

HB0110/975264/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 110

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Wilson” and substitute “Wilson, Kaiser, D. Barnes, Boteler, Buckel, Cain, Ebersole, Feldmark, Guyton, Luedtke, Palakovich Carr, Patterson, Reilly, Rose, Shoemaker, and Wilkins”; in line 2, strike “Elementary” and substitute “Public”; in line 4, after “requiring” insert “physical education to be given in a certain manner to prekindergarten students; adding a certain representative to the Advisory Council on Health and Physical Education;”; in the same line, strike “a public school student” and substitute “providing as a goal of the State that each student”; in the same line, after “in” insert “a public”; in the same line, strike “to”; in line 5, after “week;” insert “requiring the State Department of Education annually to collect certain data from certain public elementary schools; requiring the Department annually to publish certain information on its website;”; strike beginning with “requiring” in line 7 down through “activities” in line 8 and substitute “prohibiting a certain student from being removed from recess as part of a certain disciplinary procedure; providing an exception to the prohibition in certain circumstances; requiring each school administrator to collaborate with certain teachers to identify certain alternative behavioral interventions; requiring each public school to develop a certain alternative plan to be used under certain circumstances; requiring the Department to develop and disseminate certain professional development resources”; strike beginning with “requiring” in line 9 down through “date” in line 14 and substitute “requiring the Interagency Commission on School Construction to complete a certain needs assessment on certain school infrastructure; requiring the Commission to report the findings of the needs assessment to the Governor and the General Assembly on or before a certain date; requiring the Department to conduct a certain survey of certain elementary schools on the availability of certain programming; requiring the Department to submit a report with the results of the survey to the Governor and the General Assembly on or before a certain date; making stylistic changes”; and after line 15, insert:

(Over)

**HB0110/975264/1 Committee on Ways and Means
Amendments to HB 110
Page 2 of 10**

“BY repealing and reenacting, with amendments,
Article – Education
Section 7–409
Annotated Code of Maryland
(2018 Replacement Volume and 2018 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 23, insert:

“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] PREKINDERGARTEN through grade 12, to develop their good health and physical fitness and improve their motor coordination and physical skills.

(b) (1) The Department shall:

(i) Employ a full–time director of physical education;

(ii) 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

(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.

**HB0110/975264/1 Committee on Ways and Means
Amendments to HB 110
Page 3 of 10**

(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.

(Over)

**HB0110/975264/1 Committee on Ways and Means
Amendments to HB 110
Page 4 of 10**

(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;

**HB0110/975264/1 Committee on Ways and Means
Amendments to HB 110
Page 5 of 10**

(iii) A representative from the Maryland State [Teachers]
EDUCATION 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] THAT HAS a health and physical education teacher education program;

(xi) A representative from Special Olympics of Maryland;

(xii) A representative from the Maryland Department of Health;

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

[and]

(xiv) A REPRESENTATIVE FROM THE MARYLAND OUT OF
SCHOOL TIME NETWORK; AND

(Over)

(XV) 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;

**HB0110/975264/1 Committee on Ways and Means
Amendments to HB 110
Page 7 of 10**

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;

(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.”;

in line 25, strike “A” and substitute “**IT IS THE GOAL OF THE STATE THAT EACH**”; in the same line, after “IN” insert “**A**”; in the same line, strike “SHALL”; in line 26, after “OF” insert “**AT LEAST 150 MINUTES EACH WEEK OF DEVELOPMENTALLY APPROPRIATE, MODERATE-TO-VIGOROUS**”; strike beginning with “TOTALING” in line 26 down through “RECESS” in line 31 and substitute “**THAT INCLUDES:**”

(Over)

(I) RECESS; AND

(II) AT LEAST 90 MINUTES EACH WEEK OF PHYSICAL EDUCATION”;

and after line 31, insert:

“(2) THE DEPARTMENT ANNUALLY SHALL COLLECT DATA FROM EACH PUBLIC ELEMENTARY SCHOOL IN THE STATE ON THE DAILY PROGRAM OF PHYSICAL ACTIVITY PROVIDED TO STUDENTS IN EACH SCHOOL, INCLUDING:

(I) THE NUMBER OF MINUTES OF PHYSICAL EDUCATION PROVIDED EACH WEEK TO EACH STUDENT; AND

(II) THE NUMBER OF MINUTES OF MODERATE-TO-VIGOROUS PHYSICAL ACTIVITY PROVIDED EACH WEEK TO EACH STUDENT, INCLUDING RECESS.

(3) THE DEPARTMENT ANNUALLY SHALL PUBLISH ON ITS WEBSITE:

(I) THE INFORMATION COLLECTED UNDER PARAGRAPH (2) OF THIS SUBSECTION; AND

(II) WHETHER A PUBLIC ELEMENTARY SCHOOL IN THE STATE HAS MET THE GOAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.”.

On page 3, strike beginning with “EACH” in line 1 down through “(D)” in line 5 and substitute:

“(1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A STUDENT IN A PUBLIC ELEMENTARY OR MIDDLE SCHOOL MAY NOT BE REMOVED FROM RECESS AS PART OF THE ROUTINE SCHOOL DISCIPLINE OF THE STUDENT.

(II) A STUDENT MAY BE REMOVED FROM RECESS AS PART OF THE ROUTINE SCHOOL DISCIPLINE OF THE STUDENT ONLY IF THE STUDENT’S REMOVAL FROM A REGULAR CLASSROOM SETTING AS PART OF AN IN-SCHOOL SUSPENSION OR A SIMILAR DISCIPLINARY INTERVENTION PREVENTS A STUDENT FROM PARTICIPATING IN RECESS.

(2) EACH SCHOOL ADMINISTRATOR SHALL COLLABORATE WITH THE TEACHERS IN THE SCHOOL TO IDENTIFY ALTERNATIVE BEHAVIORAL INTERVENTIONS THAT DO NOT INCLUDE THE REMOVAL FROM RECESS AS PART OF THE ROUTINE DISCIPLINE OF THE STUDENT.

(D) EACH PUBLIC ELEMENTARY AND MIDDLE SCHOOL SHALL DEVELOP AN ALTERNATIVE PLAN FOR STUDENTS WHO ARE UNABLE TO PARTICIPATE IN OUTDOOR RECESS ACTIVITIES DUE TO INCLEMENT WEATHER OR OTHER SIMILAR CIRCUMSTANCES TO ENGAGE IN PHYSICAL ACTIVITY FOR THE SAME PERIOD OF TIME.

(E) THE DEPARTMENT SHALL DEVELOP AND DISSEMINATE PROFESSIONAL DEVELOPMENT RESOURCES FOR TEACHERS ON THE INTEGRATION OF PHYSICAL ACTIVITY INTO CONTENT AREA INSTRUCTION OTHER THAN PHYSICAL EDUCATION.

(F)”;

(Over)

**HB0110/975264/1 Committee on Ways and Means
Amendments to HB 110
Page 10 of 10**

and strike in their entirety lines 8 through 17, inclusive, and substitute:

“(a) (1) The Interagency Commission on School Construction shall complete a statewide needs assessment on the need for school infrastructure that supports physical activity in public elementary schools, including:

(i) adequate gymnasium space;

(ii) outdoor playing fields;

(iii) playground space;

(iv) sports facilities, including basketball and tennis courts; and

(v) the accessibility of outdoor and indoor school recreation spaces for students with disabilities.

(2) On or before January 1, 2020, the Interagency Commission on School Construction shall report the findings of the needs assessment to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

(b) (1) The State Department of Education shall conduct a survey of each public elementary school in the State on the availability of before and after school programming that provides students with opportunities for physical activity.

(2) On or before January 1, 2020, the State Department of Education shall submit a report on the results of the survey to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.”.