensure that the physical fitness of pupils enrolled in grades 3 to 12 is assessed annually beginning in the 2010–11 school year. Those schools are not required to assess pupils who have a disability or other condition specified by DPI administrative rule. The assessment must include an evaluation of pupils’ aerobic capacity based upon criterion–referenced standards that are specific to a pupil’s age and gender and based on the physical fitness level required for good health. The results must be kept

confidential, but must be provided to DPI and to a child's parent or guardian.

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(END)