

**Department of Legislative Services**  
Maryland General Assembly  
2012 Session

**FISCAL AND POLICY NOTE**

House Bill 196  
Ways and Means

(Delegate Walker, *et al.*)

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**Student Health and Fitness Act**

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This bill requires all public school students in kindergarten through grade five to be provided daily programs of physical activity totaling 150 minutes per week, including a minimum of 90 minutes per week of physical education. For any of the required minutes not spent in physical education, each elementary school must designate a physical education leadership team to plan and coordinate opportunities for moderate to vigorous activity (including recess) to make up the remaining time. As applicable, a student's program of physical activity must be consistent with the student's individualized education plan. The State Board of Education must adopt regulations necessary to implement the bill.

The bill takes effect October 1, 2012, but a local school system may apply for an extension until July 1, 2015. A local school system that is granted an extension must have a plan to ensure compliance by July 1, 2015.

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**Fiscal Summary**

**State Effect:** Any additional monitoring of local school systems' physical education programs by the Maryland State Department of Education (MSDE) can be accomplished with existing personnel and resources. General fund expenditures for teachers' retirement increase by an estimated \$2.7 million by FY 2018. These expenditures may begin as early as FY 2015. Future year expenditures reflect inflation.

**Local Effect:** Local school expenditures increase by an estimated \$22.6 million by FY 2016 (and potentially as early as FY 2013) to hire additional physical education teachers for elementary schools. In addition, local school systems may need to lengthen the school day or spend less time on other subjects to provide additional time for physical

education and physical activity. **This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** None.

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## 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. However, the specific curriculum and course of study is set by each local board of education.

Maryland regulations require physical education instructional programs to explain how regular, moderate-to-vigorous physical activity contributes to personal health and enhances cognitive and physical performance on a variety of academic, recreational, and life tasks.

**Background:** The National Conference of State Legislatures (NCSL) reports that, over the last 30 years, the percentage of children who are overweight has more than quadrupled for children ages 6 to 11 and more than tripled for youths ages 12 to 19. NCSL also reports that, in addition to reducing the risk of chronic disease, exercise helps academic performance, contributes to healthy physical development, and reduces the risk for depression. The National Parent-Teacher Association (PTA) has adopted a resolution that urges local PTAs “to support daily physical education programs as an integral part of children’s education.”

MSDE advises that physical education programs in the 24 local school systems vary widely. For example, some elementary schools provide just 30 or 40 minutes of physical education per week, while a small percentage of public elementary schools in Maryland may provide as much as 120 or 125 minutes per week. The minimum and maximum amounts of time per week in physical education for elementary schools in each school system are shown in **Exhibit 1**.

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**Exhibit 1**  
**Minimum and Maximum Minutes Per Week in Physical Education**  
**in Public Elementary Schools**  
**As of January 2012**

<u>School System</u>	<u>Minimum</u>	<u>Maximum</u>
Allegany	40	45
Anne Arundel	60	60
Baltimore City	45	100
Baltimore	50	120
Calvert	90	90
Caroline	45	90
Carroll	90	90
Cecil	90	90
Charles	80	120
Dorchester	30	125
Frederick	80	80
Garrett	45	90
Harford	45	90
Howard	90	90
Kent	90	90
Montgomery	40	55
Prince George's	40	90
Queen Anne's	90	120
St. Mary's	45 one week, 90 the next	
Somerset	50	120
Talbot	90	90
Washington	50	100
Wicomico	120 over 6 days	
Worcester	60	90

Source: Maryland State Department of Education

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**State Expenditures:** Teachers' retirement costs are paid by the State based on local school system salaries from the second prior fiscal year. If additional teachers are hired

to teach physical education beginning in fiscal 2013, teachers' retirement expenses will increase beginning in fiscal 2015. However, if all local school systems take full advantage of the waiver provisions, costs do not increase until fiscal 2018. Thus, the teacher salary base (excluding benefits) may increase by as much as \$18.1 million annually in fiscal 2013 but definitely by fiscal 2016, increasing State-paid retirement costs by \$2.7 million beginning as early as fiscal 2015 and definitely by fiscal 2018.

**Local Expenditures:** The bill's impact on local school systems will depend on current physical education policies, which are determined by the local boards of education. The most significant impact will be on local school systems that provide less than 90 minutes of physical education per week for elementary school students, because those local school systems may need to hire additional physical education teachers to teach the additional classes. Cross-referencing the elementary school data shown in Exhibit 1 with data on the number of elementary schools in each system, it is estimated that one additional physical education teacher may be needed in 277 elementary schools around the State in order to meet the 90-minute minimum established in the bill. Estimating the average fiscal 2013 cost per teacher at \$81,557 (salary and benefits), the total expenditure increase for local school systems amounts to an estimated \$22.6 million. While the bill allows local school systems to apply for three-year waivers from the requirements, the additional costs will have to be phased in by fiscal 2016. Still, waivers could enable local school systems to make adjustments to their budgets and identify the most efficient ways to expand physical education programs.

Elementary school facilities are not expected to be a barrier to requiring 90 minutes per week of physical education; however, one county reports that it is concerned about providing sufficient time for physical activity when recess is held indoors due to inclement weather.

To provide elementary school students with additional time for physical activity, less time may be spent on other priorities, such as instruction in other subjects. It is assumed that this will not affect school finances, although the impact on students is unknown. Alternatively, local school systems could lengthen the school day for elementary school students. Any costs associated with lengthening the school day will depend on how the adjustment is implemented and cannot be accurately determined.

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### **Additional Information**

**Prior Introductions:** HB 168 of 2011 and HB 1430 of 2010 received hearings in the House Ways and Means Committee, but no further action was taken on either bill.

**Cross File:** None.

**Information Source(s):** Maryland State Department of Education, Anne Arundel and Frederick counties, Department of Legislative Services

**Fiscal Note History:** First Reader - February 6, 2012  
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