SENATE . . . . . No. 2047

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

SENATE, Thursday, November 5, 2015

The committee on Ways and Means, to whom was referred the Senate Bill to promote quality physical education (Senate, No. 1976),-- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2047).

For the committee,
Karen E. Spilka

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In the One Hundred and Eighty-Ninth General Court
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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:

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

Section 3. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, 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.

(b) Physical education shall be taught as a required subject in all grades for all students in a public or charter school to promote the physical well-being of the students and shall include a focus on physical competence, health-related fitness and enjoyment of physical activity so as to benefit students physically, cognitively, emotionally and socially. Physical education shall be age-appropriate, evidence-based and shall include, but not be limited to, physical activity,

14 fitness, nutrition and wellness. No student shall be required to take part in physical education,
15 which requires physical activity or fitness, if a licensed health care provider has certified in
16 writing that, in the provider's opinion, the physical activity or fitness would be injurious to the
17 student. The board may promulgate regulations necessary to implement this section.

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

22 (1) current school district practices concerning physical education in public
23 schools, including, but not limited to: (i) physical education course offerings; (ii) class duration
24 and frequency and (iii) the physical space and time allotted, if any, for students to participate in
25 recess each week; and

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

28 (b) The commissioner of elementary and secondary education shall make appropriate
29 recommendations based on the findings under subsection (a). Such recommendations shall
30 consider the findings of the commission on school nutrition and childhood obesity established
31 under section 7 of chapter 197 of the acts of 2010. The commissioner of elementary and
32 secondary education shall report the results of the evaluation by filing the report with the clerks
33 of the senate and the house of representatives who shall forward copies of the report to the house
34 and senate chairs of the joint committee on education and the house and senate chairs of the joint
35 committee on public health not later than April 1, 2018.

36 SECTION 3. Section 1 shall take effect for the 2017-2018 school year.