

HOUSE No. 3430

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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:

1 Section 1. There is hereby established the Massachusetts Physical Education Pilot
2 Program, in order to provide matching grants to not less than six public elementary, middle,
3 and/or high schools across the Commonwealth for the purpose of determining the potential for
4 statewide expansion and enhancement of physical education in all public schools.

5 The Department of Elementary and Secondary Education shall oversee the administration
6 of this grant, provided, that in awarding pilot grants, participating elementary schools that
7 currently provide less than 60 minutes of physical education be required to provide not less than
8 120minutes;

9 Provided further, that participating elementary schools that currently provide led 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
12 than 60 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
14 than 120 minutes will be required to provide not less than 150 minutes, with the goal of reaching
15 not less than 225 minutes in 3 years.

16 Provided further, that pilot grantees shall not be penalized in any manner if a reasonable
17 attempt 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 Elementary and Secondary education outlining how the school shall meet said
20 requirements over a three year period; provided further, that grant applications shall include the
21 delineation of any unmet funding needs including, but not limited to, additional program and
22 personnel costs deemed necessary in order to conduct requirements of the pilot program. To the
23 extent funds are 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 Elementary and Secondary education on all eligible applicants, and shall work
26 in conjunction with the Department of elementary and Secondary education to review the pilot
27 program.

28 The commission shall consist of the Commissioners of Elementary and Secondary
29 Education and Public Health or their designees, 3 persons to be appointed by the Governor, 1
30 person to be appointed by the Senate President, 1 person to be appointed by the Speaker of the
31 House, 1 of whom shall be a representative of the Massachusetts Physical Education, Health,
32 Recreation and Dance Association (MAPHERD), 1 of whom shall be a representative of the
33 American Heart Association, and 1 of who shall be a representative of the American Diabetes
34 Association.

35 The Department of Elementary and Secondary Education shall administer grants for the
36 physical education pilot program and will work with the advisory committee in order to find
37 marching funds from outside sources to support schools financial requests.

38 The department, working in conjunction with the Physical Education Pilot Advisory
39 Commission shall evaluate the pilot program and report its preliminary findings by July 1, 2010
40 to the General Court, and shall present a final report to the General Court by July 31, 2012.