

**HOUSE . . . . . No. 478**

---

The Commonwealth of Massachusetts

PRESENTED BY:

*Jeffrey Sánchez*

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:

An Act relative to healthy kids.

PETITION OF:

| NAME:                       | DISTRICT/ADDRESS:              |
|-----------------------------|--------------------------------|
| <i>Jeffrey Sánchez</i>      | <i>15th Suffolk</i>            |
| <i>Cory Atkins</i>          | <i>14th Middlesex</i>          |
| <i>James M. Cantwell</i>    | <i>4th Plymouth</i>            |
| <i>Thomas P. Conroy</i>     | <i>13th Middlesex</i>          |
| <i>Marjorie C. Decker</i>   | <i>25th Middlesex</i>          |
| <i>Marcos A. Devers</i>     | <i>16th Essex</i>              |
| <i>James B. Eldridge</i>    | <i>Middlesex and Worcester</i> |
| <i>Linda Dorcena Forry</i>  | <i>12th Suffolk</i>            |
| <i>Gloria L. Fox</i>        | <i>7th Suffolk</i>             |
| <i>Sean Garballey</i>       | <i>23rd Middlesex</i>          |
| <i>Danielle W. Gregoire</i> | <i>4th Middlesex</i>           |
| <i>Patricia A. Haddad</i>   | <i>5th Bristol</i>             |
| <i>Jonathan Hecht</i>       | <i>29th Middlesex</i>          |
| <i>Louis L. Kafka</i>       | <i>8th Norfolk</i>             |
| <i>Jay R. Kaufman</i>       | <i>15th Middlesex</i>          |
| <i>Jason M. Lewis</i>       | <i>31st Middlesex</i>          |
| <i>James M. Murphy</i>      | <i>4th Norfolk</i>             |
| <i>Denise Provost</i>       | <i>27th Middlesex</i>          |

|                                 |                       |
|---------------------------------|-----------------------|
| <i>David M. Rogers</i>          | <i>24th Middlesex</i> |
| <i>Dennis A. Rosa</i>           | <i>4th Worcester</i>  |
| <i>Tom Sannicandro</i>          | <i>7th Middlesex</i>  |
| <i>John W. Scibak</i>           | <i>2nd Hampshire</i>  |
| <i>Carl M. Sciortino, Jr.</i>   | <i>34th Middlesex</i> |
| <i>Alan Silvia</i>              | <i>7th Bristol</i>    |
| <i>Frank I. Smizik</i>          | <i>15th Norfolk</i>   |
| <i>Thomas M. Stanley</i>        | <i>9th Middlesex</i>  |
| <i>Ellen Story</i>              | <i>3rd Hampshire</i>  |
| <i>Chris Walsh</i>              | <i>6th Middlesex</i>  |
| <i>Carlos Henriquez</i>         | <i>5th Suffolk</i>    |
| <i>Kay Khan</i>                 | <i>11th Middlesex</i> |
| <i>Colleen M. Garry</i>         | <i>36th Middlesex</i> |
| <i>Cheryl A. Coakley-Rivera</i> | <i>10th Hampden</i>   |

**HOUSE . . . . . No. 478**

By Mr. Sánchez of Boston, a petition (accompanied by bill, House, No. 478) of Jeffrey Sánchez and others that physical education be a required subject in all grades for all students in public schools and charter schools. Education.

**The Commonwealth of Massachusetts**

An Act relative to healthy kids.

*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 2010 Official Edition, and inserting in place thereof the following  
3 sections:-

4   
5 Section 3. (a) As used in this section, the following words shall have the following meanings:-

6   
7 “Age-appropriate”, topics, messages and teaching methods suitable to particular ages or age  
8 groups of children and adolescents, based on developing cognitive, emotional and behavioral  
9 capacity typical for the age or age group.

10   
11 “Board”, the board of elementary and secondary education.

12   
13 “Department”, the department of elementary and secondary education.

14   
15  (b) Physical education shall be taught as a required subject in all grades for all students in  
16 public schools or commonwealth charter schools to promote the physical well-being of the  
17 students. Physical education shall be age-appropriate and evidence-based and shall include, but  
18 not be limited to, physical activity and fitness and nutrition and wellness. Physical education  
19 shall include a focus on physical competence, health-related fitness and enjoyment of physical  
20 activity so as to benefit children physically, cognitively, emotionally and socially. A pupil shall  
21 not be required to take part in physical education exercises if a primary care provider certifies in  
22 writing that in the primary care provider’s opinion the physical education exercises would be  
23 injurious to the pupil. The board may promulgate regulations necessary to facilitate this section.

24   
25  (c) All public schools and commonwealth charter schools shall be required to provide a

26 minimum of 30 minutes a day of moderate to vigorous physical activity to all students in K-8  
27 grades to promote the physical well-being of the students. This may be completed without  
28 limitations through regular physical education, physical activities, recess, classroom energizers  
29 or other curriculum based physical education activity program. The physical activity must  
30 involve physical exertion of at least a moderate to vigorous intensity level and for duration  
31 sufficient to provide a significant health benefit to students that promote fitness and well-being.  
32 Local school boards should establish policies and procedures that help schools promote regular  
33 physical activity. Local boards should also require schools to allow time in the curriculum for  
34 physical activity and to incorporate these concepts throughout all subjects. Physical activity  
35 goals should also be incorporated into school wellness plans. Schools may not use physical  
36 activity as a punishment nor withhold opportunities for physical activity as punishment. Local  
37 school boards shall encourage schools to schedule recess before lunch.

38

39  (d) The Department shall develop and maintain a nutrition and physical activity best practices  
40 database. The database shall contain the results of any wellness-related fitness testing done by  
41 local school districts, as well as information on successful programs and policies implemented by  
42 local school districts designed to improve nutrition and physical activity in the public and charter  
43 schools. This information may include but not limited to (i) a description of the program or  
44 policy, (ii) advice on implementation, (iii) any assessment of the program or policy, (iv) a  
45 contact person from the local school district, and (v) any other information the Department  
46 deems appropriate. The database shall be readily accessible to all local school districts Statewide.  
47 The Board shall encourage local school districts to submit information to the database. The  
48 requirements of database shall become effective once the Department has secured all of the  
49 funding necessary to maintain it.

50

51  Section 4.. (a) The commissioner of elementary and secondary education, in conjunction with  
52 the commissioner of public health, shall conduct an evaluation of current physical education  
53 standards, practices and the instruction provided to students in grades pre-kindergarten to 12,  
54 inclusive. The evaluation shall include, but not be limited to, the following:

55

56  (1) current school district practices concerning physical education in public schools, including  
57 physical education course offerings, class duration and frequency and the physical space and  
58 time allotted, if any, for public school students to participate in recess each week; and

59

60  (2) the appropriate levels of physical education and activity for all children of the  
61 commonwealth.

62

63  (b) The commissioner of elementary and secondary education shall report the results of the  
64 evaluation by filing the report with the clerks of the senate and the house of representatives who  
65 shall forward copies of the report to the chairs of the joint committee on education and the joint

66 committee on public health not later than April 1, 2015. The commissioner of elementary and  
67 secondary education shall make appropriate recommendations based on the findings in alignment  
68 with the commission on school nutrition and childhood obesity established under section 7 of  
69 chapter 197 of the acts of 2010.

70

71 Section 5. The Healthy Kids Bill establishes the Healthy Kids Award program to reward K-12  
72 schools that implement policies and practices that create opportunities for students to be  
73 physically active and make healthy food choices throughout the school day. The program seeks  
74 to integrate physical activity into non-physical education classes, recess and extracurricular  
75 activities throughout the day in addition to the physical education received in physical education  
76 classes. The Healthy Kids Bill encourages the Department of Education to develop guidelines  
77 that local districts can adopt to promote quality recess practices and behaviors that engage all  
78 students, increase their activity levels, build social skills, and decrease problem behaviors.

79

80 SECTION 2. Section 1 shall take effect for the 2015-2016 school year.