## **SENATE BILL 955**

8lr3422 CF HB 503

## By: Senator Harrington

Introduced and read first time: February 27, 2008 Assigned to: Rules Re–referred to: Education, Health, and Environmental Affairs, March 3, 2008

Committee Report: Favorable with amendments Senate action: Adopted with floor amendments Read second time: March 25, 2008

## CHAPTER \_\_\_\_\_

## 1 AN ACT concerning

# 2Brian Moore Student Health and Fitness Act of Maryland3Task Force on Student Physical Fitness in Maryland Public Schools

- FOR the purpose of establishing a Task Force on Student Physical Fitness in 4 Maryland Public Schools; providing for the membership and chair of the Task 5 6 Force; requiring the Department of Legislative Services to provide staff for the 7 Task 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 certain report to the Governor and the General Assembly on or before a certain 10 date; providing for the termination of this Act; and generally relating to the 11 Task Force on Student Physical Fitness in Maryland Public Schools requiring 12 that public school students in kindergarten through a certain grade be provided 13 certain minimum levels of a program of physical activity each week; requiring 14 that the program of physical activity for a certain category of student be 15consistent with a certain plan for the student; requiring public elementary 16 schools to designate a certain group to plan and coordinate certain activities; 17 requiring students in public high schools to complete a certain amount of 18 physical education in order to graduate; requiring the State Board of Education 19 to adopt certain regulations; providing for certain extensions; and generally 2021 relating to student health and fitness.
- 22 BY repealing and reenacting, without amendments,
- 23 Article Education
- 24 Section 7–205(a)

### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

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



#### 1 Annotated Code of Maryland 2 (2006 Replacement Volume and 2007 Supplement) 3 BY repealing and reenacting, with amendments, Article - Education 4 Section 7-409 56 Annotated Code of Maryland 7 (2006 Replacement Volume and 2007 Supplement) 8 Preamble 9 WHEREAS, Obesity leads to at least 300,000 deaths among adults in the 10 United States each year due in part to physical inactivity and a poor diet; and 11 WHEREAS, Inadequate participation in physical activity is a significant contributor to the "epidemic of obesity" that has plagued the nation's young people 12during the past 2 decades; and 13 WHEREAS, Physical activity offers young people many health benefits, 14 including improving aerobic endurance and muscular strength, helping to control 1516 weight, building lean muscle and reducing fat, and helping to build greater bone mass, 17 all of which thwart the development of osteoporosis in adulthood and prevent or 18 reduce high blood pressure; and 19 WHEREAS, A growing body of evidence suggests that providing students with 20 more physical education and physical activity opportunities helps reduce the costs 21schools incur by reducing absenteeism, improving student health, and reducing staff 22time spent addressing academic performance; and 23WHEREAS, A growing body of evidence also suggests that improvement in test 24scores and overall academic achievement can be linked to increased time in physical 25education; and 26WHEREAS, The National PTA considers "Early Physical Education" a "Parent 27Priority" and urges its members to promote physical education in the schools; now, 28therefore, 29 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows: 30 31 There is a Task Force on Student Physical Fitness in Maryland Public (a) 32 Schools. The Task Force consists of the following members: 33 (b) 34 one member of the House of Delegates, appointed by the Speaker of (1)35 the House:

**SENATE BILL 955** 

 $\mathbf{2}$ 

## **SENATE BILL 955**

$rac{1}{2}$	(2) of the Senate;	<u>one n</u>	nember of the Senate of Maryland, appointed by the President
$\frac{3}{4}$	<u>(3)</u> Hygiene, appointe		representative of the Department of Health and Mental are Secretary of Health and Mental Hygiene; and
5	<u>(4)</u>	<u>the fo</u>	llowing members appointed by the Governor:
6		<u>(i)</u>	one representative of the State Department of Education;
7 8	Education;	<u>(ii)</u>	one representative of the Maryland Association of Boards of
9		<u>(iii)</u>	one representative of the Maryland Association of Counties;
10		<u>(iv)</u>	one representative of the American Diabetes Association;
11		<u>(v)</u>	one representative of the American Heart Association;
12		<u>(vi)</u>	one representative of the American Cancer Society;
13 14	(vii) one representative of the Personal Development, Health & Physical Education Teachers Association; and		
15 16	Association.	<u>(viii)</u>	one representative of the National Parent Teachers
17 18	(c) <u>The</u> members of the T		ers of the Task Force shall elect a chair from among the <u>rce.</u>
19 20	(d) <u>The</u> Force.	<u>Depart</u>	ment of Legislative Services shall provide staff for the Task
21	<u>(e)</u> <u>A me</u>	ember o	<u>f the Task Force:</u>
22	<u>(1)</u>	<u>may i</u>	not receive compensation; but
$\begin{array}{c} 23\\ 24 \end{array}$	(2) State Travel Regi		titled to reimbursement for expenses under the Standard as provided in the State budget.
25	(f) <u>The</u>	Task Fo	orce shall study:
26 27 28	( <u>1)</u> provide a minimu the public school	um amo	dvisability of requiring all public schools in the State to ount of physical activity or physical education to students in each week;

## **SENATE BILL 955**

$\begin{array}{c}1\\2\\3\end{array}$	(2) <u>the effects on childhood obesity and related health issues of</u> requiring students to participate in a minimum amount of physical activity or physical education each week;			
4 5 6 7	(3) the monetary costs of requiring public schools to provide a minimum amount of physical activity or physical education for students, how these costs may be minimized, and whether additional outside funding resources are available for these purposes; and			
8 9 10	(4) and analyze the results obtained by any local school systems in the State and other states that have current physical activity or physical education requirements.			
$\begin{array}{c} 11\\ 12\\ 13 \end{array}$	(g) On or before November 20, 2008, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.			
14	Article – Education			
15	<del>7–205.</del>			
16 17	(a) The promotion of students in a public school and graduation from a public high school shall be in accordance with:			
18	(1) Policies established by the county board; and			
19	(2) The rules and regulations of the State Board.			
20	<del>7–409.</del>			
21 22 23 24 25	(a) [Each] SUBJECT TO SUBSECTIONS (B) AND (C) OF THIS SECTION, EACH public school shall have a program of physical education that is given in a planned and sequential manner to all students, kindergarten through grade 12, to develop their good health and physical fitness and improve their motor coordination and physical skills.			
$\frac{26}{27}$	<del>(b)</del> <del>(1)</del> <del>All students in kindergarten through grade 8 shall</del> <del>be provided a daily program of physical activity totaling 150</del>			
28	MINUTES A WEEK AS PROVIDED IN THIS SUBSECTION:			
29 30	( <del>i)</del> The program shall include a minimum of 90 minutes a week of physical education; and			
31 32 33	(II) ANY MINUTES NOT CONSISTING OF PHYSICAL EDUCATION SHALL CONSIST OF DEVELOPMENTALLY APPROPRIATE, MODERATE TO VIGOROUS ACTIVITY, INCLUDING RECESS.			

4

1	(2) AS APPLICABLE, A STUDENT'S PROGRAM OF PHYSICAL				
<b>2</b>	ACTIVITY SHALL BE CONSISTENT WITH THE STUDENT'S INDIVIDUALIZED				
3	EDUCATION PLAN (IEP).				
4	(3) EACH PUBLIC ELEMENTARY SCHOOL SHALL DESIGNATE A				
5	PHYSICAL ACTIVITY LEADERSHIP TEAM TO PLAN AND COORDINATE				
6	OPPORTUNITIES FOR ACTIVITIES THAT MEET THE REQUIREMENTS OF				
7	PARAGRAPH (1)(II) OF THIS SUBSECTION.				
-					
8	(C) A STUDENT IN A PUBLIC HIGH SCHOOL SHALL COMPLETE TWO				
9	YEARS OF PHYSICAL EDUCATION IN ORDER TO GRADUATE FROM A PUBLIC HIGH				
10	SCHOOL.				
11	(D) THE STATE BOARD SHALL ADOPT REGULATIONS NECESSARY TO				
12	IMPLEMENT THE PROVISIONS OF THIS SECTION.				
13					
-	[(b)] (E) The Department shall employ a full-time director of physical education.				
14	eaucation.				
15	SECTION 2. AND BE IT FURTHER ENACTED, That any county school system				
16	that does not meet the requirements of this Act by October 1, 2008 may apply to the				
17	State Department of Education for an extension on compliance with this Act. If				
18	granted, an extension shall terminate at the end of July 1, 2011.				
19	SECTION 3. AND BE IT FURTHER ENACTED, That a county school system				
20	that receives an extension under Section 2 of the Act shall have a plan to ensure the				
21	county school system's full compliance with the requirements of this Act by July 1,				
22	<del>2011.</del>				
~~					
23	SECTION 4. 2. AND BE IT FURTHER ENACTED, That this Act shall take				
24	effect October July 1, 2008. It shall remain effective for a period of 1 year and, at the and of June 20, 2000, with no further action required by the Conoral Assembly, this				
25	end of June 30, 2009, with no further action required by the General Assembly, this				

26 Act shall be abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.