

SENATE BILL 955

F1

(8lr3422)

ENROLLED BILL

—Education, Health, and Environmental Affairs / Ways and Means—

Introduced by **Senator Harrington**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

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 ~~Department of Legislative Services~~ *State Department of*
7 *Education* to provide staff for the Task Force; prohibiting a member of the Task
8 Force from receiving certain compensation but entitling members to
9 reimbursement for certain expenses; providing for the duties of the Task Force;
10 requiring the Task Force to submit a certain report to the Governor and the
11 General Assembly on or before a certain date; providing for the termination of
12 this Act; and generally relating to the Task Force on Student Physical Fitness
13 in Maryland Public Schools ~~requiring that public school students in~~
14 ~~kindergarten through a certain grade be provided certain minimum levels of a~~
15 ~~program of physical activity each week; requiring that the program of physical~~

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.

Italics indicate opposite chamber / conference committee amendments.



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

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

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

~~Preamble~~

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

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

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

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

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

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

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

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

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

6 (1) one member of the House of Delegates, appointed by the Speaker of
7 the House;

8 (2) one member of the Senate of Maryland, appointed by the President
9 of the Senate;

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

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

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

14 (ii) one representative of the Maryland Association of Boards of
15 Education;

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

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

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

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

20 (vii) one representative of the Maryland State Teachers
21 Association;

22 ~~(vii)~~ (viii) one representative of the Personal Development,
23 Health & Physical Education Teachers Association; and

24 ~~(viii)~~ (ix) one representative of the National Parent Teachers
25 Association.

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

28 (d) The ~~Department of Legislative Services~~ State Department of Education
29 shall provide staff for the Task Force.

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. 2. AND BE IT FURTHER ENACTED, That this Act shall take~~
34 ~~effect ~~October~~ July 1, 2008. It shall remain effective for a period of 1 year and, at the~~

1 end of June 30, 2009, with no further action required by the General Assembly, this
2 Act shall be abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.