

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, Huckler, 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

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 29, 2008

CHAPTER _____

1 AN ACT concerning

2 ~~Brian Moore Student Health and Fitness Act of Maryland~~
3 Task Force on Student Physical Fitness in Maryland Public Schools

4 FOR the purpose of establishing a Task Force on Student Physical Fitness in
5 Maryland Public Schools; providing for the membership and chair of the Task
6 Force; requiring the State Department of Education to provide staff for the Task
7 Force; prohibiting a member of the Task Force from receiving certain
8 compensation but entitling members to reimbursement for certain expenses;
9 providing for the duties of the Task Force; requiring the Task Force to submit a
10 certain report to the Governor and the General Assembly on or before a certain
11 date; providing for the termination of this Act; and generally relating to the
12 Task Force on Student Physical Fitness in Maryland Public Schools ~~requiring~~
13 ~~that public school students in kindergarten through a certain grade be provided~~
14 ~~certain minimum levels of a program of physical activity each week; requiring~~
15 ~~that the program of physical activity for a certain category of student be~~
16 ~~consistent with a certain plan for the student; requiring public elementary~~
17 ~~schools to designate a certain group to plan and coordinate certain activities;~~
18 ~~requiring students in public high schools to complete a certain amount of~~
19 ~~physical education in order to graduate; requiring the State Board of Education~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~to adopt certain regulations; providing for certain extensions; and generally~~
 2 ~~relating to student health and fitness.~~

3 ~~BY repealing and reenacting, without amendments,~~
 4 ~~Article — Education~~
 5 ~~Section 7-205(a)~~
 6 ~~Annotated Code of Maryland~~
 7 ~~(2006 Replacement Volume and 2007 Supplement)~~

8 ~~BY repealing and reenacting, with amendments,~~
 9 ~~Article — Education~~
 10 ~~Section 7-409~~
 11 ~~Annotated Code of Maryland~~
 12 ~~(2006 Replacement Volume and 2007 Supplement)~~

13 **Preamble**

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

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

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

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

28 ~~WHEREAS, A growing body of evidence also suggests that improvement in test~~
 29 ~~scores and overall academic achievement can be linked to increased time in physical~~
 30 ~~education; and~~

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

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

36 (a) There is a Task Force on Student Physical Fitness in Maryland Public
 37 Schools.

1 (b) The Task Force consists of the following members:

2 (1) one member of the House of Delegates, appointed by the Speaker of
3 the House;

4 (2) one member of the Senate of Maryland, appointed by the President
5 of the Senate;

6 (3) one representative of the Department of Health and Mental
7 Hygiene, appointed by the Secretary of Health and Mental Hygiene; and

8 (4) the following members appointed by the Governor:

9 (i) one representative of the State Department of Education;

10 (ii) one representative of the Maryland Association of Boards of
11 Education;

12 (iii) one representative of the Maryland Association of Counties;

13 (iv) one representative of the American Diabetes Association;

14 (v) one representative of the American Heart Association;

15 (vi) one representative of the American Cancer Society;

16 (vii) one representative of the Maryland State Teachers
17 Association;

18 (viii) one representative of the Personal Development, Health &
19 Physical Education Teachers Association; and

20 ~~(viii)~~ (ix) one representative of the National Parent Teachers
21 Association.

22 (c) The members of the Task Force shall elect a chair from among the
23 members of the Task Force.

24 (d) The State Department of Education shall provide staff for the Task Force.

25 (e) A member of the Task Force:

26 (1) may not receive compensation; but

27 (2) is entitled to reimbursement for expenses under the Standard
28 State Travel Regulations as provided in the State budget.

1 (f) The Task Force shall study:

2 (1) the advisability of requiring all public schools in the State to
3 provide a minimum amount of physical activity or physical education to students in
4 the public school system each week;

5 (2) the effects on childhood obesity and related health issues of
6 requiring students to participate in a minimum amount of physical activity or physical
7 education each week;

8 (3) the monetary costs of requiring public schools to provide a
9 minimum amount of physical activity or physical education for students, how these
10 costs may be minimized, and whether additional outside funding resources are
11 available for these purposes; and

12 (4) analyze the results obtained by any local school systems in the
13 State and other states that have current physical activity or physical education
14 requirements.

15 (g) On or before November 20, 2008, the Task Force shall report its findings
16 and recommendations to the Governor and, in accordance with § 2-1246 of the State
17 Government Article, the General Assembly.

18 ~~Article—Education~~

19 ~~7-205.~~

20 ~~(a) The promotion of students in a public school and graduation from a public~~
21 ~~high school shall be in accordance with:~~

22 ~~(1) Policies established by the county board; and~~

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

24 ~~7-409.~~

25 ~~(a) [Each] SUBJECT TO SUBSECTIONS (B) AND (C) OF THIS SECTION,~~
26 ~~EACH public school shall have a program of physical education that is given in a~~
27 ~~planned and sequential manner to all students, kindergarten through grade 12, to~~
28 ~~develop their good health and physical fitness and improve their motor coordination~~
29 ~~and physical skills.~~

30 ~~(b) (1) ALL STUDENTS IN KINDERGARTEN THROUGH GRADE 8 SHALL~~
31 ~~BE PROVIDED A DAILY PROGRAM OF PHYSICAL ACTIVITY TOTALING 150~~
32 ~~MINUTES A WEEK AS PROVIDED IN THIS SUBSECTION;~~

1 ~~(I) THE PROGRAM SHALL INCLUDE A MINIMUM OF 90~~
2 ~~MINUTES A WEEK OF PHYSICAL EDUCATION; AND~~

3 ~~(H) ANY MINUTES NOT CONSISTING OF PHYSICAL~~
4 ~~EDUCATION SHALL CONSIST OF DEVELOPMENTALLY APPROPRIATE, MODERATE~~
5 ~~TO VIGOROUS ACTIVITY, INCLUDING RECESS.~~

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

9 ~~(3) EACH PUBLIC ELEMENTARY SCHOOL SHALL DESIGNATE A~~
10 ~~PHYSICAL ACTIVITY LEADERSHIP TEAM TO PLAN AND COORDINATE~~
11 ~~OPPORTUNITIES FOR ACTIVITIES THAT MEET THE REQUIREMENTS OF~~
12 ~~PARAGRAPH (1)(H) OF THIS SUBSECTION.~~

13 ~~(C) A STUDENT IN A PUBLIC HIGH SCHOOL SHALL COMPLETE TWO~~
14 ~~YEARS OF PHYSICAL EDUCATION IN ORDER TO GRADUATE FROM A PUBLIC HIGH~~
15 ~~SCHOOL.~~

16 ~~(D) THE STATE BOARD SHALL ADOPT REGULATIONS NECESSARY TO~~
17 ~~IMPLEMENT THE PROVISIONS OF THIS SECTION.~~

18 ~~[(b)] (E) The Department shall employ a full-time director of physical~~
19 ~~education.~~

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

24 ~~SECTION 3. AND BE IT FURTHER ENACTED, That a county school system~~
25 ~~that receives an extension under Section 2 of the Act shall have a plan to ensure the~~
26 ~~county school system's full compliance with the requirements of this Act by July 1,~~
27 ~~2011.~~

28 ~~SECTION 4. 2. AND BE IT FURTHER ENACTED, That this Act shall take~~
29 ~~effect October July 1, 2008. It shall remain effective for a period of 1 year and, at the~~
30 ~~end of June 30, 2009, with no further action required by the General Assembly, this~~
31 ~~Act shall be abrogated and of no further force and effect.~~