

SENATE, NO. 2294

[Senate, March 1, 2010 - New draft of Senate, Nos. 248 and 249 and House, Nos. 404, 457 and 3430 reported from the committee on Education.]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND NINE

AN ACT RELATIVE TO EVALUATING AND ENHANCING QUALITY PHYSICAL EDUCATION.

Be it enacted by the Senate and House of Representatives in General Court assembled,

And by the authority of the same, as follows:

1 **SECTION 1.** Chapter 15 of the General Laws is hereby amended by inserting, after the
2 words “global education”, in line 8, the following words:- ; physical education and activity.

3 **SECTION 2.** Chapter 15 of the General Laws is hereby amended by inserting, after
4 section 1G (g) the following section:-

5 (h) The physical education and activity advisory council shall consist of 21 members: 1
6 of whom shall be the commissioner of public health, or his designee, 5 of whom shall be
7 appointed by the governor, 3 of whom shall be appointed by the senate president, 3 of whom to

8 be appointed by the speaker of the house of representatives, 1 of whom shall be appointed by the
9 minority leader in the senate, and 1 of whom shall be appointed by the minority leader in the
10 house of representatives, 1 of whom shall be the commissioner of higher education, or his
11 designee, 1 of whom shall represent the Massachusetts association for health, physical education,
12 recreation and dance, 1 of whom shall be a representative of the american heart association, 1 of
13 whom shall be a representative of the american diabetes association, 1 of whom shall be a
14 representative of the Massachusetts parent teacher association, 1 of whom shall be a
15 representative of the Massachusetts public health association, and 1 one of whom shall be a
16 representative of the Massachusetts academy of pediatrics. All appointed members shall be
17 individuals with a demonstrated commitment to physical education and activity. The council
18 shall advise the commissioner and make recommendations for schools to promote participation
19 in quality physical education and activity.

20 **SECTION 3.** The commissioner of elementary and secondary education, in consultation
21 with the commissioner of public health, shall investigate and study physical education standards,
22 practices and instruction provided to students in grades kindergarten to 12, inclusive, for each
23 public school. The study shall include: a report on how each public school is providing
24 curriculum-based quality physical education, school physical education offerings, including the
25 duration of each class and the number of days per week the class meets each year, and the
26 amount of time students participate in recess each week, including space allotted to recess in
27 each school. The commissioner of elementary and secondary education shall consult with the
28 physical education and activity advisory council and report to the general court the results of its
29 investigation and study for each public school and its recommendations, if any, together with
30 drafts of legislation necessary to carry out such recommendation, by filing the same with the

31 governor, the clerks of the senate and house who shall forward the same to the chairs of the joint
32 committee on education and the chairs of the joint committee on public health on or before July
33 31, 2011.