

**SENATE . . . . . No. 249**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**

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**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

4        “epidemic of 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

6        healthy, active lifestyles for elementary, middle, and high school youth will reduce the rate of

7        childhood obesity, improve short-term and long-term health, and reduce the risks of other

8        illnesses related to sedentary lifestyles.

9        Whereas, The National Association for Sport and Physical Education of The American

10      Alliance for Health, Physical Education, Recreation and Dance (MAHPERD) and The American

11      Heart 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  
24     each individual school and report it 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  
42 Education or his designee, the Commissioner of Public Health or his designee, 5 persons to be  
43 appointed by the Governor, 3 persons to be appointed by the Senate President, 3 persons  
44 appointed by the Speaker of the House; 1 person appointed by the Minority Leader in the Senate  
45 and 1 person appointed by the Minority Leader in the House of Representatives and including  
46 but not limited to 1 person representing higher education, 1 of whom shall be a representative of  
47 the Massachusetts Association for Health, Physical Education, Recreation and Dance  
48 (MAHPERD), 1 whom shall be a representative of the American Heart Association, and 1 of  
49 whom shall be a representative of the American Diabetes Association, 1 of whom shall be a  
50 representative of the Massachusetts Parent Teacher Association, 1 whom shall be a  
51 representative of the Massachusetts Afterschool Association and 1 whom shall represent the  
52 Massachusetts Academy 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  
56 in the public schools, by licensed teachers, certified in physical education, as an integral part of  
57 the 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  
69 of the said grants, provided that in awarding pilot grants, the department of elementary and  
70 secondary education will work with the advisory commission to require all participating K-12  
71 schools to develop and implement a planned curriculum that adheres to national and state  
72 standard based on standards by the National Association of Sport and Physical Education  
73 (NASPE). Each potential pilot school shall be required to provide a proposed plan to the  
74 department of elementary and secondary education in conjunction with the advisory commission  
75 outlining how the school shall meet said requirements over a three year period; provided further,  
76 that grant applications shall include the delineation of any unmet funding needs including, but  
77 not limited to, additional program and personnel costs deemed necessary in order to conduct  
78 requirements of the pilot program. To the extent funds are available, the grant shall provide for  
79 such unmet funding needs.