

**SENATE . . . . . No. 2047**

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The Commonwealth of Massachusetts

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**In the Year Two Thousand Fourteen**  
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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 2012 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 licensed physician certifies in  
18 writing that in the physician’s opinion the physical education exercises would be injurious to the  
19 pupil. The board may promulgate regulations necessary to facilitate this section.

20          Section 3A. (a) The commissioner of elementary and secondary education, in conjunction  
21 with the commissioner of public health, shall conduct an evaluation of current physical education

22 standards, practices and the instruction provided to students in grades pre-kindergarten to 12,  
23 inclusive. The evaluation shall include, but not be limited to, the following:

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

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

30 (b) The commissioner of elementary and secondary education shall report the results of  
31 the evaluation by filing the report with the clerks of the senate and the house of representatives  
32 who shall forward copies of the report to the chairs of the joint committee on education and the  
33 joint committee on public health not later than April 1, 2015. The commissioner of elementary  
34 and secondary education shall make appropriate recommendations based on the findings in  
35 alignment with the commission on school nutrition and childhood obesity established under  
36 section 7 of chapter 197 of the acts of 2010.

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