

Department of Legislative Services  
Maryland General Assembly  
2007 Session

**FISCAL AND POLICY NOTE**

Senate Bill 244 (Senator Britt, *et al.*)  
Education, Health, and Environmental Affairs

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**Student Health and Fitness Act of 2007**

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This bill establishes minimum minutes per week that must be reserved for physical education in public elementary schools. In the 2008-2009 school year, all students in kindergarten through grade 5 must be provided a minimum of 60 minutes per week of physical education. This amount increases by 30 minutes each year until it reaches 150 minutes per week in the 2011-2012 school year. For a student with a disability, the physical education program must be consistent with the student's individualized education plan.

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**Fiscal Summary**

**State Effect:** Any additional administrative responsibilities for the Maryland State Department of Education (MSDE) could be accomplished with existing personnel and resources.

**Local Effect:** School expenditures could increase significantly, by an estimated \$47.8 million by FY 2012, to hire additional physical education teachers. Additional costs could be incurred for equipment and any necessary changes or additions to existing school facilities. **This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Each public school must have a program of physical education that is given in a planned and sequential manner.

**Background:** Numerous sources state that the percentage of children who are overweight has nearly tripled over the last 20 years and the lack of adequate physical education programs, along with poor eating habits, have been blamed for the increase. A National Conference of State Legislatures briefing reports that research on student performance and health suggests that academic achievement is positively correlated with nutrition and physical activity. The National Parent-Teacher Association has encouraged schools to be part of the solution, and passed a resolution in 2003 that supports daily physical education programs.

MSDE advises that physical education programs in the 24 local school systems vary widely. For example, some elementary schools provide just 30 minutes of physical education per week, while a small percentage of public elementary schools in Maryland may provide as much as 120 minutes per week. MSDE estimates that the statewide average amount of time elementary school students spend in physical education is approximately 60 minutes per week and notes that no elementary schools are currently at the 150-hour requirement that this bill would impose by the 2011-2012 school year.

**Local Expenditures:** During the phase-up to 150 hours of physical education per week, costs for local school systems would increase significantly. Although physical education programs in some school systems may approach the required minimums, it is likely that elementary schools in the majority of systems will require additional physical education teachers and additional space to enable more than one physical education class to take place at once.

Without detailed information about existing physical education programs in approximately 880 schools that would be affected by the bill and plans from each school for the expansion of physical education programs, the additional costs cannot be reliably estimated. However, if two-thirds of these schools need to hire one additional physical education teacher, salary and benefits costs for local school systems would increase by an estimated \$47.8 million in fiscal 2012. This estimate does not include any additional equipment expenses or costs for adding or altering school facilities. Because the requirements would be phased in over the next five years, school systems would have time to make adjustments to their budgets and identify the most efficient ways to expand physical education programs.

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### **Additional Information**

**Prior Introductions:** SB 611 of 2006, a similar bill, was passed by the Senate but received an unfavorable report from the House Ways and Means Committee.

**Cross File:** HB 317 (Delegate Cardin, *et al.*) – Ways and Means.

**Information Source(s):** Maryland State Department of Education, Department of Legislative Services

**Fiscal Note History:** First Reader - February 19, 2007  
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