

SENATE BILL 879

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9lr2780
CF HB 1264

By: **Senator Harrington**

Introduced and read first time: February 6, 2009

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 24, 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.

20 BY repealing and reenacting, with amendments,
21 Article – Education
22 Section 7–409
23 Annotated Code of Maryland
24 (2008 Replacement Volume)

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 Preamble

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

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

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

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

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

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

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

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

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

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

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

33 **Article – Education**

34 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~~ MAY DEVELOP AND
7 IMPLEMENT AN ANNUAL ~~PHYSICAL-FITNESS-MEASUREMENT-PROGRAM~~
8 WELLNESS POLICY IMPLEMENTATION AND MONITORING PLAN TO BE USED TO:

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

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

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

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

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

19 (d) THE DEPARTMENT SHALL:

20 (1) DEVELOP A PROCEDURE TO MONITOR AND MEASURE THE
21 IMPLEMENTATION OF ~~EACH A~~ LOCAL SCHOOL SYSTEM'S ~~PHYSICAL-FITNESS~~
22 ~~MEASUREMENT-PROGRAM~~ WELLNESS POLICY IMPLEMENTATION AND
23 MONITORING PLAN;

24 (2) PROVIDE FEEDBACK AND TECHNICAL ASSISTANCE TO EACH
25 LOCAL SCHOOL SYSTEM ~~TO IMPLEMENT ITS~~ THAT IMPLEMENTS A ~~PHYSICAL~~
26 ~~FITNESS-MEASUREMENT-PROGRAM~~ WELLNESS POLICY IMPLEMENTATION AND
27 MONITORING PLAN;

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

31 (4) PROVIDE STAFF SUPPORT TO EACH LOCAL SCHOOL SYSTEM
32 ~~TO IMPLEMENT THE LOCAL SCHOOL SYSTEM'S~~ THAT IMPLEMENTS A PHYSICAL

FITNESS MEASUREMENT PROGRAM WELLNESS POLICY IMPLEMENTATION AND MONITORING PLAN.

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

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

(I) POLICY GOALS;

(II) ACTIVITIES;

(III) EXPECTED OUTCOMES; AND

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

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

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

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

(I) A REPRESENTATIVE FROM THE DEPARTMENT;

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

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

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

(V) REPRESENTATIVES FROM EACH LOCAL SCHOOL SYSTEM;

1 (VI) A REPRESENTATIVE FROM THE MARYLAND
2 ASSOCIATION OF BOARDS OF EDUCATION;

3 (VII) A REPRESENTATIVE FROM THE MARYLAND
4 ASSOCIATION OF COUNTIES;

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

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

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

13 (XI) A REPRESENTATIVE FROM SPECIAL OLYMPICS OF
14 MARYLAND;

15 (XII) A REPRESENTATIVE FROM THE DEPARTMENT OF
16 HEALTH AND MENTAL HYGIENE;

17 (XIII) A REPRESENTATIVE FROM THE AMERICAN ACADEMY
18 OF PEDIATRICS; AND

19 (XIV) REPRESENTATIVES FROM THE FOLLOWING HEALTH
20 ORGANIZATIONS:

21 1. THE AMERICAN HEART ASSOCIATION;

22 2. THE AMERICAN CANCER SOCIETY; AND

23 3. THE AMERICAN DIABETES ASSOCIATION.

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

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

30 (5) A MEMBER OF THE ADVISORY COUNCIL MAY NOT RECEIVE
31 COMPENSATION FOR SERVING ON THE ADVISORY COUNCIL, BUT IS ENTITLED

1 TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL
2 REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

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

6 (7) THE ADVISORY COUNCIL SHALL:

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

10 1. PHYSICAL ACTIVITY AND PHYSICAL MOVEMENT;

11 2. THE RELATIONSHIP OF PHYSICAL ACTIVITY TO A
12 HEALTHY LIFESTYLE AND IMPROVED FITNESS;

13 3. THE RELATIONSHIP BETWEEN HEALTHY EATING,
14 PHYSICAL ACTIVITY, AND MAINTAINING A HEALTHY WEIGHT; AND

15 4. THE VALUE OF PHYSICAL ACTIVITY AND ITS
16 RELATIONSHIP TO IMPROVED ACADEMIC ACHIEVEMENT AND STRESS
17 REDUCTION; AND

18 (II) IDENTIFY PROMISING HEALTH AND PHYSICAL
19 EDUCATION PRACTICES IN THE STATE;

20 (III) BUILD A NETWORK OF HEALTH AND PHYSICAL
21 EDUCATION PROFESSIONALS TO SHARE INFORMATION AND STRENGTHEN
22 PARTNERSHIPS;

23 (IV) SUPPORT SUCCESSFUL HEALTH AND PHYSICAL
24 EDUCATION PROGRAMS IN THE STATE AND ENCOURAGE THE EXPANSION OF
25 THOSE PROGRAMS; AND

26 (V) CONSULT WITH ORGANIZATIONS REPRESENTED ON THE
27 ADVISORY COUNCIL AS APPROPRIATE.

28 (8) THE ADVISORY COUNCIL MAY:

29 (I) SEEK, ACCEPT, AND EXPEND FUNDS FROM ANY SOURCE,
30 INCLUDING DONATIONS, STATE APPROPRIATIONS, AND FEDERAL GRANTS; AND

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.