

HOUSE No. 4127

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, January 22, 2018.

The committee on Education to whom were referred the petition (accompanied by bill, Senate, No. 297) of Thomas M. McGee, F. Jay Barrows, Brendan P. Crighton, Kay Khan and other members of the General Court for legislation to promote quality physical education and the 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, reports recommending that the accompanying bill (House, No. 4127) ought to pass.

For the committee,

ALICE HANLON PEISCH.

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**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 2016 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 “Age-appropriate”, topics, messages and teaching methods suitable to particular ages or
7 age groups of children and adolescents, based on developing cognitive, emotional and behavioral
8 capacity typical for the age or age group.

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

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

11 (b) Physical education shall be taught as a required subject in all grades for all students in
12 public schools or commonwealth charter schools by licensed teachers, certified in physical

13 education to promote the physical well-being of the students. Students in the elementary schools
14 shall participate in physical education for at least 150 minutes during each school week, and
15 students in middle schools and high schools shall participate for at least 225 minutes per week.
16 Physical education shall be age-appropriate and evidence-based and shall include, but not be
17 limited to, physical activity and fitness and nutrition and wellness. Physical education shall
18 include a focus on physical competence, health-related fitness and enjoyment of physical activity
19 so as to benefit children physically, cognitively, emotionally and socially. There should be an
20 emphasize on knowledge and skills for a lifetime of regular physical activity; be consistent with
21 state and national standards for physical education that define what students should know and be
22 able to do; devote at least 50 percent of class time to actual physical activity, that is moderate-to-
23 vigorous in intensity; provide many different physical activity choices; feature cooperative as
24 well as competitive games; meet the needs of all students, especially those who are not
25 athletically gifted; take into account gender and cultural differences in students' interests; teach
26 self-management skills as well as movement skills; actively teach cooperation, fair play, and
27 responsible participation in physical activity; have student/teacher ratios comparable to those in
28 other curricular areas; promote participation in physical activity outside of school; be an
29 enjoyable experience for students. A Physical education teaches students essential knowledge
30 and skills; for this reason, exemptions for physical education courses shall not be permitted on
31 the basis of punishment or disciplinary action, participation on an athletic team, community
32 recreation program, ROTC, marching band, or other school or community activity. Students
33 should not be allowed an exemption from physical education to prepare for other classes or
34 standardized tests. A student may be excused if a physician states in writing that physical activity
35 will jeopardize the students' health and well-being or a parent/guardian requests an exemption on

36 religious grounds. Students with disabilities should not be waived from physical education
37 requirements, but instead should be provided with modifications or adaptations that allow physical
38 education courses to meet the needs of disabled students. The board may promulgate regulations
39 necessary to facilitate this section.

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

47 (b) The commissioner of elementary and secondary education, in conjunction with the
48 commissioner of public health, shall conduct an evaluation of current physical education
49 standards, practices and the instruction provided to students in grades pre-kindergarten to 12,
50 inclusive. The evaluation shall include, but not be limited to, the following: (1) current school
51 district practices concerning physical education in public schools, including physical education
52 course offerings, class duration and frequency and the physical space and time allotted, if any,
53 for public school students to participate in recess each week; and (2) the appropriate levels of
54 physical education and activity for all children of the commonwealth.

55 (c) The commissioner of elementary and secondary education shall report the results of
56 the evaluation by filing the report with the clerks of the senate and the house of representatives
57 who shall forward copies of the report to the chairs of the joint committee on education and the

58 joint committee on public health not later than April 1, 2019. The commissioner of elementary
59 and secondary education shall make appropriate recommendations based on the findings in
60 alignment with the commission on school nutrition and childhood obesity established under
61 section 7 of chapter 197 of the acts of 2016.

62 SECTION 2. Section 1 shall take effect for the 2018-2019 school year.