

**AMENDMENT TO THE RULES COMMITTEE PRINT  
OF H.R. 5  
OFFERED BY MR. KIND OF WISCONSIN**

Page 74, beginning on line 1, amend paragraph (4)  
to read as follows:

- 1           (4) in subsection (d)(1)—
- 2                   (A) by striking “student academic achieve-
- 3                   ment” and inserting “academic”;
- 4                   (B) by inserting “, healthy,” after “sup-
- 5                   portive”;
- 6                   (C) by striking “; and participating” and
- 7                   inserting “; participating”; and
- 8                   (D) by inserting after “extracurricular
- 9                   time” the following: “; and supporting their
- 10                  children in leading a healthy and active life,
- 11                  such as by providing healthy meals and snacks,
- 12                  encouraging participation in physical education,
- 13                  and sharing in physical activity outside the
- 14                  school day to support successful academic
- 15                  achievement”.

Page 372, after line 15, insert the following new  
part:

1           **“PART C—HEALTHY STUDENTS GRANTS**

2   **“SEC. 3301. DEFINITIONS.**

3           “In this part:

4                   “(1) PHYSICAL EDUCATION INDICATORS MEAS-  
5           UREMENT SYSTEM.—

6                           “(A) IN GENERAL.—The term ‘physical  
7           education indicators measurement system’  
8           means a State reporting and information sys-  
9           tem that measures student physical health and  
10          well-being, nutrition, and fitness based on the  
11          physical education indicators and is, to the ex-  
12          tent possible, part of the State’s statewide lon-  
13          gitudinal data system and part of the State’s  
14          system for reporting the data required under  
15          section 1111.

16                          “(B) DESCRIPTION OF SYSTEM.—Such  
17          system shall—

18                                  “(i) contain, at a minimum, data from  
19          valid and reliable surveys of students and  
20          staff on the physical education indicators  
21          that allow staff at the State, local edu-  
22          cational agencies, and schools to examine  
23          and improve school-level conditions regard-  
24          ing physical activity, education, and fitness  
25          and nutrition;

1           “(ii) collect school-level data on the  
2           physical education indicators, in the aggregate and disaggregated by the categories of  
3           race, ethnicity, gender, disability status,  
4           migrant status, English proficiency, and  
5           status as economically disadvantaged, and  
6           cross-tabulated across all of such categories by gender and by disability;

7           “(iii) protect student privacy, consistent with applicable data privacy laws  
8           and regulations, including section 444 of  
9           the General Education Provisions Act (20  
10          U.S.C. 1232g, commonly known as the  
11          ‘Family Educational Rights and Privacy  
12          Act of 1974’); and

13          “(iv) to the extent possible, utilize a  
14          web-based reporting system.

15          “(2) ELIGIBLE LOCAL APPLICANT.—The term  
16          ‘eligible local applicant’ means a local educational  
17          agency, a consortium of local educational agencies,  
18          or a nonprofit organization that has a track record  
19          of success in implementing the proposed activities  
20          and has signed a memorandum of understanding  
21          with a local educational agency or consortium of  
22          local educational agencies to—  
23  
24  
25

1           “(A) implement school-based activities; and

2           “(B) conduct school-level measurement of  
3 the physical education indicators that are con-  
4 sistent with this part.

5           “(3) PHYSICAL EDUCATION INDICATORS.—The  
6 term ‘physical education indicators’ means a set of  
7 measures for instruction on physical activity, health-  
8 related fitness, physical competence, and cognitive  
9 understanding about physical activity. Such indica-  
10 tors shall include—

11           “(A) for the State, for each local edu-  
12 cational agency in the State, and for each  
13 school in the State, the average number of min-  
14 utes per week (averaged over the school year)  
15 that all students spend in required physical  
16 education, and the average number of minutes  
17 per week (averaged over the school year) that  
18 all students engage in moderate to vigorous  
19 physical activity, as measured against estab-  
20 lished recommended guidelines of the Centers  
21 for Disease Control and Prevention and the De-  
22 partment of Health and Human Services;

23           “(B) for the State, the percentage of local  
24 educational agencies that have a required, age-  
25 appropriate physical education curriculum that

1 adheres to Centers for Disease Control and  
2 Prevention guidelines and State standards;

3 “(C) for the State, for each local edu-  
4 cational agency in the State, and for each  
5 school in the State, the percentage of elemen-  
6 tary school and secondary school physical edu-  
7 cation teachers who are licensed or certified by  
8 the State to teach physical education;

9 “(D) for the State, and for each local edu-  
10 cational agency in the State, the percentage of  
11 schools that have a physical education teacher  
12 who is certified or licensed in the State to teach  
13 physical education and adapted physical edu-  
14 cation;

15 “(E) for each school in the State, the num-  
16 ber of indoor square feet and the number of  
17 outdoor square feet used primarily for physical  
18 education; and

19 “(F) for the State, the percentage of local  
20 educational agencies that have a school wellness  
21 council that—

22 “(i) includes members appointed by  
23 the local educational agency super-  
24 intendent;

1           “(ii) may include parents, students,  
2           representatives of the school food author-  
3           ity, representatives of the school board,  
4           school administrators, school nurses, and  
5           members of the public; and

6           “(iii) meets regularly to promote a  
7           healthy school environment.

8           “(4) PROGRAM TO PROMOTE PHYSICAL ACTIV-  
9           ITY, EDUCATION, AND FITNESS AND NUTRITION.—  
10          The term ‘program to promote physical activity,  
11          education, and fitness and nutrition’ means a pro-  
12          gram that—

13               “(A) increases and enables active student  
14               participation in physical well-being activities  
15               and provides teacher and school leader profes-  
16               sional development to encourage and increase  
17               such participation;

18               “(B) is comprehensive in nature;

19               “(C) includes opportunities for professional  
20               development for teachers of physical education  
21               to stay abreast of the latest research, issues,  
22               and trends in the field of physical education;  
23               and

24               “(D) includes 1 or more of the following  
25               activities:

1                   “(i) Fitness education and assessment  
2                   to help students understand, improve, or  
3                   maintain their physical well-being.

4                   “(ii) Instruction in a variety of motor  
5                   skills and physical activities designed to  
6                   enhance the physical, mental, social, and  
7                   emotional development of every student.

8                   “(iii) Development of, and instruction  
9                   in, cognitive concepts about motor skill and  
10                  physical fitness that support a lifelong  
11                  healthy lifestyle.

12                  “(iv) Opportunities to develop positive  
13                  social and cooperative skills through phys-  
14                  ical activity.

15                  “(v) Instruction in healthy eating hab-  
16                  its and good nutrition.

17 **“SEC. 3302. DISTRIBUTION OF FUNDS.**

18                  “From amounts made available to carry out this part,  
19 the Secretary shall use—

20                  “(1) in each year for which funding is made  
21                  available to carry out this part, not more than 2 per-  
22                  cent of such amounts for technical assistance and  
23                  evaluation;

24                  “(2) for the first 3 fiscal years for which fund-  
25                  ing is made available to carry out this part—

1 “(A) except as provided in subparagraph

2 (B)—

3 “(i) not more than 30 percent of such  
4 amounts or \$30,000,000, whichever  
5 amount is more, for State measurement  
6 system grants, distributed to every State  
7 (by an application process consistent with  
8 section 3303(c)) in an amount proportional  
9 to each State’s share of funding under part  
10 A of title I of the Elementary and Sec-  
11 ondary Education Act of 1965 (20 U.S.C.  
12 6311 et seq.), to be used—

13 “(I) to develop the State’s phys-  
14 ical education indicators measurement  
15 system;

16 “(II) to conduct a needs analysis  
17 to meet the requirements of section  
18 3303(c)(2)(C); and

19 “(III) if grant funds remain after  
20 carrying out subclauses (I) and (II),  
21 for activities described in section  
22 3303(f); and

23 “(ii) not more than 68 percent of such  
24 amounts for grants under section 3303;  
25 and

1           “(B) for any fiscal year for which the  
2           amount remaining available after funds are re-  
3           served under paragraph (1) is less than  
4           \$30,000,000, all of such remainder for the  
5           State measurement system grants described in  
6           subparagraph (A)(i); and

7           “(3) for the fourth fiscal year and each subse-  
8           quent fiscal year for which funding is made available  
9           to carry out this part, not less than 98 percent of  
10          such amounts for grants under section 3303.

11 **“SEC. 3303 HEALTHY STUDENTS GRANTS.**

12          “(a) GRANT PROGRAM AUTHORIZED.—

13           “(1) IN GENERAL.—From amounts made avail-  
14          able under paragraph (2)(A)(ii) or (3) of section  
15          3302 for a fiscal year, the Secretary shall award  
16          grants to States to implement comprehensive pro-  
17          grams to promote physical activity, education, and  
18          fitness and nutrition and that are based on—

19                  “(A) scientifically valid research; and

20                  “(B) an analysis of need that considers, at  
21          a minimum, the physical education indicators.

22          “(2) AWARDS TO STATES.—

23           “(A) FORMULA GRANTS.—For any fiscal  
24          year for which the total amount available under  
25          (2)(A)(ii) or (3) of section 3302 for grants

1 under this section is \$250,000,000 or more, the  
2 Secretary shall allot to each State with an ap-  
3 proved application an amount that bears the  
4 same relationship to such total amount as the  
5 amount received under subpart 1 of part A of  
6 title I by such State for such fiscal year bears  
7 to the amount received under such part for  
8 such fiscal year by all States.

9 “(B) COMPETITIVE GRANTS.—

10 “(i) IN GENERAL.—For any fiscal  
11 year for which the total amount available  
12 under paragraph (2)(A)(ii) or (3) of sec-  
13 tion 3302 for grants under this section is  
14 less than \$250,000,000, the Secretary  
15 shall award such grants to States on a  
16 competitive basis.

17 “(ii) SUFFICIENT SIZE AND SCOPE.—  
18 In awarding grants on a competitive basis  
19 pursuant to clause (i), the Secretary shall  
20 ensure that grant awards are of sufficient  
21 size and scope to carry out required and  
22 approved activities under this section.

23 “(b) ELIGIBILITY.—To be eligible to receive a grant  
24 under this section, a State shall demonstrate that the  
25 State has established a statewide physical education re-

1 quirement that is consistent with widely recognized stand-  
2 ards.

3 “(c) APPLICATIONS.—

4 “(1) IN GENERAL.—A State that desires to re-  
5 ceive a grant under this section shall submit an ap-  
6 plication at such time, in such manner, and con-  
7 taining such information as the Secretary may re-  
8 quire.

9 “(2) CONTENT OF APPLICATION.—At a min-  
10 imum, the application shall include—

11 “(A) documentation of the State’s eligi-  
12 bility to receive a grant under this section, as  
13 described in subsection (b);

14 “(B) a plan for improving physical activity,  
15 education, and fitness and nutrition in schools  
16 in the State in a manner consistent with the re-  
17 quirements of the program that may be a part  
18 of a broader statewide child and youth plan, if  
19 such a plan exists and is consistent with the re-  
20 quirements of this part;

21 “(C) a needs analysis of the schools in the  
22 State regarding physical activity, education, and  
23 fitness and nutrition, which—

1 “(i) shall include a description of, and  
2 data measuring, the State’s performance  
3 on the physical education indicators; and

4 “(ii) may be a part of a broader state-  
5 wide child and youth needs analysis, if  
6 such an analysis exists and is consistent  
7 with the requirements of this part;

8 “(D) a description of how the programs to  
9 promote physical activity, education, and fitness  
10 and nutrition that the State proposes to imple-  
11 ment with grant funds are responsive to the re-  
12 sults of the needs analysis described in subpara-  
13 graph (C); and

14 “(E) a description of how the State will—

15 “(i) develop, adapt, improve, or adopt,  
16 and implement, the State’s physical edu-  
17 cation indicators measurement system, and  
18 how the State will ensure that all local  
19 educational agencies and schools in the  
20 State participate in such system;

21 “(ii) ensure the quality of the State’s  
22 data collection for the physical education  
23 indicators, including the State’s plan for  
24 survey administration and for ensuring the

1 reliability and validity of survey instru-  
2 ments;

3 “(iii) coordinate the proposed activi-  
4 ties with other Federal and State pro-  
5 grams, which may include programs to ex-  
6 pand learning time and for before- and  
7 after-school programming in order to pro-  
8 vide sufficient time to carry out the activi-  
9 ties described in this part;

10 “(iv) assist local educational agencies  
11 in aligning activities carried out with funds  
12 the agencies receive under the grant with  
13 other funding sources in order to support  
14 a coherent and non-duplicative program;

15 “(v) solicit and approve subgrant ap-  
16 plications, including how the State will—

17 “(I) allocate funds for statewide  
18 activities and subgrants for each year  
19 of the grant; and

20 “(II) consider the results of the  
21 needs analysis described in subpara-  
22 graph (C) in the State’s distribution  
23 of subgrants;

1           “(vi) address the needs of diverse geo-  
2           graphic areas in the State, including rural  
3           and urban communities; and

4           “(vii) assist local educational agencies  
5           and schools in their efforts to increase the  
6           provision of physical activity and physical  
7           education opportunities during the school  
8           day and implement programs to promote  
9           physical activity, education, and fitness,  
10          and nutrition.

11          “(3) PEER-REVIEW PROCESS.—The Secretary  
12          shall establish a peer-review process that includes in-  
13          dividuals with applicable expertise in physical activ-  
14          ity, education, or fitness or nutrition to review appli-  
15          cations submitted under this subsection.

16          “(d) DURATION.—

17                 “(1) IN GENERAL.—A State that receives a  
18                 grant under this section may receive funding for not  
19                 more than 5 years in accordance with this sub-  
20                 section.

21                 “(2) INITIAL PERIOD.—The Secretary shall  
22                 award grants under this section for an initial period  
23                 of not more than 3 years.

24                 “(3) GRANT EXTENSION.—The Secretary may  
25                 extend a grant awarded to a State under this section

1 for not more than an additional 2 years if the State  
2 shows sufficient improvement, as determined by the  
3 Secretary, against baseline data for the performance  
4 metrics established under subsection (h)(1).

5 “(e) RESERVATION AND USE OF FUNDS.—A State  
6 that receives a grant under this section shall—

7 “(1) reserve not more than 10 percent of the  
8 grant funds for administration of the program, tech-  
9 nical assistance, and the development, adaptation,  
10 improvement, or adoption, and implementation of  
11 the State’s physical education indicators measure-  
12 ment system, as described in paragraphs (1) through  
13 (5) of subsection (f); and

14 “(2) use the remainder of grant funds after  
15 making the reservation under paragraph (1) to  
16 award subgrants, on a competitive basis, to eligible  
17 local applicants.

18 “(f) REQUIRED STATE ACTIVITIES.—A State that re-  
19 ceives a grant under this section shall—

20 “(1) not later than 1 year after receipt of the  
21 grant, develop, adapt, improve, or adopt and imple-  
22 ment a physical education indicators measurement  
23 system (unless the State can demonstrate, to the  
24 satisfaction of the Secretary, that an appropriate  
25 system has already been implemented) that annually

1       measures the State’s progress regarding physical ac-  
2       tivity, education, and fitness and nutrition for every  
3       public school in the State;

4           “(2) collect information in each year of the  
5       grant on physical activity, education, and fitness and  
6       nutrition at the school level through comprehensive  
7       needs assessments of student, school staff, and fam-  
8       ily perceptions, experiences, and behaviors;

9           “(3) publicly report, at the school level and dis-  
10       trict level, the data collected in the physical edu-  
11       cation indicators measurement system each year in  
12       a timely and highly accessible manner and in a man-  
13       ner that does not reveal personally identifiable infor-  
14       mation;

15           “(4) use, on a continuous basis, the results of  
16       the physical education indicators measurement sys-  
17       tem to—

18           “(A) identify and address student physical  
19       activity, education, and fitness needs statewide;

20           “(B) help subgrantees identify and address  
21       school and student needs; and

22           “(C) provide individualized assistance to  
23       the lowest-performing schools (consistent with  
24       section 1116, as in effect on the day before the  
25       date of enactment of the Student Success Act)

1 and schools with significant weaknesses with re-  
2 spect to physical activity, education, and fitness  
3 and nutrition as identified through the physical  
4 education indicators measurement system with  
5 implementation of activities under this part;

6 “(5) encourage local educational agencies to—

7 “(A) integrate physical activity, education,  
8 and fitness into a range of subjects throughout  
9 the school day and locations within schools;

10 “(B) encourage consultation with a variety  
11 of stakeholders, including families, students,  
12 school officials, and other organizations with  
13 wellness and physical activity, education, and  
14 fitness expertise; and

15 “(C) regularly monitor schools’ efforts in  
16 improving wellness and physical activity, edu-  
17 cation, and fitness understanding and habits  
18 among students; and

19 “(6) award subgrants under subsection (g) to  
20 eligible local applicants.

21 “(g) SUBGRANTS.—

22 “(1) IN GENERAL.—

23 “(A) AWARDING OF SUBGRANTS.—A State  
24 that receives a grant under this section shall

1 award subgrants, on a competitive basis, to eli-  
2 gible local applicants—

3 “(i) based on need, as identified by—

4 “(I) data from the State physical  
5 education indicators measurement sys-  
6 tem and, if available, similar local sys-  
7 tems; or

8 “(II) in the case of a State for  
9 which the State physical education in-  
10 dicators measurement system required  
11 under subsection (f)(1) is not yet im-  
12 plemented, other data determined ap-  
13 propriate by the State;

14 “(ii) that are of sufficient size and  
15 scope to enable the eligible local applicants  
16 to carry out approved activities; and

17 “(iii) to implement programs to pro-  
18 mote physical activity, education, and fit-  
19 ness and nutrition that—

20 “(I) are comprehensive in nature;  
21 and

22 “(II) are based on scientifically  
23 valid research.

24 “(B) ASSISTANCE.—A State that receives  
25 a grant under this section shall provide assist-

1           ance to subgrant applicants and recipients in  
2           the selection of scientifically valid programs to  
3           promote physical activity, education, and fitness  
4           and nutrition.

5           “(C) PARTNERSHIPS ALLOWED.—An eligi-  
6           ble local applicant may apply for a subgrant  
7           under this subsection in partnership with 1 or  
8           more community-based organizations.

9           “(2) APPLICATIONS.—An eligible local applicant  
10          that desires to receive a subgrant under this sub-  
11          section shall submit to the State an application at  
12          such time, in such manner, and containing such in-  
13          formation as the State may require.

14          “(3) PRIORITY.—In awarding subgrants under  
15          this subsection, a State shall give priority to applica-  
16          tions that—

17                 “(A) demonstrate the greatest need ac-  
18                 cording to the results of the State’s needs anal-  
19                 ysis described in subsection (e)(2)(C); and

20                 “(B) propose to serve schools with the  
21                 highest concentrations of poverty, based on the  
22                 percentage of students receiving or eligible to  
23                 receive a free or reduced price lunch under the  
24                 Richard B. Russell National School Lunch Act  
25                 (42 U.S.C. 1751 et seq.).

1           “(4) ACTIVITIES OF SUBGRANT RECIPIENTS.—

2           Each eligible local applicant receiving a subgrant  
3           under this subsection shall, for the duration of the  
4           subgrant—

5                   “(A) carry out, as part of a program to  
6                   promote physical activity, education, and fitness  
7                   and nutrition, activities—

8                           “(i) the need for which has been iden-  
9                           tified, at a minimum—

10                                   “(I) through the physical edu-  
11                                   cation indicators measurement sys-  
12                                   tem; or

13   “(II) in the case of a State that  
14   has not yet implemented the physical  
15   education indicators measurement sys-  
16   tem as required under subsection  
17   (f)(1), the State’s needs analysis de-  
18   scribed in subsection (c)(2)(C); and

19   “(ii) that are part of a comprehensive  
20   strategy or framework to address such  
21   need;

22   “(B) ensure that each activity selected as  
23   part of such program be based on scientifically  
24   valid research and be used for the purpose for  
25   which such activity was found to be effective;

1           “(C) use school-level data from the state-  
2 wide physical education indicators, and use the  
3 statewide physical education indicators meas-  
4 urement system when implemented by the State  
5 as required under subsection (f)(1), to inform  
6 the implementation and continuous improve-  
7 ment of activities carried out under this part;

8           “(D) collect and report to the State edu-  
9 cational agency, data for schools served by the  
10 eligible local applicant, in a manner determined  
11 by the State and consistent with the State’s  
12 physical education indicators measurement sys-  
13 tem, when established;

14           “(E)(i) establish policies to expand access  
15 to quality physical activity opportunities (in-  
16 cluding school wellness policies); and

17           “(ii) if the local educational agency to be  
18 served through the grant does not have an ac-  
19 tive school wellness council consistent with the  
20 requirements of the Child Nutrition Act of  
21 1966 (42 U.S.C. 1771 et seq.), establish such  
22 a school wellness council, which may be part of  
23 an existing school council that has the capacity  
24 and willingness to address school wellness;

1           “(F) engage family members and commu-  
2           nity-based organizations in the development of  
3           physical education indicators surveys, and in  
4           the planning, implementation, and review of the  
5           eligible local applicant’s efforts under this part;  
6           and

7           “(G) consider and accommodate the unique  
8           needs of students with disabilities and English  
9           language learners in implementing activities.

10          “(h) ACCOUNTABILITY.—

11           “(1) ESTABLISHMENT OF PERFORMANCE  
12          METRICS.—The Secretary, acting through the Direc-  
13          tor of the Institute of Education Sciences, shall es-  
14          tablish program performance metrics to measure the  
15          effectiveness of the activities carried out under this  
16          part.

17           “(2) ANNUAL REPORT.—Each State that re-  
18          ceives a grant under this part shall prepare and sub-  
19          mit to the Secretary an annual report that includes  
20          information relevant to the physical education indi-  
21          cators, including progress towards meeting outcomes  
22          for the metrics established under paragraph (1).

23          **“SEC. 3304. FUNDS RESERVED FOR SECRETARY.**

24           “From the amount reserved under section 3302(1),  
25          the Secretary shall—

1           “(1) direct the Institute of Education Sciences  
2           to conduct an evaluation of the impact of the prac-  
3           tices funded or disseminated under this part; and

4           “(2) provide technical assistance to applicants  
5           for and recipients of, grants and subgrants under  
6           this part.”.

Add at the end the following new title:

7   **TITLE    VIII—AMENDMENTS    TO**  
8           **THE REHABILITATION ACT OF**  
9           **1973**

10 **SEC. 801. EQUAL PHYSICAL ACTIVITY OPPORTUNITIES FOR**  
11           **STUDENTS WITH DISABILITIES.**

12           (a) IN GENERAL.—Title V of the Rehabilitation Act  
13 of 1973 (29 U.S.C. 791 et seq.) is amended by adding  
14 at the end the following:

15 **“SEC. 511. EQUAL PHYSICAL ACTIVITY OPPORTUNITIES**  
16           **FOR STUDENTS WITH DISABILITIES.**

17           “(a) IN GENERAL.—The Secretary shall promote  
18 equal opportunities for students with disabilities to be in-  
19 cluded and to participate in physical education and extra-  
20 curricular athletics implemented in, or in conjunction  
21 with, elementary schools, secondary schools, and institu-  
22 tions of higher education, by ensuring the provision of ap-  
23 propriate technical assistance and guidance for schools

1 and institutions described in this subsection and their per-  
2 sonnel.

3 “(b) TECHNICAL ASSISTANCE AND GUIDANCE.—The  
4 provision of technical assistance and guidance described  
5 in subsection (a) shall include—

6 “(1) providing technical assistance to elemen-  
7 tary schools, secondary schools, local educational  
8 agencies, State educational agencies, and institutions  
9 of higher education, regarding—

10 “(A) inclusion and participation of stu-  
11 dents with disabilities, in a manner equal to  
12 that of the other students, in physical education  
13 opportunities (including classes) and extra-  
14 curricular athletics opportunities, including  
15 technical assistance on—

16 “(i) providing reasonable modifica-  
17 tions to policies, practices, and procedures;  
18 and

19 “(ii) providing supports to ensure  
20 such inclusion and participation;

21 “(B) provision of adaptive sports pro-  
22 grams, in the physical education and extra-  
23 curricular athletics opportunities, including pro-  
24 grams with competitive sports leagues or com-  
25 petitions, for students with disabilities; and

1           “(C) responsibilities of the schools, institu-  
2           tions, and agencies involved under section 504,  
3           the Americans with Disabilities Act of 1990 (42  
4           U.S.C. 12101 et seq.), and any other applicable  
5           Federal law to provide students with disabilities  
6           equal access to extracurricular athletics;

7           “(2) facilitating information sharing among the  
8           schools, institutions, and agencies, and students with  
9           disabilities, on ways to provide inclusive opportuni-  
10          ties in physical education and extracurricular ath-  
11          letics for students with disabilities; and

12          “(3) monitoring the extent to which physical  
13          education and extracurricular athletics opportunities  
14          for students with disabilities are implemented in, or  
15          in conjunction with, elementary schools, secondary  
16          schools, and institutions of higher education.

17          “(c) DEFINITIONS.—In this section:

18           “(1) AGENCIES.—The terms ‘local educational  
19           agency’ and ‘State educational agency’ have the  
20           meanings given the terms in section 5101 of the Ele-  
21           mentary and Secondary Education Act of 1965.

22           “(2) SCHOOLS AND INSTITUTIONS.—The terms  
23           ‘elementary school’, ‘secondary school’, and ‘institu-  
24           tion of higher education’ mean an elementary school,  
25           secondary school, or institution of higher education,

1       respectively (as defined in section 5101 of the Ele-  
2       mentary and Secondary Education Act of 1965),  
3       that receives, or has 1 or more students that receive,  
4       Federal financial assistance.

5               “(3) STUDENT WITH A DISABILITY.—

6                       “(A) IN GENERAL.—The term ‘student  
7                       with a disability’ means an individual who—

8                               “(i) attends an elementary school, sec-  
9                               ondary school, or institution of higher edu-  
10                              cation; and

11                             “(ii) who—

12                               “(I) is eligible for, and receiving,  
13                               special education or related services  
14                               under part B of the Individuals with  
15                               Disabilities Education Act (20 U.S.C.  
16                               1411 et seq.); or

17                             “(II) is an individual with a dis-  
18                             ability, for purposes of section 504 or  
19                             the Americans with Disabilities Act of  
20                             1990.

21                       “(B) STUDENTS WITH DISABILITIES.—The  
22                       term ‘students with disabilities’ means more  
23                       than 1 student with a disability.”.

24       (b) TABLE OF CONTENTS.—The table of contents in  
25       section 1(b) of the Rehabilitation Act of 1973 is amended

- 1 by inserting after the item relating to section 509 the fol-
- 2 lowing:

“Sec. 510. Establishment of standards for accessible medical diagnostic equipment.

“Sec. 511. Equal physical activity opportunities for students with disabilities.”.

