

SENATE No. 249

The Commonwealth of Massachusetts

In the Year Two Thousand 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
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 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, I 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.