

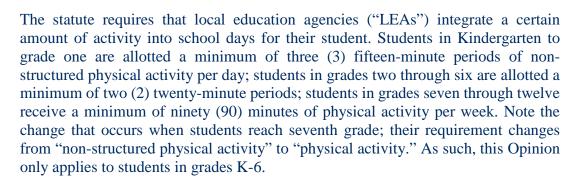
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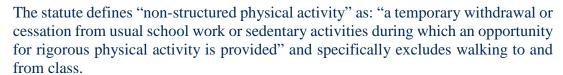
Henry, McCord, Bean, Miller, Gabriel & LaBar, P.L.L.C.

Non-Structured Physical Activity For Students

October 4, 2016

August 30, 2016, the Office of the Attorney General issued an Opinion regarding the scope of "non-structured physical activity" as required under T.C.A. § 49-6-1021 (adopted in 2005).







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In the Attorney General's Opinion, the definition of "non-structured physical activity" was further defined to exclude "classroom activity breaks" that were previously held out by the Tennessee Department of Education as acceptable activities to meet the statutory requirement. "Classroom activity breaks" included games such as: Go Noodle, Fit Wizard, Take 10!, Energizing Brain Breaks, Chair Yoga, Fuel up to Play 60 Classroom Activity Breaks, Move to Lear, Take a Brea!, Active Academics, bike desks, etc. It is the opinion of the Attorney General that these activities, while not without their merits, do not meet the specific "non-structured" requirement.

"Non-structured" means that there is an "absence of a definite pattern of organization" and incorporate distinct pedagogical concepts that advance a specific objective. In addition to physical activity objective of combatting obesity, there is also an objective for students to communicate with each other and build their skills in negotiations, problem solving, and social skills.



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The "classroom activity breaks" suggested by the Tennessee Department of Education do not accomplish both objectives and therefore falls short of the statutory requirements for "non-structured physical activity." Instead, the students should be afforded the opportunity to engage in physical activities that do not follow a definite pattern of organization so as to both combat obesity by physical activity as well as increase communication and social skills through their interactions with fellow students.

Janice Bowling, Tenn. Op. Atty. Gen. No. 16-34 (Aug. 30, 2016).

Clifton N. Miller and Erica R. Marino is available to consult with school system and other governmental entities regarding these and related matters.

This publication is a service to our clients and friends. It is designed to give only general information on the topic actually covered and is not intended to be a comprehensive summary of recent developments in the law, to treat exhaustively the subjects covered, to provide legal advice, or to render a legal opinion.

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