

# SENATE, NO. 2497

## The Commonwealth of Massachusetts



IN THE YEAR OF TWO THOUSAND AND SEVEN

### **AN ACT** TO IMPROVE QUALITY PHYSICAL EDUCATION

*Whereas*, Increasing physical activity and encouraging healthy, active lifestyles for elementary, middle, and high school youth will reduce the rate of childhood obesity, improve short-term and long-term health, and reduce the risks of other illnesses related to sedentary lifestyles.

*Whereas*, The National Association for Sport and Physical Education recommends that students receive at least 150 minutes per week of physical education for each student in elementary school, and 225 minutes per week of physical education for each student in middle school and high school.

*Whereas*, The General Court recognizes that schools may have difficulty reaching the recommended minimum minutes for physical education established by the National Association for Sport and 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 SECTION 1. There is hereby established the Massachusetts Physical Education Pilot Program,
- 2 subject to appropriation, in order to provide matching grants to not less than six public
- 3 elementary, middle and/or high schools across the commonwealth for the purpose of
- 4 determining the potential for statewide expansion and enhancement of physical education
- 5 programs in all public schools.

6 The department of education shall oversee the administration of this grant, provided, that in  
7 awarding pilot grants, participating elementary schools that currently provide less than 60  
8 minutes of physical education be required to provide not less than 120 minutes;  
9 Provided further, that participating elementary schools that currently provide less than 120  
10 minutes of physical education be required to provide not less than 150 minutes.  
11 Provided further, that participating middle and high schools that currently provide less than 60  
12 minutes of physical education be required to provide not less than 120 minutes;  
13 Provided further, that participating middle and high schools that currently provide more than 120  
14 minutes will be required to provide not less than 150 minutes, with the goal of reaching not less  
15 than 225 minutes in 3 years.  
16 Provided further, that pilot grantees shall not be penalized in any manner if a reasonable attempt  
17 has been made to provide the program to each student.

18 SECTION 2. Each potential pilot school shall be required to provide a proposed plan to the  
19 department of education outlining how the school shall meet said requirements over a three year  
20 period; provided further, that grant applications shall include the delineation of any unmet  
21 funding needs including, but not limited to, additional program and personnel costs deemed  
22 necessary in order to conduct requirements of the pilot program. To the extent funds are  
23 available, the grant shall provide for such unmet funding needs.

24 SECTION 3. A Physical Education Advisory Commission will be established to advise the  
25 Commissioner of Education on all eligible applicants, and shall work in conjunction with the  
26 department of education to review the pilot program.

27 The commission shall consist of the Commissioner of Education or his designee, the  
28 Commissioner of Public Health or his designee, 3 persons to be appointed by the Governor, 1

29 person to be appointed by the Senate President, 1 person appointed by the Speaker of the House;  
30 1 of whom shall be a representative of the Massachusetts Physical Education, Health,  
31 Recreation and Dance Association (MAPHERD), 1 of whom shall be a representative of the  
32 American Heart Association, and 1 of whom shall be a representative of the American Diabetes  
33 Association.

34 The department of education shall administer grants for the physical education pilot program  
35 and will work with the advisory commission in order to find matching funds from outside  
36 sources to support schools financial requests.

37 The department, working in conjunction with the Physical Education Pilot Advisory  
38 Commission shall evaluate the pilot program and report its preliminary findings by July 1, 2009  
39 to the General Court, and shall present a final report to the General Court by July 31, 2011.