
By: **Senators Britt, Astle, Conway, Della, Dyson, Forehand, Gladden, Green,
Grosfeld, Hollinger, Jones, Kelley, Lawlah, McFadden, Ruben, Stone,
and Teitelbaum**

Introduced and read first time: February 3, 2006

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Student Health and Fitness Act of 2006**

3 FOR the purpose of requiring that public school students in kindergarten through a
4 certain grade be provided certain minimum levels of a program of physical
5 education each week; requiring increasing minimum levels of a program of
6 physical education over a certain period of time; requiring that the program of
7 physical education for a certain category of student be consistent with a certain
8 plan for the student; requiring that certain students be regularly assessed for
9 the attainment of certain physical education learning objectives accepted by the
10 State Board of Education; and generally relating to student health and fitness.

11 BY repealing and reenacting, with amendments,
12 Article - Education
13 Section 7-409
14 Annotated Code of Maryland
15 (2004 Replacement Volume and 2005 Supplement)

16 Preamble

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

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

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

1 WHEREAS, A growing body of evidence suggests that providing students with
2 more physical education and physical activity opportunities helps reduce the costs
3 schools incur by reducing absenteeism, improving student health and reducing staff
4 time spent addressing academic performance; and

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

8 WHEREAS, The National PTA considers "Early Physical Education" a "Parent
9 Priority" and urges its members to promote physical education in the schools of their
10 children; now, therefore,

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

13 **Article - Education**

14 7-409.

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

20 (B) (1) ALL STUDENTS IN KINDERGARTEN THROUGH GRADE 5 MUST BE
21 PROVIDED A PROGRAM OF PHYSICAL EDUCATION AS PROVIDED IN THIS
22 SUBSECTION:

23 (I) BEGINNING IN THE 2007-08 SCHOOL YEAR, A MINIMUM OF 60
24 MINUTES A WEEK OF PHYSICAL EDUCATION;

25 (II) BEGINNING IN THE 2008-09 SCHOOL YEAR, A MINIMUM OF 90
26 MINUTES A WEEK OF PHYSICAL EDUCATION;

27 (III) BEGINNING IN THE 2009-10 SCHOOL YEAR, A MINIMUM OF 120
28 MINUTES A WEEK OF PHYSICAL EDUCATION; AND

29 (IV) BEGINNING IN THE 2010-11 SCHOOL YEAR, AND EACH SCHOOL
30 YEAR THEREAFTER, A MINIMUM OF 150 MINUTES A WEEK OF PHYSICAL EDUCATION.

31 (2) AS APPLICABLE, A STUDENT'S PROGRAM OF PHYSICAL EDUCATION
32 SHALL BE CONSISTENT WITH THE STUDENT'S INDIVIDUALIZED EDUCATION PLAN
33 (IEP).

34 (C) FOLLOWING A BASELINE ASSESSMENT, AND AT LEAST ANNUALLY
35 THEREAFTER, EACH STUDENT SHALL BE ASSESSED REGULARLY FOR ATTAINMENT
36 OF THE PHYSICAL EDUCATION LEARNING OBJECTIVES OUTLINED IN THE
37 DEPARTMENT'S 2000 PHYSICAL EDUCATION STUDY GROUP REPORT ACCEPTED BY

1 THE STATE BOARD, WHICH STATES THAT "THE MARYLAND STATE DEPARTMENT OF
2 EDUCATION (MSDE), IN COLLABORATION WITH LOCAL SCHOOL DISTRICTS,
3 ESTABLISH A PROCESS OF PROGRAM EVALUATION ASSURING THAT ALL STUDENTS
4 HAVE AN OPPORTUNITY TO REACH THE CONTENT STANDARDS APPROVED BY THE
5 MSDE".

6 [(b)] (D) The Department shall employ a full-time director of physical
7 education.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2006.