

HOUSE BILL 247

F1
HB 1428/14 – W&M

5lr2327

By: **Delegate Walker**

Introduced and read first time: February 4, 2015

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Elementary School Students – Daily Physical Activity**
3 **(Student Health and Fitness Act)**

4 FOR the purpose of requiring a public school student in elementary school to be provided a
5 certain minimum level of a program of physical activity each week; requiring that
6 the program of physical activity for a certain category of student be consistent with
7 a certain plan for the student; requiring public elementary schools to designate a
8 certain group to plan and coordinate certain activities; requiring the State Board of
9 Education to adopt certain regulations; providing for certain extensions; requiring a
10 county school system that receives a certain extension to have a plan to ensure the
11 county school system's compliance with this Act by a certain date; and generally
12 relating to student health and fitness.

13 BY renumbering

14 Article – Education
15 Section 7–409(b), (c), (d), (e), and (f), respectively
16 to be Section 7–409(c), (d), (e), (f), and (g), respectively
17 Annotated Code of Maryland
18 (2014 Replacement Volume and 2014 Supplement)

19 BY repealing and reenacting, without amendments,

20 Article – Education
21 Section 7–205(a)
22 Annotated Code of Maryland
23 (2014 Replacement Volume and 2014 Supplement)

24 BY repealing and reenacting, with amendments,

25 Article – Education
26 Section 7–409(a)
27 Annotated Code of Maryland
28 (2014 Replacement Volume and 2014 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Education
3 Section 7–409(b)
4 Annotated Code of Maryland
5 (2014 Replacement Volume and 2014 Supplement)

6 Preamble

7 WHEREAS, Obesity leads to at least 300,000 deaths among adults in the United
8 States each year due in part to physical inactivity and a poor diet; and

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

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

17 WHEREAS, A growing body of evidence suggests that providing students with more
18 physical education and physical activity opportunities helps reduce the cost schools incur
19 by reducing absenteeism, improving student health, and reducing staff time spent
20 addressing academic performance; and

21 WHEREAS, A growing body of evidence also suggests that improvement in test
22 scores and overall academic achievement can be linked to increased time in physical
23 education; and

24 WHEREAS, The National PTA considers “Early Physical Education” a “Parent
25 Priority” and urges its members to promote physical education in the schools; now,
26 therefore,

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
28 That Section(s) 7–409(b), (c), (d), (e), and (f), respectively, of Article – Education of the
29 Annotated Code of Maryland be renumbered to be Section(s) 7–409(c), (d), (e), (f), and (g),
30 respectively.

31 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
32 as follows:

33 **Article – Education**

34 7–205.

1 (a) The promotion of students in a public school and graduation from a public high
2 school shall be in accordance with:

3 (1) Policies established by the county board; and

4 (2) The rules and regulations of the State Board.

5 7-409.

6 (a) **[Each] SUBJECT TO SUBSECTION (B) OF THIS SECTION, EACH** public
7 school shall have a program of physical education that is given in a planned and sequential
8 manner to all students, kindergarten through grade 12, to develop their good health and
9 physical fitness and improve their motor coordination and physical skills.

10 **(B) (1) A STUDENT IN ELEMENTARY SCHOOL SHALL BE PROVIDED A**
11 **DAILY PROGRAM OF PHYSICAL ACTIVITY TOTALING 150 MINUTES EACH WEEK AS**
12 **PROVIDED IN THIS SUBSECTION:**

13 **(I) THE PROGRAM SHALL INCLUDE A MINIMUM OF 90 MINUTES**
14 **EACH WEEK OF PHYSICAL EDUCATION; AND**

15 **(II) ANY MINUTES NOT CONSISTING OF PHYSICAL EDUCATION**
16 **SHALL CONSIST OF DEVELOPMENTALLY APPROPRIATE, MODERATE-TO-VIGOROUS**
17 **ACTIVITY, INCLUDING RECESS.**

18 **(2) AS APPLICABLE, A STUDENT'S PROGRAM OF PHYSICAL ACTIVITY**
19 **SHALL BE CONSISTENT WITH THE STUDENT'S INDIVIDUALIZED EDUCATION PLAN**
20 **(IEP).**

21 **(3) EACH PUBLIC ELEMENTARY SCHOOL SHALL DESIGNATE A**
22 **PHYSICAL ACTIVITY LEADERSHIP TEAM TO PLAN AND COORDINATE OPPORTUNITIES**
23 **FOR ACTIVITIES THAT MEET THE REQUIREMENTS OF PARAGRAPH (1)(II) OF THIS**
24 **SUBSECTION.**

25 **(4) THE STATE BOARD SHALL ADOPT REGULATIONS NECESSARY TO**
26 **IMPLEMENT THE PROVISIONS OF THIS SUBSECTION.**

27 SECTION 3. AND BE IT FURTHER ENACTED, That any county school system that
28 does not meet the requirements of Section 2 of this Act by October 1, 2015, may apply to
29 the State Department of Education for an extension in compliance with this Act. If granted,
30 an extension shall terminate at the end of July 1, 2018.

31 SECTION 4. AND BE IT FURTHER ENACTED, That a county school system that
32 receives an extension under Section 3 of this Act shall have a plan to ensure full compliance
33 by the county school system with the requirements of this Act by July 1, 2018.

1 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2015.