

# HOUSE BILL 317

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CF SB 244

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By: **Delegates Cardin, Anderson, Aumann, Bronrott, Burns, Dumais, Elliott, Feldman, Frush, Heller, Holmes, Hubbard, Krysiak, Lee, Morhaim, Nathan-Pulliam, Stein, and Taylor**

Introduced and read first time: January 31, 2007

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Student Health and Fitness Act of 2007**

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; and generally relating to student health and fitness.

9 BY repealing and reenacting, with amendments,  
10 Article – Education  
11 Section 7–409  
12 Annotated Code of Maryland  
13 (2006 Replacement Volume)

14 Preamble

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, Physical activity offers young people many health benefits,  
2 including improving aerobic endurance and muscular strength, helping to control  
3 weight, building lean muscle, and reducing fat, and helping to build greater bone  
4 mass, all of which thwart the development of osteoporosis in adulthood and prevent or  
5 reduce 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; now,  
15 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 SHALL**  
26 **BE PROVIDED A PROGRAM OF PHYSICAL EDUCATION AS PROVIDED IN THIS**  
27 **SUBSECTION:**

28 **(I) BEGINNING IN THE 2008-09 SCHOOL YEAR, A MINIMUM**  
29 **OF 60 MINUTES A WEEK OF PHYSICAL EDUCATION;**

30 **(II) BEGINNING IN THE 2009-10 SCHOOL YEAR, A MINIMUM**  
31 **OF 90 MINUTES A WEEK OF PHYSICAL EDUCATION;**

1                   **(III) BEGINNING IN THE 2010–11 SCHOOL YEAR, A MINIMUM**  
2 **OF 120 MINUTES A WEEK OF PHYSICAL EDUCATION; AND**

3                   **(IV) BEGINNING IN THE 2011–12 SCHOOL YEAR, AND EACH**  
4 **SCHOOL YEAR THEREAFTER, A MINIMUM OF 150 MINUTES A WEEK OF PHYSICAL**  
5 **EDUCATION.**

6                   **(2) AS APPLICABLE, A STUDENT’S PROGRAM OF PHYSICAL**  
7 **EDUCATION SHALL BE CONSISTENT WITH THE STUDENT’S INDIVIDUALIZED**  
8 **EDUCATION PLAN (IEP).**

9                   **[b] (C)**     The Department shall employ a full–time director of physical  
10 education.

11                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2007.