

SENATE No. 2326

The Commonwealth of Massachusetts

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In the Year Two Thousand Fourteen
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SENATE, Wednesday, July 30, 2014

The committee on Ways and Means, to whom was referred the Senate relative to healthy kids (Senate, No. 2047),- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2326).

For the committee,
Stephen M. Brewer

SENATE No. 2326

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In the Year Two Thousand Fourteen

An Act relative to healthy kids..

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. Chapter 71 of the General Laws is hereby amended by striking out section
2 3, as appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

3 Section 3. (a) As used in this section, the following words shall have the following
4 meanings:-

5 “Age-appropriate”, topics, messages and teaching methods suitable to particular ages or
6 age groups of children and adolescents, based on developing cognitive, emotional and behavioral
7 capacity typical for the age or age group.

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

9 (b) Physical education shall be taught as a required subject in all grades for all students in
10 public schools or commonwealth charter schools to promote the physical well-being of the
11 students and shall include a focus on physical competence, health-related fitness and enjoyment
12 of physical activity so as to benefit children physically, cognitively, emotionally and socially. In
13 school grades that require a student to receive a grade or mark, the student shall receive either a

14 pass or fail grade or mark; provided, that the grade or mark shall not count toward the student's
15 grade point average. Physical education shall be age-appropriate, evidence-based and shall
16 include, but not be limited to, physical activity, fitness, nutrition and wellness. A student shall
17 not be required to take part in physical education, which requires physical activity or fitness, if a
18 licensed physician certifies in writing that, in the physician's opinion, the physical activity or
19 fitness would be injurious to the student. The board may promulgate regulations necessary to
20 implement this section.

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

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

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

31 (b) The commissioner of elementary and secondary education shall make appropriate
32 recommendations based on the findings under subsection (a). Such recommendations shall
33 consider the findings of the commission on school nutrition and childhood obesity established
34 under section 7 of chapter 197 of the acts of 2010. The commissioner of elementary and
35 secondary education shall report the results of the evaluation by filing the report with the clerks

36 of the senate and the house of representatives, who shall forward copies of the report to the house
37 and senate chairs of the joint committee on education and the house and senate chairs of the joint
38 committee on public health, not later than June 1, 2015.

39 SECTION 3. Section 1 shall take effect June 1, 2015.