

Department of Legislative Services
 Maryland General Assembly
 2018 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 393
 Ways and Means

(Delegate Walker)

Elementary School Students - Daily Physical Activity (Student Health and Fitness Act)

This bill requires all public elementary school students to be provided daily programs of physical activity totaling 150 minutes per week, including a *minimum* of 90 minutes per week of physical education. For any of the required minutes not spent in physical education, each elementary school must designate a physical activity leadership team to plan and coordinate opportunities for moderate to vigorous activity (including recess) to make up the remaining time. **The bill takes effect October 1, 2018, but a local school system may apply for an extension until July 1, 2021. A local school system that is granted an extension must have a plan to ensure compliance by July 1, 2021.**

Fiscal Summary

State Effect: Maryland State Department of Education (MSDE) finances are not affected. General fund expenditures for teachers’ retirement increase by FY 2024 (or beginning as early as FY 2021 depending upon extensions granted under the bill). These costs may be significantly higher depending on the personnel needs in school systems other than the four discussed below.

Local Effect: Local school expenditures in four counties (Allegany, Cecil, Montgomery, and Queen Anne’s) increase to hire additional physical education teachers for elementary schools. Depending on extensions granted, local expenditures increase by up to \$13.7 million in FY 2019 and \$14.8 million by FY 2023. These costs may be significantly higher depending on the personnel needs in other school systems. Local retirement expenditures increase accordingly by as early as FY 2021. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Current Law: Every public school must have a program of physical education that is given in a planned and sequential manner to all students in order to develop their good health and physical fitness and improve their motor coordination and physical skills. The specific curriculum and course of study is set by each local board of education. Maryland regulations require physical education instructional programs to teach students how regular, moderate-to-vigorous physical activity contributes to personal health and enhances cognitive and physical performance on a variety of academic, recreational, and life tasks.

Background: The National Association for Sport and Physical Education (NASPE) finds that children between the ages of 5 and 12 should accumulate at least 60 minutes and up to several hours of age-appropriate physical activity on all or most days of the week. This daily accumulation should include, according to NASPE, moderate and vigorous physical activity with the majority of the time being spent in activity that is intermittent in nature. NASPE further finds that children should participate in several bouts of physical activity lasting 15 minutes or more each day, and that extended periods (periods of two hours or more) of inactivity are discouraged for children, especially during the daytime hours.

A national study by the Center on Education Policy on curriculum and instruction following implementation of the No Child Left Behind Act in 2002 finds that for many school systems, time devoted to tested subjects, including math and language arts, increased, while time devoted to one or more other subjects and activities, including lunch, physical education, and recess, was reduced.

MSDE advises that physical education programs in the 24 local school systems vary widely. For example, some elementary schools provide only 30, 40, or 45 minutes of physical education per week, while a small percentage of public elementary schools in Maryland may provide 120 minutes or more per week. The minimum and maximum amounts of time per week in physical education for elementary schools in each school system are shown in **Exhibit 1**. Four counties – Allegany, Cecil, Montgomery, and Queen Anne’s – do not provide 90 minutes of physical activity each week at any school and need additional personnel. In 14 other school systems, the minimum number of hours per week is below 90; therefore, it is assumed that some schools in each of those systems may also require additional personnel to meet the bill’s requirements.

Exhibit 1
Minimum and Maximum Minutes per Week in Physical Education
in Public Elementary Schools
As of January 2018

<u>School System</u>	<u>Minimum</u>	<u>Maximum</u>
Allegany	45	45
Anne Arundel	60	90
Baltimore City	45	100
Baltimore	50	100
Calvert	90	90
Caroline	45	90
Carroll	90	90
Cecil	45	45
Charles	80	120
Dorchester	50	105
Frederick	80	90
Garrett	50	100
Harford	45	90
Howard	90	90
Kent	90	90
Montgomery	30	60
Prince George's	40	90
Queen Anne's	60	60
St. Mary's	45	90
Somerset	50	120
Talbot	90	90
Washington	50	100
Wicomico	120 (min) 135 (max) per 6 days	
Worcester	60	90

Source: Maryland State Department of Education

State Expenditures: Teachers' retirement costs are paid primarily by the State based on local school system salaries from the second prior fiscal year. If additional teachers are hired to teach physical education beginning in fiscal 2019, teachers' retirement costs will increase beginning in fiscal 2021. However, if all local school systems receive three-year extensions, costs do not increase until fiscal 2024.

Local Expenditures: The bill's impact on local school systems will depend on current physical education policies, which are determined by the local boards of education. The most significant impact will be on local school systems that provide less than 90 minutes of physical education per week for elementary school students, because those local school systems may need to hire additional physical education teachers to teach the additional classes. Cross-referencing the elementary school data shown in Exhibit 1 with data on the number of elementary schools in each system, it is estimated that 172 additional physical education teachers may be needed in Allegany (14), Cecil (17), Montgomery (133), and Queen Anne's (8) counties in order to meet the 90-minute minimum established in the bill.

Based upon current salary and benefits costs per teacher in affected counties and accounting for inflation, the total expenditure increase for local school systems amounts to an estimated \$13.7 million for fiscal 2019 if no extensions are granted, including \$1.1 million for Allegany County, \$1.2 million for Cecil County, \$10.9 million for Montgomery County, and \$542,000 for Queen Anne's County. The bill allows local school systems to apply for three-year extensions to meet the requirements. If extensions are granted for each local school system in each year, county salary and benefits expenditures increase by an estimated \$14.5 million in fiscal 2022, including \$1.2 million for Allegany County, \$1.3 million for Cecil County, \$11.5 million for Montgomery County, and \$575,000 for Queen Anne's County. Extensions could enable local school systems to make adjustments to their budgets and identify the most efficient ways to expand physical education programs.

Other school systems that provide a minimum of less than 90 minutes may also incur significant personnel cost increases depending upon the number of schools that fall significantly short of the 90-minute requirement under the bill.

Local school boards are responsible for the actual normal cost of pensions for qualifying personnel. To the extent that additional physical education teachers are hired, local retirement expenditures increase beginning in fiscal 2021, or as late as fiscal 2024, depending on extensions granted.

Elementary school facilities are not expected to be a barrier to requiring 90 minutes per week of physical education. To provide elementary school students with additional time for physical activity, less time may be spent on other priorities, such as instruction in other

subjects. It is assumed that this will not affect school finances, although the impact on students is unknown. Alternatively, local school systems could lengthen the school day for elementary school students. Any costs associated with lengthening the school day will depend on how the adjustment is implemented and cannot be precisely determined.

Additional Information

Prior Introductions: HB 1430 of 2010, HB 168 of 2011, HB 196 of 2012, HB 855 of 2013, HB 1428 of 2014, HB 247 of 2015, and HB 474 of 2016 each received a hearing in the House Ways and Means Committee, but no further action was taken on the bills. HB 1529 of 2017 was referred to the House Rules Committee, but no further action was taken.

Cross File: None.

Information Source(s): Carroll, Harford, and Queen Anne's counties; Maryland State Department of Education; National Association for Sport and Physical Education; Center on Education Policy; Department of Legislative Services

Fiscal Note History: First Reader - February 8, 2018
mm/rhh

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