SENATE . . . . . No. 1976

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

SENATE, Thursday July 23, 2015

The committee on Education to whom was referred the petitions (accompanied by bill, Senate, No. 299) of Brian A. Joyce for legislation to establish school nutrition education classes; (accompanied by bill, Senate, No. 318) of Thomas M. McGee, Brian M. Ashe, Jose F. Tosado, Robert M. Koczera and other members of the General Court for legislation relative to physical education in public schools; and (accompanied by bill, House, No. 367) of Gloria L. Fox and others relative to requiring mandatory physical education for all students in grades K-12,- reports the accompanying bill (Senate, No. 1976).

For the committee,
Sonia Chang-Diaz

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In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act to promote 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 is hereby amended by striking out section 3, as appearing in the 2012 Official Edition, and inserting in place thereof the following sections:-

Section 3. (a) 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.

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

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

(b) Physical education shall be taught as a required subject in all grades for all students in public schools or commonwealth charter schools to promote the physical well-being of the students. Physical education shall be age-appropriate and evidence-based and shall include, but

not be limited to, physical activity and fitness and nutrition and wellness. Physical education shall include a focus on physical competence, health-related fitness and enjoyment of physical activity so as to benefit children physically, cognitively, emotionally and socially. A pupil shall not be required to take part in physical education exercises if a licensed physician certifies in writing that in the physician's opinion the physical education exercises would be injurious to the pupil. The board may promulgate regulations necessary to facilitate this section.

Section 3A. (a) The commissioner of elementary and secondary education, in conjunction with the commissioner of public health, shall conduct an evaluation of current physical education standards, practices and the instruction provided to students in grades pre-kindergarten to 12, inclusive. The evaluation shall include, but not be limited to, the following:

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

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

(b) The commissioner of elementary and secondary education shall report the results of the evaluation by filing the report with the clerks of the senate and the house of representatives who shall forward copies of the report to the chairs of the joint committee on education and the joint committee on public health not later than April 1, 2018. The commissioner of elementary and secondary education shall make appropriate recommendations based on the findings in

alignment with the commission on school nutrition and childhood obesity established under section 7 of chapter 197 of the acts of 2010.

SECTION 2. Section 1 shall take effect for the 2017-2018 school year.