

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
State Board of Education  
(DLS Control No. 16-028)**

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**Overview and Legal and Fiscal Impact**

These regulations update the Physical Education Instructional Program for grades prekindergarten through 12 to incorporate new content standards and instruction in cardiopulmonary resuscitation (CPR).

The regulations present no legal issue of concern.

There is no fiscal impact on State or local agencies.

**Regulations of COMAR Affected**

**State Board of Education:**

Specific Subjects: Program in Physical Education: COMAR 13A.04.13.01 and .02

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**Legal Analysis**

**Background**

The current physical education instructional program for students in Maryland public schools includes six content standards, which require students to demonstrate certain skills in exercise physiology and physical activity, and an ability to use certain biomechanical principles, motor learning principles, and social psychological principles. In 2013, the Society of Health and Physical Educators (SHAPE) America, a national professional organization, published new standards to define what a student should know and be able to do as result of a quality physical education program.

The State Board of Education advises that 11 other states and 14 local school systems in Maryland use the SHAPE America standards. According to the State board, the adoption of the SHAPE America standards is supported by physical education supervisors and coordinators throughout the State and will enable students and teachers to access numerous curriculum resources. Supervisors and teachers will collaborate to design grade level outcomes aligned to the Maryland College and Career Ready Standards.

In addition, Chapters 175 and 176 of 2014, among other things, required public high school students, beginning with students entering grade 9 in the 2015-2016 school year, to complete specified instruction in CPR as part of the health or physical education curriculum. Each county

board of education must provide the CPR instruction as part of the health or physical education curriculum in every public school that enrolls students in any of the grades 9 through 12. The Maryland State Department of Education must develop a process to monitor implementation of the CPR requirements.

According to the State board, policy and guidance will be provided to local school systems to ensure that all of the specific requirements of Chapters 175 and 176 are met. The State board further advises that the regulations were considered during a public meeting on February 12, 2016. Consideration of final action on the regulations is scheduled for a public meeting on June 28, 2016.

## **Summary of Regulations**

These regulations repeal the existing Maryland physical education content standards and substitute new standards that require students to:

- demonstrate competency in a variety of motor skills and movement patterns;
- apply knowledge of concepts, principles, strategies, and tactics related to movement and performance;
- demonstrate the knowledge and skills to achieve and maintain a health-enhancing level of physical activity and fitness;
- exhibit responsible personal and social behavior that respects self and others; and
- recognize the value of physical activity for health, enjoyment, challenge, self-expression, or social interaction.

The regulations also require each local school system to include instruction in CPR in the physical education instructional program for grades 9 through 12 if the instruction is not offered in the comprehensive health education program. The CPR instruction must include hands-only CPR and the use of an automated external defibrillator (AED). In addition, by September 2016, and every five years thereafter, each local superintendent of schools must certify to the State Superintendent of Schools that the instructional programming meets the physical education content standards established in the regulation.

## **Legal Issues**

The regulations present no legal issues of concern.

## **Statutory Authority and Legislative Intent**

The State board cites §§ 2-205(h) and 7-409 of the Education Article as statutory authority for the regulations. Section 2-205(h) requires the State board, with the advice of the State Superintendent of Schools, to establish basic policy and guidelines for the program of instruction

for public schools. Section 7-409 requires each public school to have a program of physical education that is given in a planned and sequential manner to all students to develop their good health and physical fitness and improve their motor coordination and physical skills.

Although not cited by the State board, §§ 2-205(c) and 7-205.2 of the Education Article provide additional authority for these regulations. Section 2-205(c) requires the State board to adopt regulations for the administration of the public schools. Section 7-205.2 requires, among other things, that (1) students to complete CPR instruction, including hands-only CPR and the use of an AED, as part of the health or physical education curriculum; (2) each county board to provide CPR instruction in every public school in the county that enrolls students in any of the grades 9 through 12; (3) the CPR instruction to be conducted by a certain individual; and (4) the department to develop a process to monitor the implementation of the CPR requirements.

With the addition of §§ 2-205(c) and 7-205.2, the cited authority is correct and complete. The regulations comply with the legislative intent of the law.

### **Technical Corrections and Special Notes**

Please note that the State board has indicated that it will submit a replacement page to add §§ 2-205(c) and 7-205.2 of the Education Article to the cited statutory authority.

### **Fiscal Analysis**

There is no fiscal impact on State or local agencies.

### **Agency Estimate of Projected Fiscal Impact**

The department advises that the regulations, in part, implement Chapters 175 and 176 of 2014 (Senate Bill 503 and House Bill 1366) and, thus, have no fiscal impact on State or local governments. The Department of Legislative Services concurs that there is no fiscal impact beyond that noted in the fiscal note for that legislation. The fiscal and policy note advises that local school system expenditures will increase to ensure that current instruction encompasses hands-on practice in cardiopulmonary resuscitation (CPR) and use of an automated external defibrillator (AED). The department further advises that all 24 local superintendents have certified that, as of the 2015-2016 school year, all local school systems provide, as part of the health or physical education curriculum, instruction in hands-only CPR and use of an AED. The Department of Legislative Services notes that, in addition to implementing Chapters 175 and 176 of 2014, the regulations also change the Maryland Physical Education Content Standards; however, these changes have no fiscal impact.

### **Impact on Budget**

There is no impact on the State operating or capital budget.

## **Agency Estimate of Projected Small Business Impact**

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

### **Contact Information**

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