SENATE . . . . . No. 2398

The committee on Ways and Means, to whom was referred the Senate bill to improve quality physical education (Senate, No. 2221); reports, recommending that the same ought to pass with an amendment substituting a new draft of the same title (Senate, No. 2398).

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act to improve 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:

SECTION 1. Chapter 71 of the General Laws is hereby amended by striking out section 3 as appearing in the 2010 Official Edition, and inserting in place thereof the following section:-

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

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

"Board", the board of elementary and secondary education.

"Department", the department of elementary and secondary education.

(b) Physical education shall be taught as a required subject in all grades for all students in public schools or commonwealth charter schools to promote the physical well-being of the

12 students. Physical education shall be age-appropriate and evidence-based and shall include, but
13 not be limited to, physical activity and fitness and nutrition and wellness. Physical education
14 shall include a focus on physical competence, health-related fitness and enjoyment of physical
15 activity so as to benefit children physically, cognitively, emotionally and socially. A pupil shall
16 not be required to take part in physical education exercises if a licensed physician certifies in
17 writing that in the physician's opinion the physical education exercises would be injurious to the
18 pupil. The board may promulgate regulations necessary to facilitate this section.

19 SECTION 2. (a) The commissioner of elementary and secondary education, in
20 conjunction with the commissioner of public health, shall conduct an evaluation of current
21 physical education standards, practices and the instruction provided to students in grades pre-
22 kindergarten to 12, inclusive. The evaluation shall include, but not be limited to, the following:

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

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

29 (b) The commissioner of elementary and secondary education shall report the results of
30 the evaluation by filing the report with the clerks of the senate and the house of representatives
31 who shall forward copies of the report to the chairs of the joint committee on education and the
32 joint committee on public health not later than April 1, 2013. The commissioner of elementary
33 and secondary education shall make appropriate recommendations based on the findings in

34 alignment with the commission on school nutrition and childhood obesity established under

35 section 7 of chapter 197 of the acts of 2010.

36 SECTION 3. Section 1 shall take effect for the 2013-2014 school year.