

HOUSE BILL 503

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8lr0831

By: **Delegates Walker, Cardin, Barnes, Beitzel, Benson, Bohanan, Branch, Braveboy, Bromwell, Burns, Cane, Carter, Conaway, Costa, Elmore, Feldman, Frush, George, Glenn, Healey, Holmes, Howard, Hubbard, Hucker, Ivey, Jones, Kach, King, Kipke, Kirk, Kullen, Lafferty, Levy, Miller, Minnick, Morhaim, Oaks, Pena-Melnyk, Proctor, Reznik, Robinson, Ross, Schuh, Schuler, Smigiel, Stein, V. Turner, Valderrama, and Weir**

Introduced and read first time: January 30, 2008

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Brian Moore Student Health and Fitness Act of Maryland**

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 activity each week; requiring that the program of physical activity for a certain
6 category of student be consistent with a certain plan for the student; requiring
7 public elementary schools to designate a certain group to plan and coordinate
8 certain activities; requiring students in public high schools to complete a certain
9 amount of physical education in order to graduate; requiring the State Board of
10 Education to adopt certain regulations; providing for certain extensions; and
11 generally relating to student health and fitness.

12 BY repealing and reenacting, without amendments,
13 Article – Education
14 Section 7–205(a)
15 Annotated Code of Maryland
16 (2006 Replacement Volume and 2007 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Education
19 Section 7–409
20 Annotated Code of Maryland
21 (2006 Replacement Volume and 2007 Supplement)

22 Preamble

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

6 WHEREAS, Physical activity offers young people many health benefits,
7 including improving aerobic endurance and muscular strength, helping to control
8 weight, building lean muscle and reducing fat, and helping to build greater bone mass,
9 all of which thwart the development of osteoporosis in adulthood and prevent or
10 reduce high blood pressure; and

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

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

18 WHEREAS, The National PTA considers “Early Physical Education” a “Parent
19 Priority” and urges its members to promote physical education in the schools; now,
20 therefore,

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

23 **Article – Education**

24 7–205.

25 (a) The promotion of students in a public school and graduation from a public
26 high school shall be in accordance with:

27 (1) Policies established by the county board; and

28 (2) The rules and regulations of the State Board.

29 7–409.

30 (a) **[Each] SUBJECT TO SUBSECTIONS (B) AND (C) OF THIS SECTION,**
31 **EACH** public school shall have a program of physical education that is given in a
32 planned and sequential manner to all students, kindergarten through grade 12, to

1 develop their good health and physical fitness and improve their motor coordination
2 and physical skills.

3 **(B) (1) ALL STUDENTS IN KINDERGARTEN THROUGH GRADE 8 SHALL**
4 **BE PROVIDED A DAILY PROGRAM OF PHYSICAL ACTIVITY TOTALING 150**
5 **MINUTES A WEEK AS PROVIDED IN THIS SUBSECTION:**

6 **(I) THE PROGRAM SHALL INCLUDE A MINIMUM OF 90**
7 **MINUTES A WEEK OF PHYSICAL EDUCATION; AND**

8 **(II) ANY MINUTES NOT CONSISTING OF PHYSICAL**
9 **EDUCATION SHALL CONSIST OF DEVELOPMENTALLY APPROPRIATE, MODERATE**
10 **TO VIGOROUS ACTIVITY, INCLUDING RECESS.**

11 **(2) AS APPLICABLE, A STUDENT'S PROGRAM OF PHYSICAL**
12 **ACTIVITY SHALL BE CONSISTENT WITH THE STUDENT'S INDIVIDUALIZED**
13 **EDUCATION PLAN (IEP).**

14 **(3) EACH PUBLIC ELEMENTARY SCHOOL SHALL DESIGNATE A**
15 **PHYSICAL ACTIVITY LEADERSHIP TEAM TO PLAN AND COORDINATE**
16 **OPPORTUNITIES FOR ACTIVITIES THAT MEET THE REQUIREMENTS OF**
17 **PARAGRAPH (1)(II) OF THIS SUBSECTION.**

18 **(C) A STUDENT IN A PUBLIC HIGH SCHOOL SHALL COMPLETE TWO**
19 **YEARS OF PHYSICAL EDUCATION IN ORDER TO GRADUATE FROM A PUBLIC HIGH**
20 **SCHOOL.**

21 **(D) THE STATE BOARD SHALL ADOPT REGULATIONS NECESSARY TO**
22 **IMPLEMENT THE PROVISIONS OF THIS SECTION.**

23 **[(b)] (E) The Department shall employ a full-time director of physical**
24 **education.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That any county school system
26 that does not meet the requirements of this Act by October 1, 2008 may apply to the
27 State Department of Education for an extension on compliance with this Act. If
28 granted, an extension shall terminate at the end of July 1, 2011.

29 SECTION 3. AND BE IT FURTHER ENACTED, That a county school system
30 that receives an extension under Section 2 of the Act shall have a plan to ensure the
31 county school system's full compliance with the requirements of this Act by July 1,
32 2011.

33 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2008.

