

**BALTIMORE COUNTY PUBLIC SCHOOLS**

**DATE:** March 27, 2007  
**TO:** **BOARD OF EDUCATION**  
**FROM:** Dr. Joe A. Hairston, Superintendent  
**SUBJECT:** **LEGISLATION UPDATE**  
**ORIGINATOR:** Dr. Donald A. Peccia Assistant Superintendent of Human Resources  
and Governmental Relations

**RECOMMENDATION**

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That the Board of Education consider taking positions on Key School Legislation.

Attachment I – Key School Legislation Summary

**BALTIMORE COUNTY PUBLIC SCHOOLS  
KEY SCHOOL LEGISLATION  
March 27, 2007**

**UPDATES LEGISLATION**

(\*Status as of 3/14/2007)

- Support Continued full-funding of the Bridge to Excellence (Thornton)

The Governor's budget recommends full funding of Thornton for FY08. No funds were included for the Geographic Cost of Education Index (GCEI), although SB109 and HB391 call for a phase-in of the GCEI beginning either this year (HB391) or in 2009 (SB109). No action has been taken on either of these bills to date.

- Support considerable increases in capital funding that are appropriate and proportional to the needs of Baltimore County.

The Governor has proposed a total of \$400 million for school construction. Distribution amounts will not be available until late March. Enhancement in funds for Aging Schools is being questioned. The enhancement is only about \$1.2 million, Baltimore County could get almost \$780,000 of the enhancements if adopted.

- Discourage legislation that could adversely impact the ability of the Board of Education and the Superintendent to fulfill the mission of the school system.

**HB71 – Baltimore County – Board of Education – Elected Members (Cross-Filed with SB82)**

Establishing a procedure for the election of specified members of the Baltimore County Board of Education; requiring the elected members of the County Board to reside in and be elected from specified districts; establishing the term of office for the elected members and for their removal under specified circumstances; providing a procedure for filling a vacancy for an elected member; providing for the election of the chair and vice chair of the County Board; providing for the compensation of the members of the County Board; etc.

Board of Education position: Oppose

\*Status: House – Hearing on February 21, 2007 at 1:00 p.m.

**HB317 – Student Health and Fitness Act of 2007 (Cross-Filed with SB244)**

Requiring that public school students in kindergarten through grade 5 be provided a specified minimum level of a program of physical education each week; requiring an increasing minimum level of a program of physical education over a period of 4 school

years; requiring that the program of physical education be consistent with a student's Individualized Education Plan if applicable; etc.

Board of Education position: No Position

\*Status: House – Unfavorable Report

**HB1079 - Education - Collective Bargaining - Public School Labor Relations Board**

Establishing a Public School Labor Relations Board; specifying the manner of appointment, membership, duties, and responsibilities of the Board; providing for staffing of the Board; authorizing the Board to adopt and enforce certain regulations, guidelines, and policies; permitting the Board to petition a circuit court to seek enforcement of an order of the Board; and providing that a hearing and determination under the Act is a contested case.

Board of Education position: Oppose

\*Status: House – Hearing March 20, 2007 at 1:00 p.m.

**SB79 – Baltimore County – Board of Education – Membership**

Requiring the appointment of the members of the Baltimore County Board of Education made by the Governor to be with the advice and consent of the Senate of Maryland and requiring the composition of the membership of the Board to reflect the demographic composition of the student population in the county.

Board of Education position: No Position

\*Status: Senate - Hearing on February 14, 2007 at 1:00 p.m.

**SB82 – Baltimore County – Board of Education – Elected Members (Cross-Filed with HB71)**

Establishing a procedure for the election of specified members of the Baltimore County Board of Education; requiring the elected members of the County Board to reside in and be elected from specified districts; establishing the term of office for the elected members and for their removal under specified circumstances; providing a procedure for filling a vacancy for an elected member; providing for the election of the chair and vice chair of the County Board; providing for the compensation of the members of the County Board; etc.

Board of Education position: Oppose

\*Status: Senate – Hearing on February 14, 2007 at 1:00 p.m.

**SB99 – Education – Baltimore County Board of Education – School Board  
Nominating Convention of Baltimore County**

Altering the appointment process for specified members of the Baltimore County Board of Education to require the Governor to select a member from a list of nominees submitted by the School Board Nominating Convention of Baltimore County; requiring the list of nominees to contain a specified number of names; and specifying that members of the County Board be residents of the County.

Board of Education position: Support

\*Status: Senate – Hearing on February 14, 2007 at 1:00 p.m.

**(NEW) SB244 – Student Health Fitness Act of 2007 (Cross-Filed with HB317)**

Requiring that public school students in kindergarten through grade 5 be provided a specified minimum level of a program of physical education each week; requiring an increasing minimum level of a program of physical education over a period of 4 school years; requiring that the program of physical education be consistent with a student's Individualized Education Plan if applicable; etc.

Recommended Board of Education position: Oppose

\*Status: Senate – Hearing on February 21, 2007 at 1:00 p.m.

# SENATE BILL 244

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7lr1498  
CF 7lr1499

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By: **Senators Britt, Conway, Dyson, Muse, Pugh, Robey, Rosapepe, Stone, and Zirkin**

Introduced and read first time: January 29, 2007

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Student Health and Fitness Act of 2007**

3 FOR the purpose of requiring that public school students in kindergarten through a  
4 certain grade be provided certain minimum levels of a program of physical  
5 education each week; requiring increasing minimum levels of a program of  
6 physical education over a certain period of time; requiring that the program of  
7 physical education for a certain category of student be consistent with a certain  
8 plan for the student; and generally relating to student health and fitness.

9 BY repealing and reenacting, with amendments,  
10 Article – Education  
11 Section 7–409  
12 Annotated Code of Maryland  
13 (2006 Replacement Volume)

14 Preamble

15 WHEREAS, Obesity leads to at least 300,000 deaths among adults in the  
16 United States each year due in part to physical inactivity and a poor diet; and

17 WHEREAS, Inadequate participation in physical activity is a significant  
18 contributor to the “epidemic of obesity” that has plagued the nation’s young people  
19 during the past 2 decades; and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, Physical activity offers young people many health benefits,  
2 including improving aerobic endurance and muscular strength, helping to control  
3 weight, building lean muscle, and reducing fat, and helping to build greater bone  
4 mass, all of which thwart the development of osteoporosis in adulthood and prevent or  
5 reduce high blood pressure; and

6 WHEREAS, A growing body of evidence suggests that providing students with  
7 more physical education and physical activity opportunities helps reduce the costs  
8 schools incur by reducing absenteeism, improving student health, and reducing staff  
9 time spent addressing academic performance; and

10 WHEREAS, A growing body of evidence also suggests that improvement in test  
11 scores and overall academic achievement can be linked to increased time in physical  
12 education; and

13 WHEREAS, The National PTA considers “Early Physical Education” a “Parent  
14 Priority” and urges its members to promote physical education in the schools; now,  
15 therefore,

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Education**

19 7-409.

20 (a) [Each] **SUBJECT TO SUBSECTION (B) OF THIS SECTION, EACH** public  
21 school shall have a program of physical education that is given in a planned and  
22 sequential manner to all students, kindergarten through grade 12, to develop their  
23 good health and physical fitness and improve their motor coordination and physical  
24 skills.

25 **(B) (1) ALL STUDENTS IN KINDERGARTEN THROUGH GRADE 5 SHALL**  
26 **BE PROVIDED A PROGRAM OF PHYSICAL EDUCATION AS PROVIDED IN THIS**  
27 **SUBSECTION:**

28 **(I) BEGINNING IN THE 2008-09 SCHOOL YEAR, A MINIMUM**  
29 **OF 60 MINUTES A WEEK OF PHYSICAL EDUCATION;**

30 **(II) BEGINNING IN THE 2009-10 SCHOOL YEAR, A MINIMUM**  
31 **OF 90 MINUTES A WEEK OF PHYSICAL EDUCATION;**

1                   **(III) BEGINNING IN THE 2010–11 SCHOOL YEAR, A MINIMUM**  
2 **OF 120 MINUTES A WEEK OF PHYSICAL EDUCATION; AND**

3                   **(IV) BEGINNING IN THE 2011–12 SCHOOL YEAR, AND EACH**  
4 **SCHOOL YEAR THEREAFTER, A MINIMUM OF 150 MINUTES A WEEK OF PHYSICAL**  
5 **EDUCATION.**

6                   **(2) AS APPLICABLE, A STUDENT’S PROGRAM OF PHYSICAL**  
7 **EDUCATION SHALL BE CONSISTENT WITH THE STUDENT’S INDIVIDUALIZED**  
8 **EDUCATION PLAN (IEP).**

9                   **[b] (C)**     The Department shall employ a full–time director of physical  
10 education.

11                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2007.