### HOUSE BILL 393

### F1, J1 HB 1529/17 – HRU

### By: Delegate Walker

Introduced and read first time: January 24, 2018 Assigned to: Ways and Means

### A BILL ENTITLED

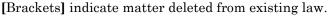
### 1 AN ACT concerning

# 2Elementary School Students – Daily Physical Activity3(Student Health and Fitness Act)

4 FOR the purpose of requiring a public school student in elementary school to be provided a  $\mathbf{5}$ 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 plan for the student; requiring public elementary schools to designate a 8 certain group to plan and coordinate certain activities; requiring the State Board of 9 Education to adopt certain regulations; providing for certain extensions; requiring a county school system that receives a certain extension to have a plan to ensure the 10 11 county school system's compliance with this Act by a certain date; and generally 12relating to student health and fitness.

- 13 BY renumbering
- 14 Article Education
- 15 Section 7–409(b), (c), (d), (e), and (f), respectively
- 16 to be Section 7–409(c), (d), (e), (f), and (g), respectively
- 17 Annotated Code of Maryland
- 18 (2014 Replacement Volume and 2017 Supplement)
- 19 BY repealing and reenacting, without amendments,
- 20 Article Education
- 21 Section 7–205(a)
- 22 Annotated Code of Maryland
- 23 (2014 Replacement Volume and 2017 Supplement)
- 24 BY repealing and reenacting, with amendments,
- 25 Article Education
- 26 Section 7–409(a)
- 27 Annotated Code of Maryland
- 28 (2014 Replacement Volume and 2017 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.





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BY adding to Article – Education Section 7–409(b) Annotated Code of Maryland (2014 Replacement Volume and 2017 Supplement)
Preamble
WHEREAS, Obesity leads to at least 300,000 deaths among adults in the United States each year due in part to physical inactivity and a poor diet; and
WHEREAS, Inadequate participation in physical activity is a significant contributor to the "epidemic of obesity" that has plagued the nation's young people during the past 2 decades; and
WHEREAS, Physical activity offers young people many health benefits, including improving aerobic endurance and muscular strength, helping to control weight, building lean muscle and reducing fat, and helping to build greater bone mass, all of which thwart the development of osteoporosis in adulthood and prevent or reduce high blood pressure; and
WHEREAS, A growing body of evidence suggests that providing students with more physical education and physical activity opportunities helps reduce the cost schools incur by reducing absenteeism, improving student health, and reducing staff time spent addressing academic performance; and
WHEREAS, A growing body of evidence also suggests that improvement in test scores and overall academic achievement can be linked to increased time in physical education; and
WHEREAS, The National PTA considers "Early Physical Education" a "Parent Priority" and urges its members to promote physical education in the schools; now, therefore,
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 7–409(b), (c), (d), (e), and (f), respectively, of Article – Education of the Annotated Code of Maryland be renumbered to be Section(s) 7–409(c), (d), (e), (f), and (g), respectively.

31 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read 32 as follows:

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### Article – Education

34 7-205.

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1 (a) The promotion of students in a public school and graduation from a public high 2 school shall be in accordance with:

- 3 (1) Policies established by the county board; and
- 4
- (2) The rules and regulations of the State Board.
- $5 \quad 7-409.$

6 (a) [Each] SUBJECT TO SUBSECTION (B) OF THIS SECTION, EACH public 7 school shall have a program of physical education that is given in a planned and sequential 8 manner to all students, kindergarten through grade 12, to develop their good health and 9 physical fitness and improve their motor coordination and physical skills.

10 **(B) (1)** A STUDENT IN ELEMENTARY SCHOOL SHALL BE PROVIDED A 11 DAILY PROGRAM OF PHYSICAL ACTIVITY TOTALING **150** MINUTES EACH WEEK AS 12 PROVIDED IN THIS SUBSECTION:

13(I)THE PROGRAM SHALL INCLUDE A MINIMUM OF 90 MINUTES14EACH WEEK OF PHYSICAL EDUCATION; AND

15 (II) ANY MINUTES NOT CONSISTING OF PHYSICAL EDUCATION 16 SHALL CONSIST OF DEVELOPMENTALLY APPROPRIATE, MODERATE-TO-VIGOROUS 17 ACTIVITY, INCLUDING RECESS.

18 (2) AS APPLICABLE, A STUDENT'S PROGRAM OF PHYSICAL ACTIVITY 19 SHALL BE CONSISTENT WITH THE STUDENT'S INDIVIDUALIZED EDUCATION PLAN 20 (IEP).

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

## 25(4)THE STATE BOARD SHALL ADOPT REGULATIONS NECESSARY TO26IMPLEMENT THE PROVISIONS OF THIS SUBSECTION.

27 SECTION 3. AND BE IT FURTHER ENACTED, That any county school system that 28 does not meet the requirements of Section 2 of this Act by October 1, 2018, may apply to 29 the State Department of Education for an extension in compliance with this Act. If granted, 30 an extension shall terminate at the end of July 1, 2021.

31 SECTION 4. AND BE IT FURTHER ENACTED, That a county school system that 32 receives an extension under Section 3 of this Act shall have a plan to ensure full compliance 33 by the county school system with the requirements of this Act by July 1, 2021. 1 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect 2 October 1, 2018.