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

Introduced and read first time: February 3, 2006

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted with floor amendments

Read second time: March 25, 2006

CHAPTER _____

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

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

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

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

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

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

18 **Article - Education**

19 7-409.

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

25 (B) (1) ALL STUDENTS IN KINDERGARTEN THROUGH GRADE 5 MUST BE
26 PROVIDED A PROGRAM OF PHYSICAL EDUCATION AS PROVIDED IN THIS
27 SUBSECTION:

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

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

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

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

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

4 (C) FOLLOWING A BASELINE ASSESSMENT, AND AT LEAST ANNUALLY
5 THEREAFTER, EACH STUDENT SHALL BE ASSESSED REGULARLY FOR ATTAINMENT
6 OF THE PHYSICAL EDUCATION LEARNING OBJECTIVES OUTLINED IN THE
7 DEPARTMENT'S 2000 PHYSICAL EDUCATION STUDY GROUP REPORT ACCEPTED BY
8 THE STATE BOARD, WHICH STATES THAT "THE MARYLAND STATE DEPARTMENT OF
9 EDUCATION (MSDE), IN COLLABORATION WITH LOCAL SCHOOL DISTRICTS,
10 ESTABLISH A PROCESS OF PROGRAM EVALUATION ASSURING THAT ALL STUDENTS
11 HAVE AN OPPORTUNITY TO REACH THE CONTENT STANDARDS APPROVED BY THE
12 MSDE".

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

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