

SENATE No. 297

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 adoption of the accompanying bill:

An Act to promote quality physical education.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Thomas M. McGee</i>	<i>Third Essex</i>	
<i>F. Jay Barrows</i>	<i>1st Bristol</i>	<i>1/26/2017</i>
<i>Brendan P. Crighton</i>	<i>11th Essex</i>	<i>1/30/2017</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/30/2017</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>1/30/2017</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>2/1/2017</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>2/1/2017</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>2/1/2017</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>2/1/2017</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>2/2/2017</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	<i>2/2/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/2/2017</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>	<i>2/3/2017</i>
<i>James E. Timilty</i>	<i>Bristol and Norfolk</i>	<i>2/3/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/3/2017</i>

SENATE No. 297

By Mr. McGee, a petition (accompanied by bill, Senate, No. 297) of Thomas M. McGee, F. Jay Barrows, Brendan P. Crighton, Kay Khan and other members of the General Court for legislation to promote quality physical education. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2047 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act to promote quality physical education.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 An Act to Promote Quality Physical Education

2 SECTION 1. Chapter 71 of the General Laws is hereby amended by striking out section
3 3, as appearing in the 2014 Official Edition, and inserting in place thereof the following
4 sections:-

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

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

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

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

12 “Physical education” is an academic subject and serves as the foundation of a
13 Comprehensive

14 School Physical Activity Program (CSPAP) and, as such, demands the same education
15 rigor as other core subjects. Physical education provides students with a planned, sequential, K-
16 12 standards based program of curricula and instruction designed to develop motor skills,
17 knowledge and behaviors for active living, physical fitness, sportsmanship, self-efficacy and
18 emotional intelligence.”

19 “Waivers” are formal policies that allow schools and/or districts to opt out of providing
20 state

21 mandated physical education. When a waiver is granted, the school district or school no
22 longer is

23 required to provide students with state-mandated physical education class time or credit.
24 State,

25 school district and school policy should not allow waivers for physical education class
26 time or credit requirements for individual students.

27 “Exemptions” are formal notices allowing individual students to not attend or participate
28 in

29 physical education class as required by state or district policy. Instead of completing
30 physical

31 education courses and required credits, exempted students may participate in other
32 academic

33 courses or activities such as advanced placement courses, work as a teacher's assistant,
34 etc. School districts and schools also sometimes allow exemptions from physical education class
35 time or credit due to medical illness or disability. State, school district and school policy should
36 not allow exemptions from physical education class time or credit requirements.

37 "Substitutions" are formal or informal policies allowing students to substitute other
38 activities (e.g., JROTC, interscholastic sports, community sports, cheer leading, marching band)
39 for physical education class time or credit. State, school district and school policy should prohibit
40 students from substituting other activities for required physical education class time or credit.

41 (b) Physical education shall be taught as a required subject in all grades for all students in
42 public schools or commonwealth charter schools by licensed teachers, certified in physical
43 education to promote the physical well-being of the students. Students in the elementary schools
44 shall participate in physical education for at least 150 minutes during each school week, and
45 students in middle schools and high schools shall participate for at least 225 minutes per week.
46 Physical education shall be age-appropriate and evidence-based and shall include, but not be
47 limited to, physical activity and fitness and nutrition and wellness. Physical education shall
48 include a focus on physical competence, health-related fitness and enjoyment of physical activity
49 so as to benefit children physically, cognitively, emotionally and socially. There should be an
50 emphasize on knowledge and skills for a lifetime of regular physical activity; be consistent with

51 state and national standards for physical education that define what students should know and be
52 able to do; devote at least 50 percent of class time to actual physical activity, that is moderate-to-
53 vigorous in intensity; provide many different physical activity choices; feature cooperative as
54 well as competitive games; meet the needs of all students, especially those who are not
55 athletically gifted; take into account gender and cultural differences in students' interests; teach
56 self-management skills as well as movement skills; actively teach cooperation, fair play, and
57 responsible participation in physical activity; have student/teacher ratios comparable to those in
58 other curricular areas; promote participation in physical activity outside of school; be an
59 enjoyable experience for students. A Physical education teaches students essential knowledge
60 and skills; for this reason, exemptions for physical education courses shall not be permitted on
61 the basis of punishment or disciplinary action, participation on an athletic team, community
62 recreation program, ROTC, marching band, or other school or community activity. Students
63 should not be allowed an exemption from physical education to prepare for other classes or
64 standardized tests. A student may be excused if a physician states in writing that physical activity
65 will jeopardize the students' health and well-being or a parent/guardian requests an exemption on
66 religious grounds. Students with disabilities should not be waived from physical education
67 requirements, but instead should be provided with modifications or adaptations that allow physical
68 education courses to meet the needs of disabled students. The board may promulgate regulations
69 necessary to facilitate this section.

70 Section 3A. (a) School districts and schools shall be required to complete comprehensive
71 self-assessments of their physical education programs using existing tools. The results of the
72 assessment should be integrated into the district or school's long-term strategic planning, School
73 Improvement Plan, or school wellness policy, to address the quality and quantity of physical

74 education offered. School districts and schools are required to report the findings of their
75 assessment to parents and members of the community through typical communication channels
76 such as websites, school newsletters, school board reports, and presentations.

77 (b) the commissioner of elementary and secondary education, shall conduct an evaluation
78 of current physical education standards, practices and the instruction provided to students in
79 grades pre-kindergarten to 12, inclusive.

80 The evaluation shall include, but not be limited to, the following: (1) Quantity of Physical
81 Education Offered: (a) Amount of physical education being offered in elementary, middle, and
82 high schools (i) Number of students taking physical education; (ii) Average class size of physical
83 education; (iii) Number of days per year students are taking physical education; (iv) Number of
84 class periods, blocks, or applicable measurement per week of physical education; (v) Total
85 minutes of physical education individual students receive per week. (vi) Whether physical
86 education is a graduation requirement in high school. (2) Physical Education Curriculum
87 Standards (a) Whether the school/district is using a planned, K-12 sequential physical
88 education curriculum that adheres to national and state standards for physical
89 education. (i) Whether this curriculum is systematically reviewed and updated. (3)
90 Physical Education Teacher Credentials (a). How many of the district's physical education
91 teachers are licensed, certified, or endorsed by an accredited teacher preparation program to
92 teach physical education. If some teachers are not, show plans for ensuring all physical education
93 teachers will seek these credentials, and show progress for meeting these teaching quality goals.
94 (4) Physical Education Student Assessment (a) Whether the school/district is implementing the
95 Presidential Youth Fitness Program or a similar program that integrates student fitness

96 assessment, annual professional development for teachers that is specific to their field, and
97 recognition for students who are achieving a Healthy Fitness Zone. (b) Whether they are
98 reporting individual results to students and parents and aggregate results to the appropriate state
99 agency. (5) Physical Education Equipment and Facilities (a). Whether physical education
100 programs have appropriate equipment and adequate facilities for students to engage in the
101 recommended amount and intensity of physical activity. (6) Substitutions, Waivers, Exemptions,
102 and Adaptions (a) Whether the state allows waivers for schools/districts from the state-mandated
103 physical education requirement, (b) Whether the school/district has applied to the state for a
104 waiver from the state-mandated physical education requirement (c) Whether schools/districts
105 allow student exemptions or substitutions for

106 physical education (d) Whether modifications or adaptions allow physical education
107 courses to meet the needs of students with disabilities, instead of offering waivers to students
108 with disabilities (e) Whether students are not allowed to opt out of physical education to prepare
109 for other classes or standardized tests (7) Punishment (a) Whether a policy exists that allows
110 teachers or administrators to withhold physical activity as punishment.

111 (8) Optional assessment measures include the following (a) Additional Physical Activity
112 Opportunities (i) Whether the district has other physical activity opportunities, including Safe

113 Routes to School, classroom activity breaks, and club, intramural, or team sports; (b).

114 Physical Education Student Assessment (i) Whether there are requirements for fitness, motor
115 skills, cognitive, and affective assessment in physical education that are based on student
116 improvement and knowledge gain. (ii). Whether physical education course grades are included in
117 the calculation of Grade Point Averages, class rank, and academic recognition programs such as

118 honor roll in the same manner as other subject areas.

119 (c) The commissioner of elementary and secondary education shall report the results of
120 the evaluation by filing the report with the clerks of the senate and the house of representatives
121 who shall forward copies of the report to the chairs of the joint committee on education and the
122 joint committee on public health not later than April 1, 2019. The commissioner of elementary
123 and secondary education shall make appropriate recommendations based on the findings in
124 alignment with the commission on school nutrition and childhood obesity established under
125 section 7 of chapter 197 of the acts of 2016.

126 SECTION 2. Section 1 shall take effect for the 2020-2021 school year.