

SENATE No. 246

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas M. McGee

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to healthy kids..

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|--------------------------------|--|
| <i>Thomas M. McGee</i> | <i>Third Essex</i> |
| <i>Kay Khan</i> | <i>11th Middlesex</i> |
| <i>William N. Brownsberger</i> | <i>Second Suffolk and Middlesex</i> |
| <i>Michael F. Rush</i> | <i>Norfolk and Suffolk</i> |
| <i>Paul McMurtry</i> | <i>11th Norfolk</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> |
| <i>Ruth B. Balser</i> | <i>12th Middlesex</i> |
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> |
| <i>Thomas P. Conroy</i> | <i>13th Middlesex</i> |
| <i>Robert F. Fennell</i> | <i>10th Essex</i> |
| <i>Karen E. Spilka</i> | <i>Second Middlesex and Norfolk</i> |
| <i>Eileen M. Donoghue</i> | <i>First Middlesex</i> |
| <i>Patricia D. Jehlen</i> | <i>Second Middlesex</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> |
| <i>Timothy R. Madden</i> | <i>Barnstable, Dukes and Nantucket</i> |
| <i>Michael R. Knapik</i> | <i>Second Hampden and Hampshire</i> |
| <i>Kate Hogan</i> | <i>3rd Middlesex</i> |
| <i>David M. Rogers</i> | <i>24th Middlesex</i> |

Gale D. Candaras
Thomas M. Stanley

First Hampden and Hampshire
9th Middlesex

SENATE No. 246

By Mr. McGee, a petition (accompanied by bill, Senate, No. 246) of Thomas M. McGee, Kay Khan, William N. Brownsberger, Michael F. Rush and other members of the General Court for legislation relative to physical education in public schools. Education.

The Commonwealth of Massachusetts

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In the Year Two Thousand Thirteen
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An Act relative to healthy kids..

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 71 of the General Laws is hereby amended by striking out section
2 3, as appearing in the 2010 Official Edition, and inserting in place thereof the following
3 sections:-

4 Section 3. (a) As used in this section, the following words shall have the following
5 meanings:-

6 “Age-appropriate”, topics, messages and teaching methods suitable to particular ages or
7 age groups of children and adolescents, based on developing cognitive, emotional and behavioral
8 capacity typical for the age or age group.

9 “Board”, the board of elementary and secondary education.

10 “Department”, the department of elementary and secondary education.

11 (b) Physical education shall be taught as a required subject in all grades for all students in
12 public schools or commonwealth charter schools to promote the physical well-being of the
13 students. Physical education shall be age-appropriate and evidence-based and shall include, but
14 not be limited to, physical activity and fitness and nutrition and wellness. Physical education
15 shall include a focus on physical competence, health-related fitness and enjoyment of physical
16 activity so as to benefit children physically, cognitively, emotionally and socially. A pupil shall
17 not be required to take part in physical education exercises if a primary care provider certifies in
18 writing that in the primary care provider’s opinion the physical education exercises would be
19 injurious to the pupil. The board may promulgate regulations necessary to facilitate this section.

20 (c) All public schools and commonwealth charter schools shall be required to provide a
21 minimum of 30 minutes a day of moderate to vigorous physical activity to all students in K-8
22 grades to promote the physical well-being of the students. This may be completed without
23 limitations through regular physical education, physical activities, recess, classroom energizers
24 or other curriculum based physical education activity program. The physical activity must
25 involve physical exertion of at least a moderate to vigorous intensity level and for duration
26 sufficient to provide a significant health benefit to students that promote fitness and well-being.
27 Local school boards should establish policies and procedures that help schools promote regular
28 physical activity. Local boards should also require schools to allow time in the curriculum for
29 physical activity and to incorporate these concepts throughout all subjects. Physical activity
30 goals should also be incorporated into school wellness plans. Schools may not use physical
31 activity as a punishment nor withhold opportunities for physical activity as punishment. Local
32 school boards shall encourage schools to schedule recess before lunch.

33 (d) The Department shall develop and maintain a nutrition and physical activity best
34 practices database. The database shall contain the results of any wellness-related fitness testing
35 done by local school districts, as well as information on successful programs and policies
36 implemented by local school districts designed to improve nutrition and physical activity in the
37 public and charter schools. This information may include but not limited to (i) a description of
38 the program or policy, (ii) advice on implementation, (iii) any assessment of the program or
39 policy, (iv) a contact person from the local school district, and (v) any other information the
40 Department deems appropriate. The database shall be readily accessible to all local school
41 districts Statewide. The Board shall encourage local school districts to submit information to the
42 database. The requirements of database shall become effective once the Department has secured
43 all of the funding necessary to maintain it.

44 Section 4.. (a) The commissioner of elementary and secondary education, in conjunction
45 with the commissioner of public health, shall conduct an evaluation of current physical education
46 standards, practices and the instruction provided to students in grades pre-kindergarten to 12,
47 inclusive. The evaluation shall include, but not be limited to, the following:

48 (1) current school district practices concerning physical education in public schools,
49 including physical education course offerings, class duration and frequency and the physical
50 space and time allotted, if any, for public school students to participate in recess each week; and

51 (2) the appropriate levels of physical education and activity for all children of the
52 commonwealth.

53 (b) The commissioner of elementary and secondary education shall report the results of
54 the evaluation by filing the report with the clerks of the senate and the house of representatives
55 who shall forward copies of the report to the chairs of the joint committee on education and the
56 joint committee on public health not later than April 1, 2015. The commissioner of elementary

57 and secondary education shall make appropriate recommendations based on the findings in
58 alignment with the commission on school nutrition and childhood obesity established under
59 section 7 of chapter 197 of the acts of 2010.

60 Section 5. The Healthy Kids Bill establishes the Healthy Kids Award program to reward
61 K-12 schools that implement policies and practices that create opportunities for students to be
62 physically active and make healthy food choices throughout the school day. The program seeks
63 to integrate physical activity into non-physical education classes, recess and extracurricular
64 activities throughout the day in addition to the physical education received in physical education
65 classes. The Healthy Kids Bill encourages the Department of Education to develop guidelines
66 that local districts can adopt to promote quality recess practices and behaviors that engage all
67 students, increase their activity levels, build social skills, and decrease problem behaviors.

68 SECTION 2. Section 1 shall take effect for the 2015-2016 school year.