

# SENATE BILL 955

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CF HB 503

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By: **Senator Harrington**

Introduced and read first time: February 27, 2008

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, March 3, 2008

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 25, 2008

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~**Brian Moore Student Health and Fitness Act of Maryland**~~  
3 **Task Force on Student Physical Fitness in Maryland Public Schools**

4 FOR the purpose of establishing a Task Force on Student Physical Fitness in  
5 Maryland Public Schools; providing for the membership and chair of the Task  
6 Force; requiring the Department of Legislative Services to provide staff for the  
7 Task Force; prohibiting a member of the Task Force from receiving certain  
8 compensation but entitling members to reimbursement for certain expenses;  
9 providing for the duties of the Task Force; requiring the Task Force to submit a  
10 certain report to the Governor and the General Assembly on or before a certain  
11 date; providing for the termination of this Act; and generally relating to the  
12 Task Force on Student Physical Fitness in Maryland Public Schools ~~requiring~~  
13 ~~that public school students in kindergarten through a certain grade be provided~~  
14 ~~certain minimum levels of a program of physical activity each week; requiring~~  
15 ~~that the program of physical activity for a certain category of student be~~  
16 ~~consistent with a certain plan for the student; requiring public elementary~~  
17 ~~schools to designate a certain group to plan and coordinate certain activities;~~  
18 ~~requiring students in public high schools to complete a certain amount of~~  
19 ~~physical education in order to graduate; requiring the State Board of Education~~  
20 ~~to adopt certain regulations; providing for certain extensions; and generally~~  
21 ~~relating to student health and fitness.~~

22 ~~BY repealing and reenacting, without amendments,~~  
23 ~~Article — Education~~  
24 ~~Section 7-205(a)~~

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### 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 ~~Annotated Code of Maryland~~  
2 ~~(2006 Replacement Volume and 2007 Supplement)~~

3 ~~BY repealing and reenacting, with amendments,~~  
4 ~~Article—Education~~  
5 ~~Section 7-409~~  
6 ~~Annotated Code of Maryland~~  
7 ~~(2006 Replacement Volume and 2007 Supplement)~~

8 Preamble

9 ~~WHEREAS, Obesity leads to at least 300,000 deaths among adults in the~~  
10 ~~United States each year due in part to physical inactivity and a poor diet; and~~

11 ~~WHEREAS, Inadequate participation in physical activity is a significant~~  
12 ~~contributor to the “epidemic of obesity” that has plagued the nation’s young people~~  
13 ~~during the past 2 decades; and~~

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

19 ~~WHEREAS, A growing body of evidence suggests that providing students with~~  
20 ~~more physical education and physical activity opportunities helps reduce the costs~~  
21 ~~schools incur by reducing absenteeism, improving student health, and reducing staff~~  
22 ~~time spent addressing academic performance; and~~

23 ~~WHEREAS, A growing body of evidence also suggests that improvement in test~~  
24 ~~scores and overall academic achievement can be linked to increased time in physical~~  
25 ~~education; and~~

26 ~~WHEREAS, The National PTA considers “Early Physical Education” a “Parent~~  
27 ~~Priority” and urges its members to promote physical education in the schools; now,~~  
28 ~~therefore,~~

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

31 (a) There is a Task Force on Student Physical Fitness in Maryland Public  
32 Schools.

33 (b) The Task Force consists of the following members:

34 (1) one member of the House of Delegates, appointed by the Speaker of  
35 the House;

1                   (2)    one member of the Senate of Maryland, appointed by the President  
2 of the Senate;

3                   (3)    one representative of the Department of Health and Mental  
4 Hygiene, appointed by the Secretary of Health and Mental Hygiene; and

5                   (4)    the following members appointed by the Governor:

6                   (i)    one representative of the State Department of Education;

7                   (ii)   one representative of the Maryland Association of Boards of  
8 Education;

9                   (iii)   one representative of the Maryland Association of Counties;

10                  (iv)   one representative of the American Diabetes Association;

11                  (v)    one representative of the American Heart Association;

12                  (vi)   one representative of the American Cancer Society;

13                  (vii)   one representative of the Personal Development, Health &  
14 Physical Education Teachers Association; and

15                  (viii)   one representative of the National Parent Teachers  
16 Association.

17                  (c)    The members of the Task Force shall elect a chair from among the  
18 members of the Task Force.

19                  (d)    The Department of Legislative Services shall provide staff for the Task  
20 Force.

21                  (e)    A member of the Task Force:

22                   (1)    may not receive compensation; but

23                   (2)    is entitled to reimbursement for expenses under the Standard  
24 State Travel Regulations as provided in the State budget.

25                  (f)    The Task Force shall study:

26                   (1)    the advisability of requiring all public schools in the State to  
27 provide a minimum amount of physical activity or physical education to students in  
28 the public school system each week;



1           ~~(2) AS APPLICABLE, A STUDENT'S PROGRAM OF PHYSICAL~~  
 2 ~~ACTIVITY SHALL BE CONSISTENT WITH THE STUDENT'S INDIVIDUALIZED~~  
 3 ~~EDUCATION PLAN (IEP).~~

4           ~~(3) EACH PUBLIC ELEMENTARY SCHOOL SHALL DESIGNATE A~~  
 5 ~~PHYSICAL ACTIVITY LEADERSHIP TEAM TO PLAN AND COORDINATE~~  
 6 ~~OPPORTUNITIES FOR ACTIVITIES THAT MEET THE REQUIREMENTS OF~~  
 7 ~~PARAGRAPH (1)(II) OF THIS SUBSECTION.~~

8           ~~(C) A STUDENT IN A PUBLIC HIGH SCHOOL SHALL COMPLETE TWO~~  
 9 ~~YEARS OF PHYSICAL EDUCATION IN ORDER TO GRADUATE FROM A PUBLIC HIGH~~  
 10 ~~SCHOOL.~~

11           ~~(D) THE STATE BOARD SHALL ADOPT REGULATIONS NECESSARY TO~~  
 12 ~~IMPLEMENT THE PROVISIONS OF THIS SECTION.~~

13           ~~[(b)] (E) The Department shall employ a full-time director of physical~~  
 14 ~~education.~~

15           ~~SECTION 2. AND BE IT FURTHER ENACTED, That any county school system~~  
 16 ~~that does not meet the requirements of this Act by October 1, 2008 may apply to the~~  
 17 ~~State Department of Education for an extension on compliance with this Act. If~~  
 18 ~~granted, an extension shall terminate at the end of July 1, 2011.~~

19           ~~SECTION 3. AND BE IT FURTHER ENACTED, That a county school system~~  
 20 ~~that receives an extension under Section 2 of the Act shall have a plan to ensure the~~  
 21 ~~county school system's full compliance with the requirements of this Act by July 1,~~  
 22 ~~2011.~~

23           ~~SECTION 4. 2. AND BE IT FURTHER ENACTED, That this Act shall take~~  
 24 ~~effect ~~October~~ July 1, 2008. It shall remain effective for a period of 1 year and, at the~~  
 25 ~~end of June 30, 2009, with no further action required by the General Assembly, this~~  
 26 ~~Act shall be abrogated and of no further force and effect.~~

Approved:

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 Governor.

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 President of the Senate.

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 Speaker of the House of Delegates.