

HOUSE No. 262

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

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.

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.