

SENATE No. 2061

Senate, November 18, 2015 -- Text of the Senate Bill to promote quality physical education
(Senate, No. 2061) (being the text of Senate, No. 2047, printed as amended)

The Commonwealth of Massachusetts

**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:

1 SECTION 1. Chapter 71 of the General Laws is hereby amended by striking out section
2 3, as appearing in the 2014 Official Edition, and inserting in place thereof the following section:-

3 Section 3. (a) As used in this section, the following words shall, unless the context clearly
4 requires otherwise, have the following 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 a public or charter school to promote the physical well-being of the students and shall include a
11 focus on physical competence, health-related fitness and enjoyment of physical activity so as to
12 benefit students physically, cognitively, emotionally and socially. Physical education shall be

13 age-appropriate, evidence-based and shall include, but not be limited to, physical activity,
14 fitness, nutrition and wellness. No student shall be required to take part in a physical education
15 course, which requires physical activity or fitness, if a licensed health care provider has certified
16 in writing that, in the provider's opinion, the physical activity or fitness would be injurious to the
17 student. The board may promulgate regulations necessary to implement this section.

18 SECTION 2. (a) Consistent with regulations promulgated under subsection (f) of section
19 223 of chapter 111 each school district that collects data for an assessment on the quality of
20 physical education shall submit the assessment to the commissioner of elementary and secondary
21 education. The commissioner of elementary and secondary education, in conjunction with the
22 commissioner of public health, shall conduct an evaluation of current physical education
23 standards, practices and the instruction provided to students in grades pre-kindergarten to 12,
24 inclusive. The evaluation shall include, but not be limited to:

25 (1) current school district practices concerning physical education in public schools,
26 including, but not limited to: (i) physical education course offerings and curriculum standards;
27 (ii) class duration and frequency; (iii) current licensure held by physical education teachers; (iv)
28 equipment and facilities available for physical education; (v) substitutions, waivers and
29 adaptations offered to students related to participation in physical education and (vi) the physical
30 space and time allotted, if any, for students to participate in recess each week; and

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

33 (b) The commissioner of elementary and secondary education shall make appropriate
34 recommendations based on the findings under subsection (a). Such recommendations shall

35 consider the findings of the commission on school nutrition and childhood obesity established
36 under section 7 of chapter 197 of the acts of 2010. The commissioner of elementary and
37 secondary education shall report the results of the evaluation by filing the report with the clerks
38 of the senate and the house of representatives who shall forward copies of the report to the house
39 and senate chairs of the joint committee on education and the house and senate chairs of the joint
40 committee on public health not later than April 1, 2018. The commissioner of elementary and
41 secondary education shall make the report publicly available by posting the report on the website
42 of the department of elementary and secondary education and shall also, to the extent feasible,
43 make available a breakdown of its findings on a school district level to the public on the
44 department's website.

45 SECTION 3. Nothing in this act shall be construed to impede, prohibit or prevent a
46 student from participating in a junior reserve officers' training corps program during the school
47 day.

48 SECTION 4. Section 1 shall take effect for the 2017-2018 school year.