

**HOUSE . . . . . No. 262**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Danielle W. Gregoire***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

**An Act to promote quality physical education.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>1/18/2017</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	
<i>Chris Walsh</i>	<i>6th Middlesex</i>	
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>	
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	
<i>Jack Lewis</i>	<i>7th Middlesex</i>	
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>	
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	
<i>David M. Rogers</i>	<i>24th Middlesex</i>	
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>	
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	

<i>Kay Khan</i>	<i>11th Middlesex</i>	
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>	
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	

**HOUSE . . . . . No. 262**

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By Miss Gregoire of Marlborough, a petition (accompanied by bill, House, No. 262) of Danielle W. Gregoire and others for legislation to require that physical education be taught as a required subject in all grades for all students in public schools or Commonwealth charter schools. Education.

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**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
\_\_\_\_\_

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  
3 sections:-

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

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

7 “Department”, the department of elementary and secondary education.

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

11           “Physical education” is an academic subject and serves as the foundation of a  
12 Comprehensive

13           School Physical Activity Program (CSPAP) and, as such, demands the same education  
14 rigor as other core subjects. Physical education provides students with a planned, sequential, K-  
15 12 standards based program of curricula and instruction designed to develop motor skills,  
16 knowledge and behaviors for active living, physical fitness, sportsmanship, self-efficacy and  
17 emotional intelligence.”

18           “Waivers” are formal policies that allow schools and/or districts to opt out of providing  
19 state

20           mandated physical education. When a waiver is granted, the school district or school no  
21 longer is

22           required to provide students with state-mandated physical education class time or credit.  
23 State,

24           school district and school policy should not allow waivers for physical education class  
25 time or credit requirements for individual students.

26           “Exemptions” are formal notices allowing individual students to not attend or participate  
27 in

28           physical education class as required by state or district policy. Instead of completing  
29 physical

30           education courses and required credits, exempted students may participate in other  
31 academic

32 courses or activities such as advanced placement courses, work as a teacher’s assistant,  
33 etc. School districts and schools also sometimes allow exemptions from physical education class  
34 time or credit due to medical illness or disability. State, school district and school policy should  
35 not allow exemptions from physical education class time or credit requirements.

36 “Substitutions” are formal or informal policies allowing students to substitute other  
37 activities (e.g., JROTC, interscholastic sports, community sports, cheer leading, marching band)  
38 for physical education class time or credit. State, school district and school policy should prohibit  
39 students from substituting other activities for required physical education class time or credit.

40 (b) Physical education shall be taught as a required subject in all grades for all students in  
41 public schools or commonwealth charter schools by licensed teachers, certified in physical  
42 education to promote the physical well-being of the students. Students in the elementary schools  
43 shall participate in physical education for at least 150 minutes during each school week, and  
44 students in middle schools and high schools shall participate for at least 225 minutes per week.  
45 Physical education shall be age-appropriate and evidence-based and shall include, but not be  
46 limited to, physical activity and fitness and nutrition and wellness. Physical education shall  
47 include a focus on physical competence, health-related fitness and enjoyment of physical activity  
48 so as to benefit children physically, cognitively, emotionally and socially. There should be an  
49 emphasize on knowledge and skills for a lifetime of regular physical activity; be consistent with  
50 state and national standards for physical education that define what students should know and be  
51 able to do; devote at least 50 percent of class time to actual physical activity, that is moderate-to-  
52 vigorous in intensity; provide many different physical activity choices; feature cooperative as  
53 well as competitive games; meet the needs of all students, especially those who are not  
54 athletically gifted; take into account gender and cultural differences in students’ interests; teach

55 self-management skills as well as movement skills; actively teach cooperation, fair play, and  
56 responsible participation in physical activity; have student/teacher ratios comparable to those in  
57 other curricular areas; promote participation in physical activity outside of school; be an  
58 enjoyable experience for students. A Physical education teaches students essential knowledge  
59 and skills; for this reason, exemptions for physical education courses shall not be permitted on  
60 the basis of punishment or disciplinary action, participation on an athletic team, community  
61 recreation program, ROTC, marching band, or other school or community activity. Students  
62 should not be allowed an exemption from physical education to prepare for other classes or  
63 standardized tests. A student may be excused if a physician states in writing that physical activity  
64 will jeopardize the students' health and well-being or a parent/guardian requests an exemption on  
65 religious grounds. Students with disabilities should not be waived from physical education  
66 requirements, but instead should be provided with modifications or adaptations that allow physical  
67 education courses to meet the needs of disabled students. The board may promulgate regulations  
68 necessary to facilitate this section.

69           Section 3A. (a) School districts and schools shall be required to complete comprehensive  
70 self-assessments of their physical education programs using existing tools. The results of the  
71 assessment should be integrated into the district or school's long-term strategic planning, School  
72 Improvement Plan, or school wellness policy, to address the quality and quantity of physical  
73 education offered. School districts and schools are required to report the findings of their  
74 assessment to parents and members of the community through typical communication channels  
75 such as websites, school newsletters, school board reports, and presentations.

76 (b) the commissioner of elementary and secondary education, shall conduct an evaluation  
77 of current physical education standards, practices and the instruction provided to students in  
78 grades pre-kindergarten to 12, inclusive.

79 The evaluation shall include, but not be limited to, the following: (1) Quantity of Physical  
80 Education Offered: (a) Amount of physical education being offered in elementary, middle, and  
81 high schools (i) Number of students taking physical education; (ii) Average class size of physical  
82 education; (iii) Number of days per year students are taking physical education; (iv) Number of  
83 class periods, blocks, or applicable measurement per week of physical education; (v) Total  
84 minutes of physical education individual students receive per week. (vi) Whether physical  
85 education is a graduation requirement in high school. (2) Physical Education Curriculum  
86 Standards (a) Whether the school/district is using a planned, K-12 sequential physical  
87 education curriculum that adheres to national and state standards for physical  
88 education. (i) Whether this curriculum is systematically reviewed and updated. (3)  
89 Physical Education Teacher Credentials (a). How many of the district's physical education  
90 teachers are licensed, certified, or endorsed by an accredited teacher preparation program to  
91 teach physical education. If some teachers are not, show plans for ensuring all physical education  
92 teachers will seek these credentials, and show progress for meeting these teaching quality goals.  
93 (4) Physical Education Student Assessment (a) Whether the school/district is implementing the  
94 Presidential Youth Fitness Program or a similar program that integrates student fitness  
95 assessment, annual professional development for teachers that is specific to their field, and  
96 recognition for students who are achieving a Healthy Fitness Zone. (b) Whether they are  
97 reporting individual results to students and parents and aggregate results to the appropriate state

98 agency. (5) Physical Education Equipment and Facilities (a). Whether physical education  
99 programs have appropriate equipment and adequate facilities for students to engage in the  
100 recommended amount and intensity of physical activity. (6) Substitutions, Waivers, Exemptions,  
101 and Adaptions (a) Whether the state allows waivers for schools/districts from the state-mandated  
102 physical education requirement, (b) Whether the school/district has applied to the state for a  
103 waiver from the state-mandated physical education requirement (c) Whether schools/districts  
104 allow student exemptions or substitutions for

105 physical education (d) Whether modifications or adaptions allow physical education  
106 courses to meet the needs of students with disabilities, instead of offering waivers to students  
107 with disabilities (e) Whether students are not allowed to opt out of physical education to prepare  
108 for other classes or standardized tests (7) Punishment (a) Whether a policy exists that allows  
109 teachers or administrators to withhold physical activity as punishment.

110 (8) Optional assessment measures include the following (a) Additional Physical Activity  
111 Opportunities (i) Whether the district has other physical activity opportunities, including Safe

112 Routes to School, classroom activity breaks, and club, intramural, or team sports; (b).

113 Physical Education Student Assessment (i) Whether there are requirements for fitness, motor  
114 skills, cognitive, and affective assessment in physical education that are based on student

115 improvement and knowledge gain. (ii). Whether physical education course grades are included in  
116 the calculation of Grade Point Averages, class rank, and academic recognition programs such as

117 honor roll in the same manner as other subject areas.

118 (c) The commissioner of elementary and secondary education shall report the results of  
119 the evaluation by filing the report with the clerks of the senate and the house of representatives

120 who shall forward copies of the report to the chairs of the joint committee on education and the  
121 joint committee on public health not later than April 1, 2019. The commissioner of elementary  
122 and secondary education shall make appropriate recommendations based on the findings in  
123 alignment with the commission on school nutrition and childhood obesity established under  
124 section 7 of chapter 197 of the acts of 2016.

125 SECTION 2. Section 1 shall take effect for the 2020-2021 school year.