



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1160

S.P. 397

In Senate, March 26, 2013

An Act To Reduce Obesity among Schoolchildren

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator MILLETT of Cumberland.
Cosponsored by Representative MacDONALD of Boothbay and
Senators: President ALFOND of Cumberland, BOYLE of Cumberland, Representatives:
MAKER of Calais, MALABY of Hancock, NELSON of Falmouth, POULIOT of Augusta.

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

2 **Sec. 1. 20-A MRSA §6632** is enacted to read:

3 **§6632. Physical activity**

4 All students from kindergarten to grade 5 shall participate in a minimum of 30
5 minutes of daily physical activity at school, which may include recess, classroom
6 activities or physical education. A physical activity period may not be denied to a student
7 as punishment or discipline. Nothing in this section prohibits a teacher from restricting a
8 student's participation in physical activity if participation in physical activity presents a
9 danger to the student or to others or if the restriction is consistent with the student's
10 individual education plan. A teacher may provide an alternative physical activity for a
11 student behaving inappropriately during the physical activity period.

12 **Sec. 2. 20-A MRSA §6663** is enacted to read:

13 **§6663. Food as reward; punishment**

14 School personnel may not use food as a reward or as punishment for behavior or
15 performance of a student in kindergarten to grade 12.

16 **Sec. 3. Rulemaking.** The Commissioner of Education shall establish rules to
17 implement the provisions of this Act. Rules adopted pursuant to this section are routine
18 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

19 **Sec. 4. Effective date.** Those sections of this Act that enact the Maine Revised
20 Statutes, Title 20-A, sections 6632 and 6663 take effect August 1, 2014.

21 **SUMMARY**

22 This bill requires a student from kindergarten to grade 5 to participate in a minimum
23 of 30 minutes of daily physical activity at school. A physical activity period may not be
24 denied as punishment or discipline. The bill does not prohibit a teacher from restricting a
25 student's participation in physical activity if that participation presents a danger to the
26 student or to others or if the restriction is consistent with the student's individual
27 education plan. A teacher may provide an alternative physical activity for a student
28 behaving inappropriately during a physical activity period.

29 The bill prohibits a public school from using food as a reward or punishment for a
30 student's behavior or performance in kindergarten to grade 12.