SENATE DOCKET, NO. FILED ON: 3/20/2012

SENATE . . . . . No. 2221

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, as appearing in the 2010 official edition, is hereby amended by striking out section 3, as so appearing, and inserting in place thereof the following section:-

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.

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

“Board”, the board of elementary and secondary education.

Physical education shall be taught as a required subject in grades pre-kindergarten through twelve, inclusive, for all students in public schools or Commonwealth charter schools, by licensed teachers, certified in physical education. Said education shall be age-appropriate and evidence-based and shall include, but not be limited to: physical activity and fitness and nutrition

14 and wellness. Said education shall include a focus on physical competence, health-related fitness
15 and enjoyment of physical activity so as to benefit children physically, cognitively, emotionally,
16 and socially. No pupil shall be required to take part in physical education exercises if a licensed
17 physician certifies in writing that in his opinion such physical education exercises would be
18 injurious to the pupil. High school students participating in varsity sports may substitute waivers
19 for the physical activity portion of the physical education course for no more than two terms only
20 upon acceptance of this provision by majority vote of the school committee, or in the case of a
21 charter school, by the board of trustees. The board may promulgate regulations necessary to
22 facilitate the provisions of this section.

23 SECTION 2. The commissioner of elementary and secondary education, in conjunction
24 with the commissioner of public health, shall conduct an evaluation of current physical education
25 standards, practices and the instruction provided to students in grades pre-kindergarten through
26 twelve, inclusive. The report shall include, but not be limited to, the following:-

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

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

32 The commissioner of elementary and secondary education shall report the findings of
33 the evaluation to the clerks of the senate and the house of representatives who shall forward the
34 same to the senate and house chairs of the joint committee on education and the senate and house
35 chairs of the joint committee on public health not later than December 31, 2012. The

36 commissioner of elementary and secondary education shall make appropriate recommendations

37 based on the findings in alignment with the Commission on School Nutrition and Childhood

38 Obesity established under Chapter 197 of the Acts of 2010.