

HOUSE BILL 334

F1
HB 508/09 – W&M

0lr1501

By: **Delegates Walker and Ivey**
Introduced and read first time: January 27, 2010
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – Physical Education Facilities**

3 FOR the purpose of requiring the State Department of Education to adopt regulations
4 that require certain public schools occupied after a certain date to include a
5 gymnasium and support spaces for physical education instruction and to adopt
6 guidelines for facilities for physical education programs; and generally relating
7 to physical education facilities in public schools.

8 BY repealing and reenacting, with amendments,
9 Article – Education
10 Section 7–409
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2009 Supplement)

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

15 **Article – Education**

16 7–409.

17 (a) Each public school shall have a program of physical education that is
18 given in a planned and sequential manner to all students, kindergarten through grade
19 12, to develop their good health and physical fitness and improve their motor
20 coordination and physical skills.

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

22 (c) Each local school system may develop and implement an annual Wellness
23 Policy Implementation and Monitoring Plan to be used to:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) Establish baseline student data for the health–related components
2 of physical fitness;

3 (2) Assist students with the development of personal physical fitness
4 plans;

5 (3) Encourage appropriate interventions for students identified as
6 having unhealthy levels of physical fitness;

7 (4) Identify effective practices for improvement of student
8 health–related physical fitness; and

9 (5) Encourage partnerships with health agencies to address student
10 health–related issues in the State.

11 (d) The Department shall:

12 (1) Develop a procedure to monitor and measure the implementation
13 of a local school system’s Wellness Policy Implementation and Monitoring Plan;

14 (2) Provide feedback and technical assistance to each local school
15 system that implements a Wellness Policy Implementation and Monitoring Plan;

16 (3) Identify and distribute to each local school system effective
17 wellness policy practices for physical activity and physical education; and

18 (4) Provide staff support to each local school system that implements a
19 Wellness Policy Implementation and Monitoring Plan.

20 (e) Each local school system that implements a Wellness Policy
21 Implementation and Monitoring Plan under subsection (c) of this section shall submit
22 to the Department:

23 (1) The local school system’s Wellness Policy Implementation and
24 Monitoring Plan, that shall include:

25 (i) Policy goals;

26 (ii) Activities;

27 (iii) Expected outcomes; and

28 (iv) Measurements for physical activity and physical education;
29 and

30 (2) An annual report on the local school system’s progress toward
31 achieving the policy goals of the implementation plan.

1 (f) (1) The Department shall establish an Advisory Council on Health and
2 Physical Education.

3 (2) The Advisory Council shall consist of the following members,
4 selected by each organization from which the member is a representative:

5 (i) A representative from the Department;

6 (ii) A representative from the Maryland Parent–Teacher
7 Association;

8 (iii) A representative from the Maryland State Teachers
9 Association;

10 (iv) A representative from the Public School Superintendents
11 Association of Maryland;

12 (v) Representatives from each local school system;

13 (vi) A representative from the Maryland Association of Boards of
14 Education;

15 (vii) A representative from the Maryland Association of Counties;

16 (viii) A representative from the Governor’s Council on Physical
17 Fitness and Sport;

18 (ix) A representative of the Professional Organization for
19 Health, Physical Education, Recreation, and Dance;

20 (x) A representative from an institution of higher education
21 having a health and physical education teacher education program;

22 (xi) A representative from Special Olympics of Maryland;

23 (xii) A representative from the Department of Health and Mental
24 Hygiene;

25 (xiii) A representative from the American Academy of Pediatrics;
26 and

27 (xiv) Representatives from the following health organizations:

28 1. The American Heart Association;

29 2. The American Cancer Society; and

30 3. The American Diabetes Association.

1 (3) From among its members, the Council shall elect a chair, vice
2 chair, and any other officers necessary to carry out the Advisory Council's functions.

3 (4) The Department shall provide staff and other necessary support to
4 the Advisory Council using existing resources.

5 (5) A member of the Advisory Council may not receive compensation
6 for serving on the Advisory Council, but is entitled to reimbursement for expenses
7 under the Standard State Travel Regulations, as provided in the State budget.

8 (6) The Advisory Council shall meet at least twice each year and may
9 hold additional meetings at the discretion of the chair or at the request of a majority of
10 the members.

11 (7) The Advisory Council shall:

12 (i) Develop and coordinate programs in collaboration with
13 public schools to educate students regarding the importance of:

14 1. Physical activity and physical movement;

15 2. The relationship of physical activity to a healthy
16 lifestyle and improved fitness;

17 3. The relationship between healthy eating, physical
18 activity, and maintaining a healthy weight; and

19 4. The value of physical activity and its relationship to
20 improved academic achievement and stress reduction; and

21 (ii) Identify promising health and physical education practices
22 in the State;

23 (iii) Build a network of health and physical education
24 professionals to share information and strengthen partnerships;

25 (iv) Support successful health and physical education programs
26 in the State and encourage the expansion of those programs; and

27 (v) Consult with organizations represented on the Advisory
28 Council as appropriate.

29 (8) The Advisory Council may:

30 (i) Seek, accept, and expend funds from any source, including
31 donations, State appropriations, and federal grants; and

1 (ii) Seek, accept, and use services from individuals,
2 corporations, and government entities.

3 (G) THE DEPARTMENT SHALL:

4 (1) ADOPT REGULATIONS THAT REQUIRE ALL PUBLIC SCHOOL
5 BUILDINGS NEWLY CONSTRUCTED OR COMPLETELY RENOVATED AND OCCUPIED
6 AFTER JANUARY 1, 2013, TO INCLUDE A GYMNASIUM AND SUPPORT SPACES FOR
7 PHYSICAL EDUCATION INSTRUCTION; AND

8 (2) ADOPT GUIDELINES FOR FACILITIES FOR PHYSICAL
9 EDUCATION PROGRAMS.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2010.