



# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

---

Legislative Document

No. 1344

---

H.P. 934

House of Representatives, April 6, 2017

**An Act To Assess and Improve the Quality of Physical Education in  
Kindergarten to Grade 12**

---

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative DAUGHTRY of Brunswick.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 20-A MRS §4502, sub-§8, ¶A,** as enacted by PL 2011, c. 669, §5, is  
3 amended to read:

4 A. Financial hardship is one criterion the commissioner must consider in determining  
5 whether to grant a waiver, except that when a waiver from compliance with a  
6 physical education requirement in section 4711, 4712 or 4723 is being considered,  
7 the commissioner may not consider financial hardship.

8 **Sec. 2. Assessment of physical education offered in schools.** The  
9 Department of Education shall conduct a comprehensive assessment of physical  
10 education offered to kindergarten to grade 12 students in public schools.

11 1. The assessment must include a review of the following for each school  
12 administrative unit:

13 A. The quantity of physical education offered to students in the school administrative  
14 unit;

15 B. Physical education curriculum standards including whether the school  
16 administrative unit is using a planned kindergarten to grade 12 sequential physical  
17 education curriculum that adheres to national and state standards for physical  
18 education and whether this curriculum is systematically reviewed and updated;

19 C. The credentials of physical education teachers in the school administrative unit;

20 D. Programs used by the school administrative unit to integrate student fitness and  
21 professional development for teachers;

22 E. Physical education equipment and facilities;

23 F. Any waivers or exemptions from state physical education requirements;

24 G. Whether a policy exists that allows teachers or administrators to withhold  
25 physical activity as punishment;

26 H. Whether the school administrative unit has other physical activity opportunities,  
27 including safe routes to school, classroom activity breaks and club, intramural or  
28 team sports;

29 I. Whether there are requirements for fitness, motor skills, cognitive and affective  
30 assessment in physical education that are based on student improvement and  
31 knowledge gain; and

32 J. Whether physical education course grades are included in the calculation of grade  
33 point averages, class rank and academic recognition programs such as honor roll in  
34 the same manner as other subject areas.

35 2. As part of the department's review, the department shall work with all school  
36 administrative units to complete a comprehensive self-assessment of the school  
37 administrative unit's physical education programs, which at a minimum must include a  
38 self-assessment of the review measures in subsection 1.

1 3. The department shall make data provided to the department under subsection 2  
2 readily available to the public within one year of being provided. The information must  
3 be available on the department's publicly accessible website.

4 4. Each school administrative unit shall communicate to parents and members of the  
5 community a summary of key findings of its self-assessment under subsection 2 through  
6 typical communication channels such as the school administrative unit's publicly  
7 accessible website, school newsletter or school board report.

8 5. The department shall work with each school administrative unit to assess how the  
9 results of the school administrative unit's self-assessment under subsection 2 should be  
10 integrated into the school administrative unit's long-term strategic plan, school  
11 improvement plan or school wellness policy.

12 **Sec. 3. Report.** By January 1, 2019, the Department of Education shall submit a  
13 report to the joint standing committee of the Legislature having jurisdiction over  
14 education matters on the status of the department's assessment under section 2.

### 15 SUMMARY

16 This bill provides that the Commissioner of Education may not consider financial  
17 hardship as a basis for granting a school administrative unit a waiver from physical  
18 education requirements.

19 The bill also directs the Department of Education to conduct a comprehensive  
20 assessment of physical education offered to kindergarten to grade 12 students in public  
21 schools. As part of the comprehensive assessment, the department is required to work  
22 with school administrative units to complete self-assessments.