

Chapter 266

(Senate Bill 256)

AN ACT concerning

Public Schools – Physical Education Facilities

FOR the purpose of requiring the State Department of Education to adopt regulations that require a public school that is newly constructed or completely renovated and occupied on or after a certain date to include a gymnasium and adequate support space for physical education instruction; requiring certain regulations to include a certain process to request a waiver from a certain requirement for certain reasons; requiring the Department to adopt guidelines for facilities for physical education programs; providing for the application of this Act; and generally relating to physical education facilities in public schools.

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

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

Article – Education

7–409.

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

(b) **(1)** The Department shall [employ]:

~~(1)~~ **(I)** EMPLOY a full-time director of physical education;

~~(2)~~ **(II)** ~~ADOPT~~ SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ADOPT REGULATIONS THAT REQUIRE A PUBLIC SCHOOL BUILDING THAT IS NEWLY CONSTRUCTED OR COMPLETELY RENOVATED AND OCCUPIED ON OR AFTER JANUARY 1, 2013, TO INCLUDE A GYMNASIUM AND ADEQUATE SUPPORT SPACE FOR PHYSICAL EDUCATION INSTRUCTION; AND

~~(3)~~ **(III)** **ADOPT GUIDELINES FOR FACILITIES FOR PHYSICAL EDUCATION PROGRAMS.**

(2) THE REGULATIONS ADOPTED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL INCLUDE A PROCESS BY WHICH A LOCAL SCHOOL SYSTEM THAT IS CONDUCTING A COMPLETE RENOVATION OF A PUBLIC SCHOOL BUILDING MAY REQUEST A WAIVER, BASED ON LAND OR ZONING CONSTRAINTS, FROM THE REQUIREMENT TO INCLUDE A GYMNASIUM.

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

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

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

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

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

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

(d) The Department shall:

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

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

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

(4) Provide staff support to each local school system that implements a 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 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;
- (vi) A representative from the Maryland Association of Boards of Education;
- (vii) A representative from the Maryland Association of Counties;
- (viii) A representative from the Governor's Council on Physical Fitness and Sport;
- (ix) A representative of the Professional Organization for Health, Physical Education, Recreation, and Dance;

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

(xi) A representative from Special Olympics of Maryland;

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

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

(xiv) Representatives from the following health organizations:

1. The American Heart Association;

2. The American Cancer Society; and

3. The American Diabetes Association.

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

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

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

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

(7) The Advisory Council shall:

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

1. Physical activity and physical movement;

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

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

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

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

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

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

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

(8) The Advisory Council may:

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall apply to newly constructed or completely renovated public schools that have not initiated a Request for Proposal for the selection of an architectural and engineering consultant on or before the effective date of this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2010.

Approved by the Governor, May 4, 2010.