

Bill No.: _____
Requested: _____
Committee: _____

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By: **Prince George’s County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Elementary School Students – Daily Physical Activity**
3 **(Student Health and Fitness Act)**

4 **PG 509–19**

5 FOR the purpose of requiring that a public school student in elementary school be provided
6 a certain minimum level of a program of physical activity each week; requiring that
7 the program of physical activity for a certain category of student be consistent with
8 a certain program for the student; requiring public elementary schools to designate
9 a certain group to plan and coordinate certain activities; requiring the State Board
10 of Education to adopt certain regulations; requiring certain elementary schools to
11 provide a certain notice to the local school system on or before a certain date;
12 authorizing a local school system to apply to the State Department of Education for
13 a certain extension; establishing the termination date of a certain extension; and
14 generally relating to student health and fitness.

15 BY renumbering

16 Article – Education
17 Section 7–409(b), (c), (d), (e), and (f), respectively
18 to be Section 7–409(c), (d), (e), (f), and (g), respectively
19 Annotated Code of Maryland
20 (2018 Replacement Volume and 2018 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,
2 Article – Education
3 Section 7–205(a)
4 Annotated Code of Maryland
5 (2018 Replacement Volume and 2018 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article – Education
8 Section 7–409(a)
9 Annotated Code of Maryland
10 (2018 Replacement Volume and 2018 Supplement)

11 BY adding to
12 Article – Education
13 Section 7–409(b)
14 Annotated Code of Maryland
15 (2018 Replacement Volume and 2018 Supplement)

16 Preamble

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

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

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

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

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

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

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

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

13 **Article – Education**

14 7–205.

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

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

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

19 7–409.

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

24 **(B) (1) A STUDENT IN PUBLIC ELEMENTARY SCHOOL SHALL BE**
25 **PROVIDED A DAILY PROGRAM OF PHYSICAL ACTIVITY TOTALING 150 MINUTES EACH**
26 **WEEK, INCLUDING:**

1 **(I) A MINIMUM OF 90 MINUTES OF PHYSICAL EDUCATION; AND**

2 **(II) ANY MINUTES NOT CONSISTING OF PHYSICAL EDUCATION**
3 **SHALL CONSIST OF DEVELOPMENTALLY APPROPRIATE, MODERATE-TO-VIGOROUS**
4 **ACTIVITY, INCLUDING RECESS.**

5 **(2) AS APPLICABLE, A STUDENT'S PROGRAM OF PHYSICAL ACTIVITY**
6 **SHALL BE CONSISTENT WITH THE STUDENT'S INDIVIDUALIZED EDUCATION**
7 **PROGRAM (IEP).**

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

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

14 SECTION 3. AND BE IT FURTHER ENACTED, That:

15 (a) A public elementary school that does not meet the requirements of § 7-409(b)
16 of the Education Article as enacted by Section 2 of this Act shall notify the local school
17 system on or before October 1, 2019.

18 (b) (1) A local school system may apply to the State Department of Education
19 for an extension of time for each public elementary school to establish a plan to ensure full
20 compliance with the requirements of this Act by July 1, 2022.

21 (2) If granted, an extension shall terminate at the end of July 1, 2022.

22 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
23 1, 2019.