

**BILL:** House Bill 1296  
**TITLE:** Elementary School Students – Daily Physical Activity  
(Student Health and Fitness Act)  
**DATE:** March 3, 2021  
**POSITION:** OPPOSE  
**COMMITTEE:** Ways and Means Committee  
**CONTACT:** John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) opposes House Bill 1296, 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 cost of the mandates proposed by this legislation would require significant increases in local school system salary and benefits expenditures. In addition, 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.

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.

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.

For these reasons, MABE requests an unfavorable report on House Bill 1296.