

Department of Legislative Services  
Maryland General Assembly  
2019 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 110  
Ways and Means

(Delegate Walker, *et al.*)

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Elementary School Students - Daily Physical Activity (Student Health and Fitness Act)

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This bill requires all public elementary school students 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 activity leadership team to plan and coordinate opportunities for moderate to vigorous activity (including recess) to make up the remaining time. **The bill takes effect July 1, 2019, but a local school system may apply for an extension. A local school system that is granted an extension must have a plan to ensure compliance by July 1, 2022.**

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Fiscal Summary

**State Effect:** None.

**Local Effect:** Local school expenditures in six counties (Allegany, Anne Arundel, Cecil, Montgomery, Queen Anne's, and Somerset) increase to hire additional teachers for elementary schools. Depending on extensions granted, local expenditures increase by up to \$19.9 million in FY 2020 and \$21.1 million by FY 2023. These costs may be significantly higher depending on personnel needs in other school systems. Local retirement expenditures increase accordingly beginning as early as FY 2022. **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. The specific curriculum and course of study is set by each local board of education. Maryland regulations require a physical education comprehensive program to provide a developmentally appropriate instructional program that advances student knowledge, confidence, skills, and motivation to enjoy a lifetime of healthful physical activity.

**Background:** SHAPE (Society of Health and Physical Educators) America finds that children between the ages of 5 and 12 should accumulate at least 60 minutes and up to several hours of age-appropriate physical activity on all or most days of the week. This daily accumulation should include, according to SHAPE America, moderate and vigorous physical activity with the majority of the time being spent in activity that is intermittent in nature. SHAPE America further finds that children should participate in several bouts of physical activity lasting 15 minutes or more each day, and that extended periods (periods of two hours or more) of inactivity are discouraged for children, especially during the daytime hours.

According to the Institute of Medicine (IOM), “[e]xtensive scientific evidence demonstrates that regular physical activity promotes growth and development in youth and has multiple benefits for physical, mental, and cognitive health.” IOM finds a relationship between physical activity and “lower body fat, greater muscular strength, stronger bones, and improvements in cardiovascular and metabolic health, as well as to improvements in mental health by reducing and preventing conditions such as anxiety and depression and enhancing self-esteem.”

Data from the Maryland State Department of Education indicate that physical education programs in the 24 local school systems vary widely. For example, some elementary schools provide only 40 or 45 minutes of physical education per week, while a small percentage of public elementary schools in Maryland may provide as many as 120 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**.

Six counties – Allegany, Anne Arundel, Cecil, Montgomery, Queen Anne’s, and Somerset – do not provide 90 minutes of physical activity each week at *any* school and will need additional personnel under the bill. In 13 other school systems, the minimum number of minutes per week is below 90 while the maximum is at or above 90; therefore, it is assumed that some schools in each of those systems may also require additional personnel to meet the bill’s requirements.

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**Exhibit 1**  
**Minimum and Maximum Minutes per Week in Physical Education**  
**in Public Elementary Schools**  
**As of January 2019**

<u>School System</u>	<u>Minimum</u>	<u>Maximum</u>
Allegany	45	45
Anne Arundel	60	60
Baltimore City	45	100
Baltimore	50	100
Calvert	90	90
Caroline	40	90
Carroll	90	90
Cecil	45	45
Charles	45	90
Dorchester	50	105
Frederick	80	90
Garrett	50	100
Harford	45	90
Howard	90	90
Kent	90	90
Montgomery	45	60
Prince George's	40	90
Queen Anne's	60	60
St. Mary's	45	90
Somerset	50	60
Talbot	45	120
Washington	50	100
Wicomico	90 (min) 135 (max) per 6 days	
Worcester	60	90

Source: Maryland State Department of Education

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**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 256 additional physical education teachers may be needed in Allegany (14), Anne Arundel (78), Cecil (17), Montgomery (135), Queen Anne's (8), and Somerset (4) counties in order to meet the 90-minute minimum established in the bill.

Based upon current salary and benefits costs per teacher in affected counties and accounting for inflation, the total expenditure increase for local school systems amounts to an estimated \$19.9 million for fiscal 2020 if no extensions are granted, including \$1.1 million for Allegany County, \$5.5 million for Anne Arundel County, \$1.2 million for Cecil County, \$11.3 million for Montgomery County, \$552,000 for Queen Anne's, and \$242,000 for Somerset County.

The bill allows local school systems to apply for three-year extensions to meet the requirements. If extensions are granted for each local school system in each year, county salary and benefits expenditures increase by an estimated \$21.1 million in fiscal 2023, including \$1.2 million for Allegany County, \$5.8 million for Anne Arundel County, \$1.3 million for Cecil County, \$11.9 million for Montgomery County, \$586,000 for Queen Anne's County, and \$256,000 for St. Mary's County. However, extensions could enable local school systems to make adjustments to their budgets and identify the most efficient ways to expand physical education programs.

Other school systems that provide a minimum of less than 90 minutes may also incur significant personnel cost increases depending upon the number of schools that fall significantly short of the 90-minute requirement under the bill.

Local school boards are responsible for the actual normal cost of pensions for qualifying personnel. To the extent that additional physical education teachers are hired, local retirement expenditures increase beginning in fiscal 2022, or as late as fiscal 2025, depending on extensions granted.

Elementary school facilities are not expected to be a barrier to requiring 90 minutes per week of physical education. 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 precisely determined.

## **Additional Information**

**Prior Introductions:** HB 1430 of 2010, HB 168 of 2011, HB 196 of 2012, HB 855 of 2013, HB 1428 of 2014, HB 247 of 2015, HB 474 of 2016, and HB 393 of 2018 each received a hearing in the House Ways and Means Committee, but no further action was taken on the bills. HB 1529 of 2017 was referred to the House Rules Committee, but no further action was taken.

**Cross File:** None.

**Information Source(s):** Anne Arundel County Public Schools; Baltimore City Public Schools; Montgomery County Public Schools; St. Mary's County Public Schools; Talbot County Public Schools; SHAPE America; Institute of Medicine; Maryland State Department of Education; Department of Legislative Services

**Fiscal Note History:** First Reader - January 29, 2019  
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