

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 1346
Ways and Means

(Delegate Glenn, *et al.*)

Education - Student Health and Nutrition - School Programs and Policies

This bill requires public schools to provide all students in grades 9 through 12 with at least one semester of physical education each academic year. In addition, public secondary schools must offer information about the dangers of anorexia and bulimia as part of their comprehensive health education programs. Local boards of education must also adopt policies to ensure that meals offered under the subsidized and free meal programs contain fresh fruits and vegetables, low-fat dairy products, and whole grains.

The bill takes effect July 1, 2008.

Fiscal Summary

State Effect: None. The bill is directed at public schools and public school systems.

Local Effect: Local school expenditures could increase by an estimated \$12.0 million beginning in FY 2009 to hire additional physical education teachers. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

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.

In order to receive funding through the federal school nutrition programs, schools are prohibited from selling foods of minimal nutritional value, as defined in federal guidelines, from 12:01 a.m. until the end of the last lunch period each day.

Background: In response to U.S. Department of Agriculture regulations for schools that receive funding from the federal food services programs, the State Board of Education recently required Maryland's local school systems to develop school wellness policies. The policies have been reviewed by the School and Community Nutrition Branch, and the branch has reported that the policies adopted by local school systems comply with federal rules and State board standards. The School and Community Nutrition Branch reports that it will be monitoring and reviewing school systems' implementation of the policies.

Children's health has been an ongoing concern among Maryland legislators and state legislatures around the country. A briefing document from the National Conference of State Legislatures (NCSL) indicates that, in 2005, 21 states enacted legislation to refine or increase physical education requirements or encourage positive physical education programs, and 18 states enacted legislation to address school nutrition.

One of the principal concerns about students' health has been the percentage of children who are overweight. Comparing data from separate administrations of the National Health and Nutrition Examination Survey over a span of approximately 25 years reveals that the percentage of children who are overweight tripled from a 1976-1980 administration of the survey to a 2003-2004 survey administration. The pattern of increases is relatively consistent across age groups, genders, and racial backgrounds. The Centers for Disease Control and Prevention indicate that childhood obesity can be traced to poor nutrition and low levels of activity, as well as genetic factors.

Local Expenditures: Collectively, local school expenditures would increase by an estimated \$12.0 million in fiscal 2009 to hire additional physical education teachers to ensure that there are enough classes for every high school student to take at least one semester of physical education each year. The information and assumptions used to develop this estimate are stated below.

- There are 274 public high schools, vocational technical schools, and alternative centers in Maryland. The additional physical education requirements would apply to these schools.

- Currently, 11 local school systems require students to successfully complete one full year of physical education in order to receive a high school diploma. If half of the high schools in these systems need 1 additional physical education teacher, 70 additional teachers would be needed.
- The other 13 local school systems require students to successfully complete just one semester of physical education to graduate. If three-quarters of the high schools in these systems need 1 additional physical education teacher, another 92 teachers would be needed.
- In total, an estimated 162 additional physical education teachers would be needed in fiscal 2009. Assuming an average cost per teacher of \$74,300 (salary and benefits), costs for the 24 school systems would total \$12.0 million.

This estimate assumes that current school facilities could accommodate additional physical education classes. Future year costs for local school systems would increase with increases in teachers' salaries and benefits.

It is assumed that most school systems currently offer instruction on the dangers of anorexia and bulimia. Those that do not could borrow from other school systems' curricula in order to develop the proper instruction and merge it into existing health courses. It is also assumed that local school systems could make any necessary changes to the foods they purchase without any significant increases in the amounts they spend on food services programs.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Department of Education, Department of Legislative Services

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