

HOUSE No. 473

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>1/10/2019</i> |
| <i>Brian W. Murray</i> | <i>10th Worcester</i> | <i>1/23/2019</i> |
| <i>Louis L. Kafka</i> | <i>8th Norfolk</i> | <i>1/24/2019</i> |
| <i>Frank A. Moran</i> | <i>17th Essex</i> | <i>1/24/2019</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> | <i>1/24/2019</i> |
| <i>Tommy Vitolo</i> | <i>15th Norfolk</i> | <i>1/28/2019</i> |
| <i>Angelo J. Puppolo, Jr.</i> | <i>12th Hampden</i> | <i>1/28/2019</i> |
| <i>Aaron Vega</i> | <i>5th Hampden</i> | <i>1/28/2019</i> |
| <i>Jonathan Hecht</i> | <i>29th Middlesex</i> | <i>1/29/2019</i> |
| <i>David M. Rogers</i> | <i>24th Middlesex</i> | <i>1/29/2019</i> |
| <i>Thomas P. Walsh</i> | <i>12th Essex</i> | <i>1/30/2019</i> |
| <i>Bud L. Williams</i> | <i>11th Hampden</i> | <i>1/30/2019</i> |
| <i>John J. Lawn, Jr.</i> | <i>10th Middlesex</i> | <i>1/30/2019</i> |
| <i>Stephan Hay</i> | <i>3rd Worcester</i> | <i>1/30/2019</i> |
| <i>Natalie M. Higgins</i> | <i>4th Worcester</i> | <i>1/31/2019</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> | <i>1/31/2019</i> |
| <i>Jack Patrick Lewis</i> | <i>7th Middlesex</i> | <i>1/31/2019</i> |
| <i>Harold P. Naughton, Jr.</i> | <i>12th Worcester</i> | <i>1/31/2019</i> |

| | | |
|---------------------------------|------------------------------|------------------|
| <i>Daniel J. Ryan</i> | <i>2nd Suffolk</i> | <i>1/31/2019</i> |
| <i>John C. Velis</i> | <i>4th Hampden</i> | <i>2/1/2019</i> |
| <i>Denise C. Garlick</i> | <i>13th Norfolk</i> | <i>2/1/2019</i> |
| <i>Kate Hogan</i> | <i>3rd Middlesex</i> | <i>2/1/2019</i> |
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> | <i>2/1/2019</i> |
| <i>Michael O. Moore</i> | <i>Second Worcester</i> | <i>2/1/2019</i> |
| <i>Kay Khan</i> | <i>11th Middlesex</i> | <i>2/1/2019</i> |
| <i>Daniel J. Hunt</i> | <i>13th Suffolk</i> | <i>2/1/2019</i> |
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> | <i>2/1/2019</i> |
| <i>Nick Collins</i> | <i>First Suffolk</i> | <i>2/1/2019</i> |
| <i>William J. Driscoll, Jr.</i> | <i>7th Norfolk</i> | <i>2/1/2019</i> |

HOUSE No. 473

By Miss Gregoire of Marlborough, a petition (accompanied by bill, House, No. 473) of Danielle W. Gregoire and others relative to physical education in public schools. Education.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

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 2018 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 in all grades for all students in public schools or
12 commonwealth charter schools by licensed teachers, certified in physical education to promote
13 the physical well-being of the students. Physical education shall be age-appropriate and
14 evidence-based and shall include, but not be limited to, physical activity and fitness and nutrition
15 and wellness. Physical education shall include a focus on physical competence, health-related
16 fitness and enjoyment of physical activity so as to benefit children physically, cognitively,
17 emotionally and socially. There should be an emphasize on knowledge and skills for a lifetime of
18 regular physical activity; be consistent with state and national standards for physical education
19 that define what students should know and be able to do; devote at least 50 percent of class time
20 to actual physical activity, that is moderate-to-vigorous in intensity; provide many different
21 physical activity choices; feature cooperative as well as competitive games; meet the needs of all
22 students, especially those who are not athletically gifted; take into account gender and cultural
23 differences in students' interests; teach self-management skills as well as movement skills;
24 actively teach cooperation, fair play, and responsible participation in physical activity; have
25 student/teacher ratios comparable to those in other curricular areas; promote participation in
26 physical activity outside of school; be an enjoyable experience for students. A Physical education
27 teaches students essential knowledge and skills; for this reason, exemptions for physical
28 education courses shall not be permitted on the basis of punishment or disciplinary action,
29 participation on an athletic team, community recreation program, ROTC, marching band, or
30 other school or community activity. Students should not be allowed an exemption from physical
31 education to prepare for other classes or standardized tests. A student may be excused if a
32 physician states in writing that physical activity will jeopardize the students' health and well-
33 being or a parent/guardian requests an exemption on religious grounds. Students with disabilities

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

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

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

52 (c) The commissioner of elementary and secondary education shall report the results of
53 the evaluation by filing the report with the clerks of the senate and the house of representatives
54 who shall forward copies of the report to the chairs of the joint committee on education and the
55 joint committee on public health not later than April 1, 2021. The commissioner of elementary

56 and secondary education shall make appropriate recommendations based on the findings in
57 alignment with the commission on school nutrition and childhood obesity established under
58 section 7 of chapter 197.

59 SECTION 2. Section 1 shall take effect for the 2022-2023 school year.