

HOUSE BILL 196

F1
HB 168/11 – W&M

2lr1593

By: **Delegates Walker, Alston, Anderson, Bates, Braveboy, Burns, Cardin, Davis, Feldman, Frank, Frush, George, Haynes, Healey, Holmes, Howard, Hubbard, Ivey, Kach, Lafferty, Nathan–Pulliam, Oaks, Olszewski, Pena–Melnik, Proctor, B. Robinson, Ross, Summers, Tarrant, V. Turner, Vaughn, Wilson, Wood, and Zucker**

Introduced and read first time: January 25, 2012

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Student Health and Fitness Act**

3 FOR the purpose of requiring a public school student in elementary school to be
4 provided a certain minimum level of a program of physical activity each week;
5 requiring that the program of physical activity for a certain category of student
6 be consistent with a certain plan for the student; requiring public elementary
7 schools to designate a certain group to plan and coordinate certain activities;
8 requiring the State Board of Education to adopt certain regulations; providing
9 for certain extensions; requiring a county school system that receives a certain
10 extension to have a plan to ensure the county school system's compliance with
11 this Act by a certain date; and generally relating to student health and fitness.

12 BY renumbering

13 Article – Education
14 Section 7–409(b), (c), (d), (e), and (f), respectively
15 to be Section 7–409(c), (d), (e), (f), and (g), respectively
16 Annotated Code of Maryland
17 (2008 Replacement Volume and 2011 Supplement)

18 BY repealing and reenacting, without amendments,

19 Article – Education
20 Section 7–205(a)
21 Annotated Code of Maryland
22 (2008 Replacement Volume and 2011 Supplement)

23 BY repealing and reenacting, with amendments,

24 Article – Education

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 7–409(a)
2 Annotated Code of Maryland
3 (2008 Replacement Volume and 2011 Supplement)

4 BY adding to
5 Article – Education
6 Section 7–409(b)
7 Annotated Code of Maryland
8 (2008 Replacement Volume and 2011 Supplement)

9 Preamble

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

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

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

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

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

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

30 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
31 MARYLAND, That Section(s) 7–409(b), (c), (d), (e), and (f), respectively, of Article
32 – Education of the Annotated Code of Maryland be renumbered to be Section(s)
33 7–409(c), (d), (e), (f), and (g), respectively.

34 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
35 read as follows:

36 Article – Education

1 7-205.

2 (a) The promotion of students in a public school and graduation from a public
3 high school shall be in accordance with:

4 (1) Policies established by the county board; and

5 (2) The rules and regulations of the State Board.

6 7-409.

7 (a) **[Each] SUBJECT TO SUBSECTION (B) OF THIS SECTION, EACH** public
8 school shall have a program of physical education that is given in a planned and
9 sequential manner to all students, kindergarten through grade 12, to develop their
10 good health and physical fitness and improve their motor coordination and physical
11 skills.

12 **(B) (1) A STUDENT IN ELEMENTARY SCHOOL SHALL BE PROVIDED A**
13 **DAILY PROGRAM OF PHYSICAL ACTIVITY TOTALING 150 MINUTES A WEEK AS**
14 **PROVIDED IN THIS SUBSECTION:**

15 **(I) THE PROGRAM SHALL INCLUDE A MINIMUM OF 90**
16 **MINUTES A WEEK OF PHYSICAL EDUCATION; AND**

17 **(II) ANY MINUTES NOT CONSISTING OF PHYSICAL**
18 **EDUCATION SHALL CONSIST OF DEVELOPMENTALLY APPROPRIATE, MODERATE**
19 **TO VIGOROUS ACTIVITY, INCLUDING RECESS.**

20 **(2) AS APPLICABLE, A STUDENT'S PROGRAM OF PHYSICAL**
21 **ACTIVITY SHALL BE CONSISTENT WITH THE STUDENT'S INDIVIDUALIZED**
22 **EDUCATION PLAN (IEP).**

23 **(3) EACH PUBLIC ELEMENTARY SCHOOL SHALL DESIGNATE A**
24 **PHYSICAL ACTIVITY LEADERSHIP TEAM TO PLAN AND COORDINATE**
25 **OPPORTUNITIES FOR ACTIVITIES THAT MEET THE REQUIREMENTS OF**
26 **PARAGRAPH (1)(II) OF THIS SUBSECTION.**

27 **(4) THE STATE BOARD SHALL ADOPT REGULATIONS NECESSARY**
28 **TO IMPLEMENT THE PROVISIONS OF THIS SUBSECTION.**

29 SECTION 3. AND BE IT FURTHER ENACTED, That any county school system
30 that does not meet the requirements of Section 2 of this Act by October 1, 2012, may
31 apply to the State Department of Education for an extension on compliance with this
32 Act. If granted, an extension shall terminate at the end of July 1, 2015.

1 SECTION 4. AND BE IT FURTHER ENACTED, That a county school system
2 that receives an extension under Section 3 of this Act shall have a plan to ensure the
3 county school system's full compliance with the requirements of this Act by July 1,
4 2015.

5 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2012.