

SENATE No. 249

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 passage of the accompanying bill:

An Act Relative to Evaluating and Enhancing Quality Physical Education.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Thomas M. McGee	Third Essex and Middlesex
Danielle W. Gregoire	4th Middlesex
William C. Galvin	6th Norfolk
John A. Hart, Jr.	First Suffolk
Patricia D. Jehlen	Second Middlesex
James E. Timilty	Bristol and Norfolk
William N. Brownsberger	24th Middlesex
Stephen M. Brewer	Worcester, Hampden, Hampshire and Franklin
Mary E. Grant	6th Essex
Richard T. Moore	Worcester and Norfolk
Jonathan Hecht	29th Middlesex
Robert F. Fennell	10th Essex
Katherine Clark	32nd Middlesex
Louis L. Kafka	8th Norfolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO EVALUATING AND ENHANCING 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 Whereas physical inactivity and a poor diet together account for at least 300,000 deaths
2 among adults in the United States each year;

3 Whereas inadequate participation in physical activity is a major contributor to the “epidemic of
4 obesity” that has plagued the nation’s young people during the past two decades;

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

9 *Whereas*, The National Association for Sport and Physical Education of The American Alliance
10 for Health, Physical Education, Recreation and Dance (MAHPERD) and The American Heart
11 Association all recommend that students receive at least 150 minutes per week of physical
12 education for all students in elementary school, and 225 minutes per week of physical education
13 all students in middle school and high school.

14 SECTION 1. The Commissioner of Elementary and Secondary Education, in
15 conjunction with the Commissioner of Public Health, shall conduct an evaluation of current
16 physical education standards, practices and the instruction provided to students in grades
17 kindergarten through twelve and report their findings for each individual school. The report shall
18 include, but not be limited to, (a) the current school physical education offerings with specifics in
19 regards to the duration of each individual session and the number of days per week that the class
20 meets per year and (b) report on how each individual school is providing a curriculum based
21 quality physical education to achieve physical fitness, (c) the amount of recess student participate
22 in each week, including the time and space allotted to recess in each school.

23 The Commissioner of Elementary and Secondary Education shall convey the findings for each
24 individual school and report it to the to the Governor of the Commonwealth, the Senate
25 President, the Speaker of the House, Chairpersons of the Joint Education Committee, and
26 Chairpersons of the Joint Public Health Committee. The Commissioner of Elementary and
27 Secondary Education shall make appropriate recommendations based on the findings in
28 conjunction with the Physical Education and Activity Advisory Commission that would promote
29 quality physical education.

30 SECTION 2. Within the Department of Elementary and Secondary Education a
31 designated full time equivalent staff person shall be determined to serve as a physical education
32 coordinator for the state. This such person shall, but not be limited to, gathering information on
33 best practices of quality physical education and physical activity programs throughout the
34 Commonwealth, developing and providing a comprehensive framework and technical assistance
35 to schools in implementing quality physical education programs, identifying resources to

36 implement quality physical education programs and evaluating effectiveness of physical
37 education programs

38 SECTION 3. A Physical Education and Activity Advisory Commission will be
39 established to advise the Commissioner of Elementary and Secondary Education and the Board
40 of Education on any recommendations in regards to physical education and physical activity.

41 The commission shall consist of the Commissioner of Elementary and Secondary Education or
42 his designee, the Commissioner of Public Health or his designee, 5 persons to be appointed by
43 the Governor, 3 persons to be appointed by the Senate President, 3 persons appointed by the
44 Speaker of the House; 1 person appointed by the Minority Leader in the Senate and 1 person
45 appointed by the Minority Leader in the House of Representatives and including but not limited
46 to 1 person representing higher education, 1 of whom shall be a representative of the
47 Massachusetts Association for Health, Physical Education, Recreation and Dance (MAHPERD),
48 1 whom shall be a representative of the American Heart Association, and 1 of whom shall be a
49 representative of the American Diabetes Association, 1 of whom shall be a representative of the
50 Massachusetts Parent Teacher Association, 1 whom shall be a representative of the
51 Massachusetts Afterschool Association and 1 whom shall represent the Massachusetts Academy
52 of Pediatrics.

53 SECTION 4. Chapter 71 of the General Laws is hereby amended by striking out section
54 3, as so appearing, and inserting in place thereof the following section:-

55 Physical education shall be taught as a required subject in all grades, K-12 for all students in the
56 public schools, by licensed teachers, certified in physical education, as an integral part of the
57 total education of every child. The purpose of physical education is to increase the physical

58 competence, health-related fitness and enjoyment of physical activity so as to benefit children
59 physically, cognitively, emotionally, and socially. In addition, there shall be no substitution of
60 other instruction or activities for Physical Education and coursework shall be regulated under the
61 National Association for Sport & Physical Education (NASPE) national standards for Physical
62 Education including program and student assessment.

63 SECTION 5. Subject to appropriations a Massachusetts Physical Education Pilot
64 Program shall be established. The Pilot Program should consist of not less than six public
65 elementary, middle and/or high schools across the commonwealth for the purpose of determining
66 the potential for statewide expansion and enhancement of physical education programs in all
67 public schools as well as securing matching grants in a public private partnership.

68 The department of elementary and secondary education shall oversee the administration of the
69 said grants, provided that in awarding pilot grants, the department of elementary and secondary
70 education will work with the advisory commission to require all participating K-12 schools to
71 develop and implement a planned curriculum that adheres to national and state standard based on
72 standards by the National Association of Sport and Physical Education (NASPE). Each potential
73 pilot school shall be required to provide a proposed plan to the department of elementary and
74 secondary education in conjunction with the advisory commission outlining how the school shall
75 meet said requirements over a three year period; provided further, that grant applications shall
76 include the delineation of any unmet funding needs including, but not limited to, additional
77 program and personnel costs deemed necessary in order to conduct requirements of the pilot
78 program. To the extent funds are available, the grant shall provide for such unmet funding
79 needs.