

HOUSE BILL 1264

F1

9lr2977
CF SB 879

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~~ Weir, Bartlett, Barve, Boteler, Doory, Elmore, George, Gilchrist, Hixson, and Kaiser**

Introduced and read first time: February 13, 2009

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2009

CHAPTER _____

1 AN ACT concerning

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

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

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 BY repealing and reenacting, with amendments,
2 Article – Education
3 Section 7–409
4 Annotated Code of Maryland
5 (2008 Replacement Volume)

6 Preamble

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

10 WHEREAS, Schools play an important role in partnership with parents, health
11 professionals, and the community in addressing the issues that support the health and
12 wellness of Maryland’s public school students; and

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

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

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

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

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

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

30 WHEREAS, Improving school wellness practices is essential to decreasing
31 childhood obesity and preparing children to lead healthy, active, and productive lives;
32 and

33 WHEREAS, The Task Force on Student Fitness in Maryland Public Schools has
34 provided recommendations to the Governor and the Legislature on improving the
35 health and wellness of Maryland’s students; now, therefore,

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

3 **Article – Education**

4 7–409.

5 (a) Each public school shall have a program of physical education that is
6 given in a planned and sequential manner to all students, kindergarten through grade
7 12, to develop their good health and physical fitness and improve their motor
8 coordination and physical skills.

9 (b) The Department shall employ a full–time director of physical education.

10 (c) **EACH LOCAL SCHOOL SYSTEM ~~SHALL~~ MAY DEVELOP AND**
11 **IMPLEMENT AN ANNUAL ~~PHYSICAL FITNESS MEASUREMENT PROGRAM~~**
12 **WELLNESS POLICY IMPLEMENTATION AND MONITORING PLAN TO BE USED TO:**

13 (1) **ESTABLISH BASELINE STUDENT DATA FOR THE**
14 **HEALTH–RELATED COMPONENTS OF PHYSICAL FITNESS;**

15 (2) **ASSIST STUDENTS WITH THE DEVELOPMENT OF PERSONAL**
16 **PHYSICAL FITNESS PLANS;**

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

19 (4) **IDENTIFY EFFECTIVE PRACTICES FOR IMPROVEMENT OF**
20 **STUDENT HEALTH–RELATED PHYSICAL FITNESS; AND**

21 (5) **ENCOURAGE PARTNERSHIPS WITH HEALTH AGENCIES TO**
22 **ADDRESS STUDENT HEALTH–RELATED ISSUES IN THE STATE.**

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

24 (1) **DEVELOP A PROCEDURE TO MONITOR AND MEASURE THE**
25 **IMPLEMENTATION OF ~~EACH~~ A LOCAL SCHOOL SYSTEM’S ~~PHYSICAL FITNESS~~**
26 **~~MEASUREMENT PROGRAM~~ WELLNESS POLICY IMPLEMENTATION AND**
27 **MONITORING PLAN;**

28 (2) **PROVIDE FEEDBACK AND TECHNICAL ASSISTANCE TO EACH**
29 **LOCAL SCHOOL SYSTEM ~~TO IMPLEMENT ITS~~ THAT IMPLEMENTS A ~~PHYSICAL~~**
30 **~~FITNESS MEASUREMENT PROGRAM~~ WELLNESS POLICY IMPLEMENTATION AND**
31 **MONITORING PLAN;**

1 (3) IDENTIFY AND DISTRIBUTE TO EACH LOCAL SCHOOL SYSTEM
2 EFFECTIVE WELLNESS POLICY PRACTICES FOR PHYSICAL ACTIVITY AND
3 PHYSICAL EDUCATION; AND

4 (4) PROVIDE STAFF SUPPORT TO EACH LOCAL SCHOOL SYSTEM
5 ~~TO IMPLEMENT THE LOCAL SCHOOL SYSTEM'S THAT IMPLEMENTS A PHYSICAL~~
6 ~~FITNESS MEASUREMENT PROGRAM~~ WELLNESS POLICY IMPLEMENTATION AND
7 MONITORING PLAN.

8 (E) EACH LOCAL SCHOOL SYSTEM THAT IMPLEMENTS A WELLNESS
9 POLICY IMPLEMENTATION AND MONITORING PLAN UNDER SUBSECTION (C) OF
10 THIS SECTION SHALL SUBMIT TO THE DEPARTMENT:

11 (1) THE LOCAL SCHOOL SYSTEM'S ~~PHYSICAL—FITNESS~~
12 ~~MEASUREMENT—PROGRAM~~ WELLNESS POLICY IMPLEMENTATION AND
13 MONITORING PLAN, THAT SHALL INCLUDE:

14 (I) POLICY GOALS;

15 (II) ACTIVITIES;

16 (III) EXPECTED OUTCOMES; AND

17 (IV) MEASUREMENTS FOR PHYSICAL ACTIVITY AND
18 PHYSICAL EDUCATION; AND

19 (2) AN ANNUAL REPORT ON THE LOCAL SCHOOL SYSTEM'S
20 PROGRESS TOWARD ACHIEVING THE POLICY GOALS OF THE IMPLEMENTATION
21 PLAN.

22 (F) (1) THE DEPARTMENT SHALL ESTABLISH AN ADVISORY COUNCIL
23 ON HEALTH AND PHYSICAL EDUCATION.

24 (2) THE ADVISORY COUNCIL SHALL CONSIST OF THE FOLLOWING
25 MEMBERS, SELECTED BY EACH ORGANIZATION FROM WHICH THE MEMBER IS A
26 REPRESENTATIVE:

27 (I) A REPRESENTATIVE FROM THE DEPARTMENT;

28 (II) A REPRESENTATIVE FROM THE MARYLAND
29 PARENT-TEACHER ASSOCIATION;

30 (III) A REPRESENTATIVE FROM THE MARYLAND STATE
31 TEACHERS ASSOCIATION;

1 (IV) A REPRESENTATIVE FROM THE PUBLIC SCHOOL
2 SUPERINTENDENTS ASSOCIATION OF MARYLAND;

3 (V) REPRESENTATIVES FROM EACH LOCAL SCHOOL
4 SYSTEM;

5 (VI) A REPRESENTATIVE FROM THE MARYLAND
6 ASSOCIATION OF BOARDS OF EDUCATION;

7 (VII) A REPRESENTATIVE FROM THE MARYLAND
8 ASSOCIATION OF COUNTIES;

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

11 (IX) A REPRESENTATIVE OF THE PROFESSIONAL
12 ORGANIZATION FOR HEALTH, PHYSICAL EDUCATION, RECREATION, AND
13 DANCE;

14 (X) A REPRESENTATIVE FROM AN INSTITUTION OF HIGHER
15 EDUCATION HAVING A HEALTH AND PHYSICAL EDUCATION TEACHER
16 EDUCATION PROGRAM;

17 (XI) A REPRESENTATIVE FROM SPECIAL OLYMPICS OF
18 MARYLAND;

19 (XII) A REPRESENTATIVE FROM THE DEPARTMENT OF
20 HEALTH AND MENTAL HYGIENE;

21 (XIII) A REPRESENTATIVE FROM THE AMERICAN ACADEMY
22 OF PEDIATRICS; AND

23 (XIV) REPRESENTATIVES FROM THE FOLLOWING HEALTH
24 ORGANIZATIONS:

- 25 1. THE AMERICAN HEART ASSOCIATION;
- 26 2. THE AMERICAN CANCER SOCIETY; AND
- 27 3. THE AMERICAN DIABETES ASSOCIATION.

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

1 (4) THE DEPARTMENT SHALL PROVIDE STAFF AND OTHER
2 NECESSARY SUPPORT TO THE ADVISORY COUNCIL USING EXISTING
3 RESOURCES.

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

8 (6) THE ADVISORY COUNCIL SHALL MEET AT LEAST TWICE EACH
9 YEAR AND MAY HOLD ADDITIONAL MEETINGS AT THE DISCRETION OF THE
10 CHAIR OR AT THE REQUEST OF A MAJORITY OF THE MEMBERS.

11 (7) THE ADVISORY COUNCIL SHALL:

12 (I) DEVELOP AND COORDINATE PROGRAMS IN
13 COLLABORATION WITH PUBLIC SCHOOLS TO EDUCATE STUDENTS REGARDING
14 THE IMPORTANCE OF:

15 1. PHYSICAL ACTIVITY AND PHYSICAL MOVEMENT;

16 2. THE RELATIONSHIP OF PHYSICAL ACTIVITY TO A
17 HEALTHY LIFESTYLE AND IMPROVED FITNESS;

18 3. THE RELATIONSHIP BETWEEN HEALTHY EATING,
19 PHYSICAL ACTIVITY, AND MAINTAINING A HEALTHY WEIGHT; AND

20 4. THE VALUE OF PHYSICAL ACTIVITY AND ITS
21 RELATIONSHIP TO IMPROVED ACADEMIC ACHIEVEMENT AND STRESS
22 REDUCTION; AND

23 (II) IDENTIFY PROMISING HEALTH AND PHYSICAL
24 EDUCATION PRACTICES IN THE STATE;

25 (III) BUILD A NETWORK OF HEALTH AND PHYSICAL
26 EDUCATION PROFESSIONALS TO SHARE INFORMATION AND STRENGTHEN
27 PARTNERSHIPS;

28 (IV) SUPPORT SUCCESSFUL HEALTH AND PHYSICAL
29 EDUCATION PROGRAMS IN THE STATE AND ENCOURAGE THE EXPANSION OF
30 THOSE PROGRAMS; AND

31 (V) CONSULT WITH ORGANIZATIONS REPRESENTED ON THE
32 ADVISORY COUNCIL AS APPROPRIATE.

- 1 **(8) THE ADVISORY COUNCIL MAY:**
- 2 **(I) SEEK, ACCEPT, AND EXPEND FUNDS FROM ANY SOURCE,**
- 3 **INCLUDING DONATIONS, STATE APPROPRIATIONS, AND FEDERAL GRANTS; AND**
- 4 **(II) SEEK, ACCEPT, AND USE SERVICES FROM INDIVIDUALS,**
- 5 **CORPORATIONS, AND GOVERNMENT ENTITIES.**

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.