

**Department of Legislative Services**  
Maryland General Assembly  
2009 Session

**FISCAL AND POLICY NOTE**  
**Revised**

Senate Bill 879

(Senator Harrington)

Education, Health, and Environmental Affairs

Ways and Means

**Gwendolyn Britt Student Health and Fitness Act**

This bill authorizes local school systems to develop and implement annual wellness policy implementation and monitoring plans. The Maryland State Department of Education (MSDE) is required to take specified steps to support the establishment of the plans. Local school systems that choose to implement the plans must submit the plans to MSDE and annual reports on the progress toward achieving the policy goals of the implementation plans.

MSDE must establish an Advisory Council on Health and Physical Education. In collaboration with public schools, the advisory council is required to develop and coordinate programs to educate students about the importance and benefits of physical movement. MSDE must provide staff and other necessary support to the council using existing resources and has to provide program implementation staff support to local school systems that choose to implement wellness policy implementation and monitoring plans.

**Fiscal Summary**

**State Effect:** General fund expenditures increase by an estimated \$14,500 in FY 2010 for the physical education specialist at MSDE to become a permanent position rather than a contractual position. Future year expenditures reflect annualization and a lower turnover rate. Revenues are not affected.

(in dollars)	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	14,500	22,300	23,600	25,000	26,500
Net Effect	(\$14,500)	(\$22,300)	(\$23,600)	(\$25,000)	(\$26,500)

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** If a local school system without a wellness policy implementation and monitoring plan chooses to implement one, expenditures may increase. Revenues are not affected.

**Small Business Effect:** None.

---

## Analysis

### **Bill Summary:** *Wellness Policy Implementation and Monitoring Plans*

The wellness policy implementation and monitoring plan must be used to:

- establish baseline student data for the health-related components of physical fitness;
- assist students with the development of personal physical fitness plans;
- encourage appropriate intervention for students identified as having unhealthy levels of physical fitness;
- identify effective practices for improvement of student health-related issues in the State; and
- encourage partnerships with health agencies to address student health-related issues in the State.

Each local school system's wellness policy implementation and monitoring plan must include policy goals, activities, expected outcomes, and measurements for physical activity and physical education. MSDE is required to develop a procedure to monitor and measure the implementation of each local school system's plan and to provide feedback and technical assistance.

MSDE must distribute effective wellness policy practices for physical activity and education to local school systems.

### *Advisory Council on Health and Physical Education*

The advisory council must identify promising health and physical education practices in the State and then support and encourage the expansion of those programs it deems to be successful. The advisory council is also charged with building a network of health and physical education professionals to share information and strengthen partnerships.

The advisory council must consist of specified representatives from public and private organizations. Members of the council may not receive compensation for serving on the council, but are entitled to reimbursement for expenses under the standard State travel regulations, as provided in the State budget. The council has to meet at least twice a year and may hold additional meetings at the discretion of the chair, or at the request of a majority of the members.

The council may seek, accept, and expend funds from any source including donation, State appropriations, and federal grants. The council may also seek, accept, and use services from individuals, corporations, and government entities.

**Current Law:** Every public school must have a program of physical education that is given in a planned and sequential manner to all students in order to develop their good health and physical fitness and improve their motor coordination and physical skills. By regulation, a student must successfully complete one semester of physical education in order to earn a Maryland high school diploma.

With the assistance of the local health department, each local board of education must provide adequate school health services, instruction in health education, and a healthful school environment. Local school systems must designate a school health services program coordinator.

Maryland regulations require physical education instructional programs to explain how regular, moderate-to-vigorous physical activity contributes to personal health and enhances cognitive and physical performance on a variety of academic, recreational, and life tasks.

**Background:** The National Conference of State Legislatures (NCSL) reports that, over the last 30 years, the percentage of children who are overweight has more than quadrupled for children ages 6 to 11 and more than tripled for youths ages 12 to 19. NCSL also reports that, in addition to reducing the risk of chronic disease, exercise helps academic performance, contributes to healthy physical development, and reduces the risk for depression. Experts recommend that all children from prekindergarten through grade 12 receive daily physical education in appropriate facilities.

The November 2008 final report submitted by the Task Force on Student Physical Fitness in Maryland Public Schools reports that most of the school systems use one of two fitness measurements to make instructional and programmatic decisions. One of the programs, Fitnessgram, uses fitness information to determine the amount of fitness needed to meet minimum health levels. The other program, the President's Challenge, provides percentile comparisons to other youth in a group, but does not provide information about how the scores relate to health. The task force advises that collecting fitness

measurements may be time consuming but recommends requiring schools to perform fitness measurements on students, with differentiated instruction provided for students not meeting fitness standards.

The task force also recommends that local school systems develop, implement, and monitor wellness policies to address increasing physical activity and physical education time in the schools through local decision making. MSDE has designed a wellness policy implementation and monitoring guide to provide school systems with a model framework to follow. The guide is designed as a template for school systems to insert their specific policy language and support their policy implementation plans.

To assess the ongoing progress of the recommendations from the report and to provide direction for improving comprehensive health and physical education programs in the State, the task force recommends establishing a statewide advisory council to monitor physical education in Maryland.

**State Expenditures:** General fund expenditures increase by an estimated \$14,500 in fiscal 2010 for the physical education specialist at MSDE to become a permanent position rather than a contractual position. This position can support the establishment and implementation of wellness plans as well as the advisory council. The Task Force on Student Physical Fitness in Maryland Public Schools recommended making this a permanent position.

The estimate reflects the difference in the fringe benefits for a contractual position and a permanent position beginning on the October 1, 2009 effective date.

	<b><u>FY 2010</u></b>	<b><u>FY 2011</u></b>
Contractual Salary and Fringe Benefits	\$46,249	\$60,001
Permanent Salary and Fringe Benefits	<u>60,719</u>	<u>82,306</u>
<b>Difference</b>	<b>\$14,470</b>	<b>\$22,305</b>

Future year expenditures reflect a 3% employee turnover rate rather than a 6.8% rate.

**Local Expenditures:** Local school systems are not required to implement wellness policy implementation and monitoring plans; therefore, any increases in expenditures for local school systems will be due to local decisions. If a local school system without a plan chooses to implement one MDSE advises that there may be costs associated with collecting data on student fitness measurements. Currently, 11 local school systems are using and paying for a commercially developed server based software package to collect data by student, school, and school system. However, MSDE advises that local school systems can also choose to develop local school system data entry spreadsheets.

Two school systems are using self-designed fitness measurement collection tools.

MSDE advises that all local school systems have already developed wellness policies as required by federal law. These policies require each school system to establish a plan for measuring implementation of the local wellness policy, including designating someone to be responsible for ensuring that the goals laid out in the policy are met.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 1264 (Delegate Walker, *et al.*) - Ways and Means.

**Information Source(s):** Maryland State Department of Education, Department of Health and Mental Hygiene, National Conference of State Legislatures, Department of Legislative Services

**Fiscal Note History:** First Reader - March 3, 2009  
mcp/mwc Revised - Senate Third Reader - March 27, 2009

---

Analysis by: Caroline L. Boice

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510