

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas M. McGee

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 passage of the accompanying bill:

An Act Relative to Evaluating and Enhancing Quality Physical Education.

PETITION OF:

NAME:

Thomas M. McGee

DISTRICT/ADDRESS:

Third Essex and Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO EVALUATING AND ENHANCING 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 Whereas physical inactivity and a poor diet together account for at least 300,000 deaths
2 among adults in the United States each year;

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4 Whereas inadequate participation in physical activity is a major contributor to the “epidemic of
5 obesity” that has plagued the nation’s young people during the past two decades;

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7 *Whereas*, Increasing instruction in physical activity and providing opportunities for healthy, active
8 lifestyles for elementary, middle, and high school youth will reduce the rate of childhood obesity,
9 improve short-term and long-term health, and reduce the risks of other illnesses related to sedentary
10 lifestyles.

11

12 *Whereas*, The National Association for Sport and Physical Education of The American Alliance for
13 Health, Physical Education, Recreation and Dance (MAHPERD) and The American Heart
14 Association all recommend that students receive at least 150 minutes per week of physical
15 education for all students in elementary school, and 225 minutes per week of physical education all
16 students in middle school and high school.

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18 **SECTION 1.** The Commissioner of Elementary and Secondary Education, in conjunction with the
19 Commissioner of Public Health, shall conduct an evaluation of current physical education standards,
20 practices and the instruction provided to students in grades kindergarten through twelve and report
21 their findings for each individual school. The report shall include, but not be limited to, (a) the current
22 school physical education offerings with specifics in regards to the duration of each individual

23 session and the number of days per week that the class meets per year and (b) report on how each
24 individual school is providing a curriculum based quality physical education to achieve physical
25 fitness, (c) the amount of recess student participate in each week, including the time and space
26 allotted to recess in each school.

27

28 The Commissioner of Elementary and Secondary Education shall convey the findings for each
29 individual school and report it to the to the Governor of the Commonwealth, the Senate President,
30 the Speaker of the House, Chairpersons of the Joint Education Committee, and Chairpersons of the
31 Joint Public Health Committee. The Commissioner of Elementary and Secondary Education shall
32 make appropriate recommendations based on the findings in conjunction with the Physical
33 Education and Activity Advisory Commission that would promote quality physical education.

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35 **SECTION 2.** Within the Department of Elementary and Secondary Education a designated full time
36 equivalent staff person shall be determined to serve as a physical education coordinator for the
37 state. This such person shall, but not be limited to, gathering information on best practices of quality
38 physical education and physical activity programs throughout the Commonwealth, developing and
39 providing a comprehensive framework and technical assistance to schools in implementing quality
40 physical education programs, identifying resources to implement quality physical education
41 programs and evaluating effectiveness of physical education programs

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43 **SECTION 3.** A Physical Education and Activity Advisory Commission will be established to advise
44 the Commissioner of Elementary and Secondary Education and the Board of Education on any
45 recommendations in regards to physical education and physical activity.

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47 The commission shall consist of the Commissioner of Elementary and Secondary Education or his
48 designee, the Commissioner of Public Health or his designee, 5 persons to be appointed by the
49 Governor, 3 persons to be appointed by the Senate President, 3 persons appointed by the Speaker
50 of the House; 1 person appointed by the Minority Leader in the Senate and 1 person appointed by
51 the Minority Leader in the House of Representatives and including but not limited to 1 person
52 representing higher education, 1 of whom shall be a representative of the Massachusetts
53 Association for Health, Physical Education, Recreation and Dance (MAHPERD), 1 whom shall be a
54 representative of the American Heart Association, and 1 of whom shall be a representative of the
55 American Diabetes Association, I of whom shall be a representative of the Massachusetts Parent
56 Teacher Association, 1 whom shall be a representative of the Massachusetts Afterschool
57 Association and 1 whom shall represent the Massachusetts Academy of Pediatrics.

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59 **SECTION 4:** Chapter 71 of the General Laws is hereby amended by striking out section 3, as so
60 appearing, and inserting in place thereof the following section:-

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62 Physical education shall be taught as a required subject in all grades, K-12 for all students in the
63 public schools, by licensed teachers, certified in physical education, as an integral part of the total
64 education of every child. The purpose of physical education is to increase the physical competence,
65 health-related fitness and enjoyment of physical activity so as to benefit children physically,
66 cognitively, emotionally, and socially. In addition, there shall be no substitution of other instruction or
67 activities for Physical Education and coursework shall be regulated under the National Association
68 for Sport & Physical Education (NASPE) national standards for Physical Education including
69 program and student assessment.

70

71 **SECTION 5:** Subject to appropriations a Massachusetts Physical Education Pilot Program shall be
72 established. The Pilot Program should consist of not less than six public elementary, middle and/or
73 high schools across the commonwealth for the purpose of determining the potential for statewide
74 expansion and enhancement of physical education programs in all public schools as well as
75 securing matching grants in a public private partnership.

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77 The department of elementary and secondary education shall oversee the administration of the said
78 grants, provided that in awarding pilot grants, the department of elementary and secondary
79 education will work with the advisory commission to require all participating K-12 schools to develop
80 and implement a planned curriculum that adheres to national and state standard based on standards
81 by the National Association of Sport and Physical Education (NASPE). Each potential pilot school
82 shall be required to provide a proposed plan to the department of elementary and secondary
83 education in conjunction with the advisory commission outlining how the school shall meet said
84 requirements over a three year period; provided further, that grant applications shall include the
85 delineation of any unmet funding needs including, but not limited to, additional program and
86 personnel costs deemed necessary in order to conduct requirements of the pilot program. To the
87 extent funds are available, the grant shall provide for such unmet funding needs

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