

HOUSE BILL 110

F1, J1

9lr1128

By: **Delegates Walker, Acevero, Anderson, Anderton, B. Barnes, Bartlett, Branch, Bridges, Bromwell, Brooks, Cardin, Carey, Charles, Conaway, Crutchfield, Cullison, D.E. Davis, Fennell, M. Fisher, W. Fisher, Gaines, Ghrist, Gilchrist, Glenn, Healey, Hill, Holmes, Hornberger, Ivey, Jackson, Jacobs, Kipke, Lehman, J. Lewis, Lierman, Long, McKay, Metzgar, Moon, Morgan, Mosby, Otto, Pena–Melnyk, Proctor, Reznik, Smith, Stein, Sydnor, Szeliga, Terrasa, Turner, Valderrama, Valentino–Smith, Washington, R. Watson, and Wilson**

Introduced and read first time: January 18, 2019

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of requiring a public school student in elementary school to be provided a
5 certain minimum level of a program of physical activity each week; requiring that
6 the program of physical activity for a certain category of student be consistent with
7 a certain program for the student; requiring public elementary schools to designate
8 a certain group to plan and coordinate certain activities; requiring the State Board
9 of Education to adopt certain regulations; requiring certain elementary schools to
10 provide certain notice to the local school system; authorizing certain elementary
11 schools to apply to the local school system for a certain extension; providing for
12 certain extensions; providing for the termination of certain extensions; requiring a
13 local school system that receives a certain extension to have a plan to ensure the
14 local school system’s compliance with this Act by a certain date; and generally
15 relating to student health and fitness.

16 BY adding to
17 Article – Education
18 Section 7–409.1
19 Annotated Code of Maryland
20 (2018 Replacement Volume and 2018 Supplement)

21 Preamble

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
22 That the Laws of Maryland read as follows:

23 **Article – Education**

24 **7–409.1.**

25 **(A) (1) A STUDENT IN PUBLIC ELEMENTARY SCHOOL SHALL BE**
26 **PROVIDED A DAILY PROGRAM OF PHYSICAL ACTIVITY TOTALING 150 MINUTES EACH**
27 **WEEK, INCLUDING A MINIMUM OF 90 MINUTES EACH WEEK OF PHYSICAL**
28 **EDUCATION.**

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

32 **(B) AS APPLICABLE, A STUDENT’S PROGRAM OF PHYSICAL ACTIVITY SHALL**
33 **BE CONSISTENT WITH THE STUDENT’S INDIVIDUALIZED EDUCATION PROGRAM**
34 **(IEP).**

1 **(C) EACH PUBLIC ELEMENTARY SCHOOL SHALL DESIGNATE A PHYSICAL**
2 **ACTIVITY LEADERSHIP TEAM TO PLAN AND COORDINATE OPPORTUNITIES FOR**
3 **ACTIVITIES THAT MEET THE REQUIREMENTS OF SUBSECTION (A)(2) OF THIS**
4 **SECTION.**

5 **(D) THE STATE BOARD SHALL ADOPT REGULATIONS NECESSARY TO**
6 **IMPLEMENT THE PROVISIONS OF THIS SECTION.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That:

8 (a) A public elementary school that does not meet the requirements of § 7–409.1
9 of the Education Article as enacted by Section 1 of this Act shall notify the local school
10 system on or before October 1, 2019.

11 (b) Any local school system that does not meet the requirements of § 7–409.1 of
12 the Education Article as enacted by Section 1 of this Act by October 1, 2019, may apply to
13 the State Department of Education for an extension in compliance with this Act. If granted,
14 an extension shall terminate at the end of July 1, 2022.

15 SECTION 3. AND BE IT FURTHER ENACTED, That a local school system that
16 receives an extension under Section 2 of this Act shall have a plan to ensure full compliance
17 by the local school system with the requirements of this Act by July 1, 2022.

18 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
19 1, 2019.