

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

Senate Bill 804

BY SENATORS GRADY, DEEDS, AND TAYLOR

[Reported February 11, 2026, from the Committee on
Education]

1 A BILL to amend and reenact §18-2-7a of the Code of West Virginia, 1931, as amended, relating
2 to providing that students participating in good standing in an extracurricular sport are not
3 required to comply with the statutory middle school and high school physical education
4 requirements.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-7a. Legislative findings; required physical education; program in physical fitness.

1 (a) The Legislature hereby finds that obesity is a problem of epidemic proportions in this
2 state. There is increasing evidence that all segments of the population, beginning with children,
3 are becoming more sedentary, more overweight, and more likely to develop health risks and
4 diseases including Type II Diabetes, high blood cholesterol, and high blood pressure. The
5 Legislature further finds that the promotion of physical activity during the school day for school
6 children is a crucial step in combating this growing epidemic and in changing the attitudes and
7 behavior of the residents of this state toward health promoting physical activity.

8 (b) As a result of these findings, the State Department of Education shall establish the
9 requirement that each child enrolled in the public schools of this state actively participates in
10 physical education classes during the school year to the level of his or her ability as follows:

11 (1) *Elementary school grades.* — Not less than ~~thirty~~ 30 minutes of physical education,
12 including physical exercise and age-appropriate physical activities, for not less than three days a
13 week.

14 (2) *Middle school grades.* — ~~Not~~ Subject to subdivision (4) of this subsection, not less than
15 one full period of physical education, including physical exercise and age-appropriate physical
16 activities, each school day of one semester of the school year.

17 (3) *High school grades.* — ~~Not~~ Subject to subdivision (4) of this subsection, not less than
18 one full course credit of physical education, including physical exercise and age-appropriate

19 physical activities, which shall be required for graduation and the opportunity to enroll in an
20 elective lifetime physical education course.

21 (4) At the end of each season for every extracurricular sport, the coach of the sport shall
22 provide the principal with a full list of students participating in good standing, as determined by
23 the coach, in the extracurricular sport he or she is coaching. The physical education requirements
24 of subdivision (2) of this subsection do not apply to any student in any year the student is included
25 on a list required by this subdivision. The physical education requirements of subdivision (3) of
26 this subsection do not apply to any student if the student is included on a list required by this
27 subdivision during any of grades nine through 12.

28 (c) Enrollment in physical education classes and activities required by the provisions of
29 this section shall not exceed, and shall be consistent with, state guidelines for enrollment in all
30 other subjects and classes: *Provided*, That schools which do not currently have the number of
31 certified physical education teachers, do not currently have the required physical setting or would
32 have to significantly alter academic offerings to meet the physical education requirements may
33 develop alternate programs that will enable current staff, physical settings, and offerings to be
34 used to meet the physical education requirements established herein. These alternate programs
35 shall be submitted to the State Department of Education and the Healthy Lifestyle Council for
36 approval. Those schools needing to develop alternate programs shall not be required to
37 implement this program until the school year commencing ~~two thousand six~~ 2006.

38 (d) The state board shall prescribe a program within the existing health and physical
39 education program which incorporates fitness testing, reporting, recognition, fitness events, and
40 incentive programs which requires the participation in grades four through eight and the required
41 high school course. The program shall be selected from nationally accepted fitness testing
42 programs designed for school-aged children that test cardiovascular fitness, muscular strength
43 and endurance, flexibility, and body composition: *Provided*, That nothing in this subsection shall
44 be construed to prohibit the use of programs designed under the auspices of the President's

45 Council on Physical Fitness and Sports. The program shall include modified tests for exceptional
46 students. Each school in the state shall participate in National Physical Fitness and Sports Month
47 in May of each year and shall make every effort to involve the community it serves in the related
48 events.

49 (e) The state board shall promulgate a rule in accordance with the provisions of ~~article~~
50 ~~three b, chapter twenty-nine a of this code~~ §29A-3B-1 et seq. that includes at least the following
51 provisions to provide for the collection, reporting, and use of body mass index data in the public
52 schools:

53 (1) The data shall be collected using the appropriate methodology for assessing the body
54 mass index from student height and weight data;

55 (2) The data shall be collected on a scientifically drawn sample of students;

56 (3) The data shall be collected and reported in a manner that protects student
57 confidentiality;

58 (4) The data shall be reported to the State Department of Education; and

59 (5) All body mass index data shall be reported in aggregate to the Governor, the State
60 Board of Education, the Healthy Lifestyles Coalition, and the Legislative Oversight Commission
61 on Health and Human Resources Accountability for use as an indicator of progress toward
62 promoting healthy lifestyles among school-aged children.