

BILL: House Bill 110
TITLE: Elementary School Students – Daily Physical Activity
(Student Health and Fitness Act)
DATE: January 31, 2019
POSITION: OPPOSE
COMMITTEE: Ways and Means Committee
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE), representing all of the State's local boards of education, opposes House Bill 110, which would require all public elementary schools to provide what, for many school systems, would be a significant increase in the amount of time scheduled for physical education programs.

MABE opposes this bill because it would mandate new physical education requirements without adequate consideration of costs, or the impacts of expanded physical education programs on other educational programs and priorities. This bill would mandate that school systems provide 90 minutes of physical education and 150 minutes of physical activity per week for every child in grades kindergarten through 5. The estimated costs of complying with this mandate are staggering. Similar bills introduced in prior sessions have always generated fiscal estimates in the tens of millions of dollars, often without including any estimated capital costs for additional space. The estimated cost of the mandates proposed by this legislation project increases in local school system salary and benefits expenditures of more than \$20 million – again not including facility costs. Local school boards believe that this bill would require expanded school facilities to accommodate additional physical education programs and/or cafeteria space where meals and physical education activities are provided in multi-purpose facilities.

In creating the State Board and local boards of education, the General Assembly has delegated to them the responsibility for content standards, curriculum, and assessments. The State Board establishes state standards and the local boards adopt and implement locally developed programs to ensure that these standards are met. State Board regulations require yearly physical education instruction for all students in grades kindergarten through 8, and elective classes for students in grades 9 through 12. Regulations further require that physical education programs provide an “individualized, developmentally appropriate, and personally challenging instructional program that advances the student's knowledge, confidence, skills, and motivation to engage successfully in a lifelong healthy and active lifestyle” (COMAR 13A.04.13.01). COMAR also requires each school system to develop physical education curriculum guides for the elementary and secondary schools under its jurisdiction.

Local boards of education are committed to providing quality physical education programs in Maryland's public schools within the current state and federal statutory and regulatory framework. MABE does not believe that additional State legislation is needed to foster the continued improvement of these programs.

Importantly, both federal and state standards for student health and fitness continue to be reformed and enhanced to address the alarming national epidemics of juvenile diabetes and obesity. For example, federal requirements are playing an increasing role in State and local education policy, including physical education. The 2004 reauthorization of the federal Child Nutrition Act (CNA) required all local school districts to put "wellness" programs in place by the beginning of the 2006-07 school year. The CNA required school districts to appoint wellness councils, which must include a variety of members, such as students, teachers, community members, and representatives of the district's food-service program. The wellness councils are responsible for developing plans to address the types of food sold in schools, physical education, and nutrition.

School systems are also required to appoint monitoring officers to ensure compliance. The federal Child Nutrition and WIC reauthorization legislation, entitled the “The Healthy, Hunger-Free Kids Act”, has required major reforms in school meal programs to improve the nutritional value of the meals served to Maryland students each day.

At the state level, MABE supported legislation enacted in 2010 which required the Maryland State Department of Education to adopt regulations governing school facility standards for physical education programs and, since 2013, has required that all newly constructed or completely renovated public school buildings include a gymnasium.

MABE agreed with the bill’s intent that all schools should be designed and constructed to meet all required educational specifications, and that adequate space for physical education should be among these specifications.

Lastly, MABE appreciates the bill’s allowance for a waiver from the October 1, 2019 deadline based on consideration of the increased personnel and facilities costs associated with the mandated expansion of physical education. However, the extension allowed would be limited to July 1, 2022 which remains an extremely ambitious timeline for the school systems that would have to make major adjustments to operating capital budgets.

For these reasons, MABE requests an unfavorable report on House Bill 110.