

# HOUSE BILL 1264

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CF SB 879

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By: **Delegates Walker, Anderson, Barnes, Benson, Braveboy, Bromwell, Cardin, Carter, Conaway, Feldman, Frick, Frush, Gaines, Griffith, Guzzone, Healey, Holmes, Howard, Hubbard, Hucker, Ivey, Jameson, Jennings, King, Krebs, Lafferty, Murphy, Myers, Niemann, Oaks, Olszewski, Reznik, Rice, Ross, Schuler, Serafini, Sossi, Stein, Stukes, Tarrant, Taylor, F. Turner, V. Turner, Valderrama, Vaughn, Walkup, and Weir**

Introduced and read first time: February 13, 2009

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Gwendolyn Britt Student Health and Fitness Act**

3 FOR the purpose of requiring certain local school systems to develop and implement  
4 certain physical fitness measurement programs to be used for certain purposes;  
5 requiring the State Department of Education to take certain steps to support  
6 certain fitness measurement programs; requiring each local school system to  
7 submit certain plans and certain reports to the Department; requiring the  
8 Department to establish a certain Advisory Council; providing for the  
9 membership, election of officers, and staff of the Advisory Council; prohibiting  
10 certain members of the Advisory Council from receiving certain compensation;  
11 authorizing certain members of the Advisory Council to receive certain  
12 reimbursement; requiring the Advisory Council to meet certain times per year;  
13 requiring the Advisory Council to develop and coordinate certain educational  
14 programs for students; authorizing the Advisory Council to seek, accept, and  
15 expend certain funds and to seek, accept, and use certain services; and  
16 generally relating to the development and implementation of physical fitness  
17 measurement programs.

18 BY repealing and reenacting, with amendments,  
19 Article – Education  
20 Section 7–409  
21 Annotated Code of Maryland  
22 (2008 Replacement Volume)

23 Preamble

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, Maryland was recently rated number 1 by Education Week in  
2 Quality Counts, and the physical education programs of Maryland should also be first  
3 in the nation; and

4 WHEREAS, Schools play an important role in partnership with parents, health  
5 professionals, and the community in addressing the issues that support the health and  
6 wellness of Maryland's public school students; and

7 WHEREAS, Inadequate participation in physical activity is a significant  
8 contributor to the "epidemic of obesity" that has plagued the nation's young people  
9 during the past 2 decades; and

10 WHEREAS, Physical education and nutrition education are key components in  
11 providing students with the skills and knowledge to develop a healthy lifestyle in  
12 youth which promote healthier lifestyles in adulthood; and

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

18 WHEREAS, Every school system should provide opportunities for and  
19 encourage physical activity during the school day; and

20 WHEREAS, Recess should be encouraged during the school day, and not used  
21 as a reward or punishment; and

22 WHEREAS, School wellness encompasses healthy eating, adequate physical  
23 activity, nutrition education, and physical education for all students; and

24 WHEREAS, Improving school wellness practices is essential to decreasing  
25 childhood obesity and preparing children to lead healthy, active, and productive lives;  
26 and

27 WHEREAS, The Task Force on Student Fitness in Maryland Public Schools has  
28 provided recommendations to the Governor and the Legislature on improving the  
29 health and wellness of Maryland's students; now, therefore,

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

32 **Article – Education**

33 7-409.

1 (a) Each public school shall have a program of physical education that is  
2 given in a planned and sequential manner to all students, kindergarten through grade  
3 12, to develop their good health and physical fitness and improve their motor  
4 coordination and physical skills.

5 (b) The Department shall employ a full-time director of physical education.

6 (c) **EACH LOCAL SCHOOL SYSTEM SHALL DEVELOP AND IMPLEMENT AN**  
7 **ANNUAL PHYSICAL FITNESS MEASUREMENT PROGRAM TO BE USED TO:**

8 (1) **ESTABLISH BASELINE STUDENT DATA FOR THE**  
9 **HEALTH-RELATED COMPONENTS OF PHYSICAL FITNESS;**

10 (2) **ASSIST STUDENTS WITH THE DEVELOPMENT OF PERSONAL**  
11 **PHYSICAL FITNESS PLANS;**

12 (3) **ENCOURAGE APPROPRIATE INTERVENTIONS FOR STUDENTS**  
13 **IDENTIFIED AS HAVING UNHEALTHY LEVELS OF PHYSICAL FITNESS;**

14 (4) **IDENTIFY EFFECTIVE PRACTICES FOR IMPROVEMENT OF**  
15 **STUDENT HEALTH-RELATED PHYSICAL FITNESS; AND**

16 (5) **ENCOURAGE PARTNERSHIPS WITH HEALTH AGENCIES TO**  
17 **ADDRESS STUDENT HEALTH-RELATED ISSUES IN THE STATE.**

18 (d) **THE DEPARTMENT SHALL:**

19 (1) **DEVELOP A PROCEDURE TO MONITOR AND MEASURE THE**  
20 **IMPLEMENTATION OF EACH LOCAL SCHOOL SYSTEM'S PHYSICAL FITNESS**  
21 **MEASUREMENT PROGRAM;**

22 (2) **PROVIDE FEEDBACK AND TECHNICAL ASSISTANCE TO EACH**  
23 **LOCAL SCHOOL SYSTEM TO IMPLEMENT ITS PHYSICAL FITNESS MEASUREMENT**  
24 **PROGRAM;**

25 (3) **IDENTIFY AND DISTRIBUTE TO EACH LOCAL SCHOOL SYSTEM**  
26 **EFFECTIVE WELLNESS POLICY PRACTICES FOR PHYSICAL ACTIVITY AND**  
27 **PHYSICAL EDUCATION; AND**

28 (4) **PROVIDE STAFF SUPPORT TO EACH LOCAL SCHOOL SYSTEM**  
29 **TO IMPLEMENT THE LOCAL SCHOOL SYSTEM'S PHYSICAL FITNESS**  
30 **MEASUREMENT PROGRAM.**

1           **(E) EACH LOCAL SCHOOL SYSTEM SHALL SUBMIT TO THE**  
2 **DEPARTMENT:**

3           **(1) THE LOCAL SCHOOL SYSTEM'S PHYSICAL FITNESS**  
4 **MEASUREMENT PROGRAM IMPLEMENTATION AND MONITORING PLAN, THAT**  
5 **SHALL INCLUDE:**

6                   **(I) POLICY GOALS;**

7                   **(II) ACTIVITIES;**

8                   **(III) EXPECTED OUTCOMES; AND**

9                   **(IV) MEASUREMENTS FOR PHYSICAL ACTIVITY AND**  
10 **PHYSICAL EDUCATION; AND**

11           **(2) AN ANNUAL REPORT ON THE LOCAL SCHOOL SYSTEM'S**  
12 **PROGRESS TOWARD ACHIEVING THE POLICY GOALS OF THE IMPLEMENTATION**  
13 **PLAN.**

14           **(F) (1) THE DEPARTMENT SHALL ESTABLISH AN ADVISORY COUNCIL**  
15 **ON HEALTH AND PHYSICAL EDUCATION.**

16           **(2) THE ADVISORY COUNCIL SHALL CONSIST OF THE FOLLOWING**  
17 **MEMBERS, SELECTED BY EACH ORGANIZATION FROM WHICH THE MEMBER IS A**  
18 **REPRESENTATIVE:**

19                   **(I) A REPRESENTATIVE FROM THE DEPARTMENT;**

20                   **(II) A REPRESENTATIVE FROM THE MARYLAND**  
21 **PARENT-TEACHER ASSOCIATION;**

22                   **(III) A REPRESENTATIVE FROM THE MARYLAND STATE**  
23 **TEACHERS ASSOCIATION;**

24                   **(IV) A REPRESENTATIVE FROM THE PUBLIC SCHOOL**  
25 **SUPERINTENDENTS ASSOCIATION OF MARYLAND;**

26                   **(V) REPRESENTATIVES FROM EACH LOCAL SCHOOL**  
27 **SYSTEM;**

28                   **(VI) A REPRESENTATIVE FROM THE MARYLAND**  
29 **ASSOCIATION OF BOARDS OF EDUCATION;**

1                   (VII) A REPRESENTATIVE FROM THE MARYLAND  
2 ASSOCIATION OF COUNTIES;

3                   (VIII) A REPRESENTATIVE FROM THE GOVERNOR'S COUNCIL  
4 ON PHYSICAL FITNESS AND SPORT;

5                   (IX) A REPRESENTATIVE OF THE PROFESSIONAL  
6 ORGANIZATION FOR HEALTH, PHYSICAL EDUCATION, RECREATION, AND  
7 DANCE;

8                   (X) A REPRESENTATIVE FROM AN INSTITUTION OF HIGHER  
9 EDUCATION HAVING A HEALTH AND PHYSICAL EDUCATION TEACHER  
10 EDUCATION PROGRAM;

11                   (XI) A REPRESENTATIVE FROM SPECIAL OLYMPICS OF  
12 MARYLAND;

13                   (XII) A REPRESENTATIVE FROM THE DEPARTMENT OF  
14 HEALTH AND MENTAL HYGIENE;

15                   (XIII) A REPRESENTATIVE FROM THE AMERICAN ACADEMY  
16 OF PEDIATRICS; AND

17                   (XIV) REPRESENTATIVES FROM THE FOLLOWING HEALTH  
18 ORGANIZATIONS:

- 19                   1. THE AMERICAN HEART ASSOCIATION;
- 20                   2. THE AMERICAN CANCER SOCIETY; AND
- 21                   3. THE AMERICAN DIABETES ASSOCIATION.

22                   (3) FROM AMONG ITS MEMBERS, THE COUNCIL SHALL ELECT A  
23 CHAIR, VICE CHAIR, AND ANY OTHER OFFICERS NECESSARY TO CARRY OUT THE  
24 ADVISORY COUNCIL'S FUNCTIONS.

25                   (4) THE DEPARTMENT SHALL PROVIDE STAFF AND OTHER  
26 NECESSARY SUPPORT TO THE ADVISORY COUNCIL USING EXISTING  
27 RESOURCES.

28                   (5) A MEMBER OF THE ADVISORY COUNCIL MAY NOT RECEIVE  
29 COMPENSATION FOR SERVING ON THE ADVISORY COUNCIL, BUT IS ENTITLED  
30 TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL  
31 REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

1           **(6) THE ADVISORY COUNCIL SHALL MEET AT LEAST TWICE EACH**  
2 **YEAR AND MAY HOLD ADDITIONAL MEETINGS AT THE DISCRETION OF THE**  
3 **CHAIR OR AT THE REQUEST OF A MAJORITY OF THE MEMBERS.**

4           **(7) THE ADVISORY COUNCIL SHALL:**

5                   **(I) DEVELOP AND COORDINATE PROGRAMS IN**  
6 **COLLABORATION WITH PUBLIC SCHOOLS TO EDUCATE STUDENTS REGARDING**  
7 **THE IMPORTANCE OF:**

8                           **1. PHYSICAL ACTIVITY AND PHYSICAL MOVEMENT;**

9                           **2. THE RELATIONSHIP OF PHYSICAL ACTIVITY TO A**  
10 **HEALTHY LIFESTYLE AND IMPROVED FITNESS;**

11                          **3. THE RELATIONSHIP BETWEEN HEALTHY EATING,**  
12 **PHYSICAL ACTIVITY, AND MAINTAINING A HEALTHY WEIGHT; AND**

13                          **4. THE VALUE OF PHYSICAL ACTIVITY AND ITS**  
14 **RELATIONSHIP TO IMPROVED ACADEMIC ACHIEVEMENT AND STRESS**  
15 **REDUCTION; AND**

16                          **(II) IDENTIFY PROMISING HEALTH AND PHYSICAL**  
17 **EDUCATION PRACTICES IN THE STATE;**

18                          **(III) BUILD A NETWORK OF HEALTH AND PHYSICAL**  
19 **EDUCATION PROFESSIONALS TO SHARE INFORMATION AND STRENGTHEN**  
20 **PARTNERSHIPS;**

21                          **(IV) SUPPORT SUCCESSFUL HEALTH AND PHYSICAL**  
22 **EDUCATION PROGRAMS IN THE STATE AND ENCOURAGE THE EXPANSION OF**  
23 **THOSE PROGRAMS; AND**

24                          **(V) CONSULT WITH ORGANIZATIONS REPRESENTED ON THE**  
25 **ADVISORY COUNCIL AS APPROPRIATE.**

26           **(8) THE ADVISORY COUNCIL MAY:**

27                          **(I) SEEK, ACCEPT, AND EXPEND FUNDS FROM ANY SOURCE,**  
28 **INCLUDING DONATIONS, STATE APPROPRIATIONS, AND FEDERAL GRANTS; AND**

29                          **(II) SEEK, ACCEPT, AND USE SERVICES FROM INDIVIDUALS,**  
30 **CORPORATIONS, AND GOVERNMENT ENTITIES.**

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2009.