

# HOUSE BILL 168

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HB 1430/10 – W&M

11r0742

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By: **Delegates Walker, Alston, Barnes, Bobo, Boteler, Branch, Braveboy, Bromwell, Burns, Cane, Cardin, Costa, Dwyer, Feldman, Frush, George, Healey, Holmes, Howard, Hubbard, Ivey, Kach, Kipke, Lafferty, Minnick, Mitchell, Oaks, Olszewski, Pena–Melnik, Proctor, Reznik, Ross, Schuh, Simmons, V. Turner, Valderrama, Vaughn, Waldstreicher, Weir, and Wilson**

Introduced and read first time: January 26, 2011

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Student Health and Fitness Act**

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

12 BY renumbering

13 Article – Education  
14 Section 7–409(b), (c), (d), (e), and (f), respectively  
15 to be Section 7–409(c), (d), (e), (f), and (g), respectively  
16 Annotated Code of Maryland  
17 (2008 Replacement Volume and 2010 Supplement)

18 BY repealing and reenacting, without amendments,

19 Article – Education  
20 Section 7–205(a)  
21 Annotated Code of Maryland  
22 (2008 Replacement Volume and 2010 Supplement)

23 BY repealing and reenacting, with amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Education  
2 Section 7–409(a)  
3 Annotated Code of Maryland  
4 (2008 Replacement Volume and 2010 Supplement)

5 BY adding to  
6 Article – Education  
7 Section 7–409(b)  
8 Annotated Code of Maryland  
9 (2008 Replacement Volume and 2010 Supplement)

10 Preamble

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

13 WHEREAS, Inadequate participation in physical activity is a significant  
14 contributor to the “epidemic of obesity” that has plagued the nation’s young people  
15 during the past two decades; and

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

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

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

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

31 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
32 MARYLAND, That Section(s) 7–409(b), (c), (d), (e), and (f), respectively, of Article  
33 – Education of the Annotated Code of Maryland be renumbered to be Section(s)  
34 7–409(c), (d), (e), (f), and (g), respectively.

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

37 Article – Education

1 7-205.

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

4 (1) Policies established by the county board; and

5 (2) The rules and regulations of the State Board.

6 7-409.

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

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

15 **(I) THE PROGRAM SHALL INCLUDE A MINIMUM OF 90**  
16 **MINUTES A WEEK OF PHYSICAL EDUCATION; AND**

17 **(II) ANY MINUTES NOT CONSISTING OF PHYSICAL**  
18 **EDUCATION SHALL CONSIST OF DEVELOPMENTALLY APPROPRIATE, MODERATE**  
19 **TO VIGOROUS ACTIVITY, INCLUDING RECESS.**

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

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

27 **(4) THE STATE BOARD SHALL ADOPT REGULATIONS NECESSARY**  
28 **TO IMPLEMENT THE PROVISIONS OF THIS SUBSECTION.**

29 SECTION 3. AND BE IT FURTHER ENACTED, That any county school system  
30 that does not meet the requirements of Section 2 of this Act by October 1, 2011, may  
31 apply to the State Department of Education for an extension on compliance with this  
32 Act. If granted, an extension shall terminate at the end of July 1, 2014.

**HOUSE BILL 168**

1           SECTION 4. AND BE IT FURTHER ENACTED, That a county school system  
2 that receives an extension under Section 3 of this Act shall have a plan to ensure the  
3 county school system's full compliance with the requirements of this Act by July 1,  
4 2014.

5           SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2011.