

CHAPTER 623

(House Bill 1264)

AN ACT concerning

Gwendolyn Britt Student Health and Fitness Act

FOR the purpose of ~~requiring certain~~ authorizing local school systems to develop and implement certain ~~physical fitness measurement programs~~ Wellness Policy Implementation and Monitoring Plans to be used for certain purposes; requiring the State Department of Education to take certain steps to support certain ~~fitness measurement programs~~ Wellness Policy Implementation and Monitoring Plans; requiring ~~each~~ certain local school ~~system~~ systems to submit certain plans and certain reports to the Department; requiring the Department to establish a certain Advisory Council; providing for the membership, election of officers, and staff of the Advisory Council; prohibiting certain members of the Advisory Council from receiving certain compensation; authorizing certain members of the Advisory Council to receive certain reimbursement; requiring the Advisory Council to meet certain times per year; requiring the Advisory Council to develop and coordinate certain educational programs for students; authorizing the Advisory Council to seek, accept, and expend certain funds and to seek, accept, and use certain services; and generally relating to the development and implementation of ~~physical fitness measurement programs~~ Wellness Policy Implementation and Monitoring Plans.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–409
Annotated Code of Maryland
(2008 Replacement Volume)

Preamble

WHEREAS, Maryland was recently rated number 1 by Education Week in Quality Counts, and the physical education programs of Maryland should also be first in the nation; and

WHEREAS, Schools play an important role in partnership with parents, health professionals, and the community in addressing the issues that support the health and wellness of Maryland's public school students; and

WHEREAS, Inadequate participation in physical activity is a significant contributor to the “epidemic of obesity” that has plagued the nation's young people during the past 2 decades; and

WHEREAS, Physical education and nutrition education are key components in providing students with the skills and knowledge to develop a healthy lifestyle in youth which promote healthier lifestyles in adulthood; and

WHEREAS, Physical activity offers young people many health benefits, including improving aerobic capacity, muscular strength, and endurance, helping to control weight, building lean muscle and reducing fat, and helping to build greater bone mass to thwart the development of osteoporosis in adulthood and prevent or reduce the risk of high blood pressure; and

WHEREAS, Every school system should provide opportunities for and encourage physical activity during the school day; and

WHEREAS, Recess should be encouraged during the school day, and not used as a reward or punishment; and

WHEREAS, School wellness encompasses healthy eating, adequate physical activity, nutrition education, and physical education for all students; and

WHEREAS, Improving school wellness practices is essential to decreasing childhood obesity and preparing children to lead healthy, active, and productive lives; and

WHEREAS, The Task Force on Student Fitness in Maryland Public Schools has provided recommendations to the Governor and the Legislature on improving the health and wellness of Maryland's students; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Education

7-409.

(a) Each public school shall have a program of physical education that is given in a planned and sequential manner to all students, kindergarten through grade 12, to develop their good health and physical fitness and improve their motor coordination and physical skills.

(b) The Department shall employ a full-time director of physical education.

(c) EACH LOCAL SCHOOL SYSTEM ~~SHALL~~ MAY DEVELOP AND IMPLEMENT AN ANNUAL ~~PHYSICAL FITNESS MEASUREMENT PROGRAM~~ WELLNESS POLICY IMPLEMENTATION AND MONITORING PLAN TO BE USED TO:

(1) ESTABLISH BASELINE STUDENT DATA FOR THE HEALTH-RELATED COMPONENTS OF PHYSICAL FITNESS;

(2) ASSIST STUDENTS WITH THE DEVELOPMENT OF PERSONAL PHYSICAL FITNESS PLANS;

(3) ENCOURAGE APPROPRIATE INTERVENTIONS FOR STUDENTS IDENTIFIED AS HAVING UNHEALTHY LEVELS OF PHYSICAL FITNESS;

(4) IDENTIFY EFFECTIVE PRACTICES FOR IMPROVEMENT OF STUDENT HEALTH-RELATED PHYSICAL FITNESS; AND

(5) ENCOURAGE PARTNERSHIPS WITH HEALTH AGENCIES TO ADDRESS STUDENT HEALTH-RELATED ISSUES IN THE STATE.

(D) THE DEPARTMENT SHALL:

(1) DEVELOP A PROCEDURE TO MONITOR AND MEASURE THE IMPLEMENTATION OF ~~EACH A LOCAL SCHOOL SYSTEM'S PHYSICAL FITNESS MEASUREMENT PROGRAM~~ WELLNESS POLICY IMPLEMENTATION AND MONITORING PLAN;

(2) PROVIDE FEEDBACK AND TECHNICAL ASSISTANCE TO EACH LOCAL SCHOOL SYSTEM ~~TO IMPLEMENT ITS THAT IMPLEMENTS A PHYSICAL FITNESS MEASUREMENT PROGRAM~~ WELLNESS POLICY IMPLEMENTATION AND MONITORING PLAN;

(3) IDENTIFY AND DISTRIBUTE TO EACH LOCAL SCHOOL SYSTEM EFFECTIVE WELLNESS POLICY PRACTICES FOR PHYSICAL ACTIVITY AND PHYSICAL EDUCATION; AND

(4) PROVIDE STAFF SUPPORT TO EACH LOCAL SCHOOL SYSTEM ~~TO IMPLEMENT THE LOCAL SCHOOL SYSTEM'S THAT IMPLEMENTS A PHYSICAL FITNESS MEASUREMENT PROGRAM~~ WELLNESS POLICY IMPLEMENTATION AND MONITORING PLAN.

(E) EACH LOCAL SCHOOL SYSTEM THAT IMPLEMENTS A WELLNESS POLICY IMPLEMENTATION AND MONITORING PLAN UNDER SUBSECTION (C) OF THIS SECTION SHALL SUBMIT TO THE DEPARTMENT:

(1) THE LOCAL SCHOOL SYSTEM'S ~~PHYSICAL FITNESS MEASUREMENT PROGRAM~~ WELLNESS POLICY IMPLEMENTATION AND MONITORING PLAN, THAT SHALL INCLUDE:

(I) POLICY GOALS;

(II) ACTIVITIES;

(III) EXPECTED OUTCOMES; AND

(IV) MEASUREMENTS FOR PHYSICAL ACTIVITY AND PHYSICAL EDUCATION; AND

(2) AN ANNUAL REPORT ON THE LOCAL SCHOOL SYSTEM'S PROGRESS TOWARD ACHIEVING THE POLICY GOALS OF THE IMPLEMENTATION PLAN.

(F) (1) THE DEPARTMENT SHALL ESTABLISH AN ADVISORY COUNCIL ON HEALTH AND PHYSICAL EDUCATION.

(2) THE ADVISORY COUNCIL SHALL CONSIST OF THE FOLLOWING MEMBERS, SELECTED BY EACH ORGANIZATION FROM WHICH THE MEMBER IS A REPRESENTATIVE:

(I) A REPRESENTATIVE FROM THE DEPARTMENT;

(II) A REPRESENTATIVE FROM THE MARYLAND PARENT-TEACHER ASSOCIATION;

(III) A REPRESENTATIVE FROM THE MARYLAND STATE TEACHERS ASSOCIATION;

(IV) A REPRESENTATIVE FROM THE PUBLIC SCHOOL SUPERINTENDENTS ASSOCIATION OF MARYLAND;

(V) REPRESENTATIVES FROM EACH LOCAL SCHOOL SYSTEM;

(VI) A REPRESENTATIVE FROM THE MARYLAND ASSOCIATION OF BOARDS OF EDUCATION;

(VII) A REPRESENTATIVE FROM THE MARYLAND ASSOCIATION OF COUNTIES;

(VIII) A REPRESENTATIVE FROM THE GOVERNOR'S COUNCIL ON PHYSICAL FITNESS AND SPORT;

(IX) A REPRESENTATIVE OF THE PROFESSIONAL ORGANIZATION FOR HEALTH, PHYSICAL EDUCATION, RECREATION, AND DANCE;

(X) A REPRESENTATIVE FROM AN INSTITUTION OF HIGHER EDUCATION HAVING A HEALTH AND PHYSICAL EDUCATION TEACHER EDUCATION PROGRAM;

(XI) A REPRESENTATIVE FROM SPECIAL OLYMPICS OF MARYLAND;

(XII) A REPRESENTATIVE FROM THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

(XIII) A REPRESENTATIVE FROM THE AMERICAN ACADEMY OF PEDIATRICS; AND

(XIV) REPRESENTATIVES FROM THE FOLLOWING HEALTH ORGANIZATIONS:

- 1. THE AMERICAN HEART ASSOCIATION;**
- 2. THE AMERICAN CANCER SOCIETY; AND**
- 3. THE AMERICAN DIABETES ASSOCIATION.**

(3) FROM AMONG ITS MEMBERS, THE COUNCIL SHALL ELECT A CHAIR, VICE CHAIR, AND ANY OTHER OFFICERS NECESSARY TO CARRY OUT THE ADVISORY COUNCIL'S FUNCTIONS.

(4) THE DEPARTMENT SHALL PROVIDE STAFF AND OTHER NECESSARY SUPPORT TO THE ADVISORY COUNCIL USING EXISTING RESOURCES.

(5) A MEMBER OF THE ADVISORY COUNCIL MAY NOT RECEIVE COMPENSATION FOR SERVING ON THE ADVISORY COUNCIL, BUT IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(6) THE ADVISORY COUNCIL SHALL MEET AT LEAST TWICE EACH YEAR AND MAY HOLD ADDITIONAL MEETINGS AT THE DISCRETION OF THE CHAIR OR AT THE REQUEST OF A MAJORITY OF THE MEMBERS.

(7) THE ADVISORY COUNCIL SHALL:

(I) DEVELOP AND COORDINATE PROGRAMS IN COLLABORATION WITH PUBLIC SCHOOLS TO EDUCATE STUDENTS REGARDING THE IMPORTANCE OF:

- 1. PHYSICAL ACTIVITY AND PHYSICAL MOVEMENT;**
- 2. THE RELATIONSHIP OF PHYSICAL ACTIVITY TO A HEALTHY LIFESTYLE AND IMPROVED FITNESS;**
- 3. THE RELATIONSHIP BETWEEN HEALTHY EATING, PHYSICAL ACTIVITY, AND MAINTAINING A HEALTHY WEIGHT; AND**
- 4. THE VALUE OF PHYSICAL ACTIVITY AND ITS RELATIONSHIP TO IMPROVED ACADEMIC ACHIEVEMENT AND STRESS REDUCTION; AND**

(II) IDENTIFY PROMISING HEALTH AND PHYSICAL EDUCATION PRACTICES IN THE STATE;

(III) BUILD A NETWORK OF HEALTH AND PHYSICAL EDUCATION PROFESSIONALS TO SHARE INFORMATION AND STRENGTHEN PARTNERSHIPS;

(IV) SUPPORT SUCCESSFUL HEALTH AND PHYSICAL EDUCATION PROGRAMS IN THE STATE AND ENCOURAGE THE EXPANSION OF THOSE PROGRAMS; AND

(V) CONSULT WITH ORGANIZATIONS REPRESENTED ON THE ADVISORY COUNCIL AS APPROPRIATE.

(8) THE ADVISORY COUNCIL MAY:

(I) SEEK, ACCEPT, AND EXPEND FUNDS FROM ANY SOURCE, INCLUDING DONATIONS, STATE APPROPRIATIONS, AND FEDERAL GRANTS; AND

(II) SEEK, ACCEPT, AND USE SERVICES FROM INDIVIDUALS, CORPORATIONS, AND GOVERNMENT ENTITIES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 19, 2009.