



Karen B. Salmon, Ph.D.
Acting State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • msde.maryland.gov

TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: June 28, 2016

SUBJECT: Code of Maryland Regulations (COMAR) 13A.04.13 Program in Physical Education
ADOPTION

PURPOSE:

The purpose of this action is to obtain permission to adopt the revisions to the COMAR 13A.04.13 Program in Physical Education (Attachment I).

REGULATION PROMULGATION PROCESS:

Under Maryland law, a state agency, such as the State Board, may propose a new or amended regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the AELR Committee for a 15-day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, MSDE staff reviews and summarizes the public comments. Thereafter, MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

BACKGROUND/HISTORICAL PERSPECTIVE:

In October 2010, COMAR 13A.04.13, Program in Physical Education, was revised to include the six content standards in the Maryland State Curriculum.

In 2013, the national professional organization, The Society of Health and Physical Educators (SHAPE) America, published National Standards for K-12 physical education. SHAPE America's National Standards define what a student should know and be able to do as a result of a quality physical education program. The standards and outcomes are written in a manner that is measurable in order to facilitate the assessment and tracking of student progress. SHAPE America standards focus on whether a physically literate individual:

- Has learned the skills necessary to participate in a variety of physical activities
- Knows the implications and the benefits of involvement in various types of physical activities
- Participates regularly in physical activity
- Is physically fit
- Values physical activity and its contributions to a healthful lifestyle.

Eleven states and fourteen local Maryland school systems use SHAPE America's National Standards to develop or revise existing frameworks and curricula. MSDE's physical education specialists have met with the physical education supervisors and coordinators around the state and they have overwhelmingly supported the change to SHAPE America's National Standards. The new standards have been shared with the Superintendents and Assistant Superintendents of Instruction.

By adopting these standards, Maryland students and teachers will be able to access numerous curriculum resources that have been developed by SHAPE America. Maryland supervisors and teachers will collaborate to design grade level outcomes aligned to the Maryland College and Career Ready Standards.

In addition, House Bill 1366/Senate Bill 503 (Breanna's Law) from the 2014 Maryland Legislative Session requires that "Beginning in the 2015-2016 school year each county board shall provide, as part of the health or physical education curriculum, instruction in cardiopulmonary resuscitation that includes hands-only cardiopulmonary resuscitation and the use of an automated external defibrillator and the use of an automated external defibrillator in every public school." This requirement has been included in the proposed amended regulation.

EXECUTIVE SUMMARY:

At the January 26, 2016 State Board Meeting, it was shared that MSDE's physical education specialists have surveyed the state's physical education supervisors and coordinators three times since the publication of the new standards in 2013, and they overwhelmingly supported the change to SHAPE America's National Standards.

The Board granted permission to publish with the term "physically literate" removed from the SHAPE America National Standards listed above. MSDE received comments and questions from the chairs of two prominent stakeholders groups. The first comment was received from the chair of the Maryland Advisory Council on Physical Fitness who is also a member of the Health and Physical Education Advisory Council, and the other is the Chair of the Maryland Academy

of Pediatrics Obesity Taskforce; Chair of the Maryland State School Health Council; Co-Chair of the Baltimore County School Health Council; Founding member of the Maryland MSDE Health and Physical Education Advisory Council; Chair of the Governor's Council on Childhood Obesity; Advisor of the Joint Chairmen's Report on State-Level Initiatives Addressing Childhood Obesity (May, 2016); and Founding member of the Maryland HEAL Coalition and Healthy Schools Coalition (Attachment II). Both comments received expressed the need to include Physical Literacy in COMAR as a priority.

At statewide briefings of physical education supervisors, workgroups have begun to revise the grade level outcomes, organizing them to align with the Maryland College and Career Ready Standards. Some LEAs plan to use the national standards language verbatim. The regulation will become effective for the next school year.

ACTION:

Request permission to adopt amendments to regulations under COMAR 13A.04.13 Program in Physical Education.

Attachments

COMMENT AND ANALYSIS
Code of Maryland Regulations (COMAR) 13A.04.13
Program in Physical Education
June 28, 2016

Date	Commenters	Comment/Proposed Action	MSDE Response
5/12/16	Charles Chester, Esq. Chair, Maryland Advisory Council on Physical Fitness, MSDE Advisory Council on Health and Physical Education	Email stating: “I wanted to encourage the inclusion of physical literacy in COMAR. Just as the Comptroller has wisely encouraged a financial literacy requirement for the schools, I like wise encourage physical literacy about the benefits of physical activity, movement and skill levels. All are important for the overall development of a healthy child and as CDC studies in 2007 have shown all of us, there is a correlation between physical literacy and academic literacy, including test scores.”	Email was sent confirming that the feedback would be shared with the Maryland State Board of Education, as requested.
5/12/16	Alan M. Lake, MD, FAAP Chair, Maryland Academy of Pediatrics Obesity Taskforce Chair, Maryland State School Health Council Co-Chair, Baltimore County School Health Council Founding member, Maryland MSDE Health and Physical Education Advisory Council Chair, Governor’s Council on Childhood Obesity Advisor, Joint Chairmen’s Report on State-Level Initiatives Addressing Childhood Obesity (May, 2016) Founding member, Maryland HEAL Coalition and Healthy Schools Coalition	Email with a letter stating: “I can find no public discussion by the State Board to justify this incomprehensible decision. Physical Literacy is a national agenda and a cornerstone of all of the state initiatives to improve the wellness of the children and families of Maryland. It is incorporated into the recent Congressional Every Student Succeeds (ESSA) Act that begins with funding in July of 2017. The ESSA initiative will be a critical component of MSDE’s curriculum and funding and requires the state to work diligently to establish the areas of need and accountability. Maryland cannot afford to reduce our commitment to wellness and the improvements in academic performance that ensue. We have devoted thousands of hours to making Maryland a leader and national model for advances in child education, education of the whole child. We should not and will not fail in this effort to ensure that our children have the education and ability to achieve physical literacy for LIFE.”	Email was sent confirming that the feedback would be shared with the Maryland State Board of Education, as requested.

Title 10
DEPARTMENT OF HEALTH
AND MENTAL HYGIENE

Subtitle 32 BOARD OF PHYSICIANS

10.32.06 Licensure of Polysomnographic Technologists

Authority: Health Occupations Article, §§14-205 and 14-5C-09, Annotated Code of Maryland

Notice of Proposed Action

[16-096-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .04 under **COMAR 10.32.06 Licensure of Polysomnographic Technologists**. This action was considered at a public meeting on November 18, 2015, notice of which was given by publication on the Board's Website at <http://www.mbp.state.md.us/forms/nov15Bagenda.pdf> from October 30, 2015, through November 18, 2015, pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to allow a physician who is either board-eligible or board-certified in sleep medicine by the American Osteopathic Association to complete certain documentation for individuals pursuing a certain pathway to licensure as a polysomnographic technologist in Maryland.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through May 16, 2016. A public hearing has not been scheduled.

.04 Application for Initial Licensure as a Polysomnographic Technologist.

A. An applicant shall:

(1)—(6) (text unchanged)

(7) Provide documentation of one of the following:

(a)—(d) (text unchanged)

(e) Each of the following:

(i) (text unchanged)

(ii) Proof of meeting core competencies in the 3 years preceding the application as assessed by a sleep technologist credentialed as a Registered Polysomnographic Technologist, a sleep

technologist with national certification approved by the Board, or a physician who is either board-eligible or board-certified in sleep medicine by the American Board of Sleep Medicine, [or] American Board of Medical Specialties, *or American Osteopathic Association*;

(iii) A letter of attestation for completion of clinical hours and competencies from a physician who is either board-eligible or board-certified in sleep medicine by the American Board of Sleep Medicine, [or] American Board of Medical Specialties, *or American Osteopathic Association* where the applicant practiced; and

(iv) (text unchanged)

(8) (text unchanged)

B.—C. (text unchanged)

VAN T. MITCHELL

Secretary of Health and Mental Hygiene

Title 13A
STATE BOARD OF
EDUCATION

Subtitle 04 SPECIFIC SUBJECTS

13A.04.13 Program in Physical Education

Authority: Education Article, §§2-205(c) and (h), 7-205.2, and 7-409, Annotated Code of Maryland

Notice of Proposed Action

[16-093-P]

The Maryland State Board of Education proposes to amend Regulations .01 and .02 under **COMAR 13A.04.13 Program in Physical Education**. This action was considered at the State Board of Education meeting held on February 12, 2016.

Statement of Purpose

The purpose of this action is to incorporate new standards and a 2014 legislative requirement that each county board provide, as part of the health or physical education curriculum, instruction in cardiopulmonary resuscitation that includes hands-only cardiopulmonary resuscitation and the use of an automated external defibrillator.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Heather Lageman, Director of Curriculum, Teacher Induction Programs, Division of Instruction, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0348 (TTY 410-333-6442), or email to heather.lageman@maryland.gov, or fax to 410-333-1146. Comments will be accepted through May 16, 2016. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on June 28, 2016, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

.01 Physical Education Instructional Programs for Grades Prekindergarten—12.

A. (text unchanged)

B. Maryland Physical Education Program.

(1) — (2) (text unchanged)

(3) *The instructional program, as it applies to grades 9—12, shall provide instruction in cardiopulmonary resuscitation that includes hands-only cardiopulmonary resuscitation and the use of an automated external defibrillator if not otherwise offered in the comprehensive health education program.*

C. Maryland Physical Education Content Standards. *Students shall:*

[(1) Skillfulness. Students will demonstrate the ability to enhance their performance of a variety of physical skills by developing fundamental movement skills, creating original skill combinations, combining skills effectively in skill themes, and applying skills.

(2) Biomechanical Principles. Students will demonstrate an ability to use the principles of biomechanics to generate and control force to improve their movement effectiveness and safety.

(3) Motor Learning Principles. Students will demonstrate the ability to use motor skill principles to learn and develop proficiency through frequent practice opportunities in which skills are repeatedly performed correctly in a variety of situations.

(4) Exercise Physiology. Students will demonstrate the ability to use scientific principles to design and participate in a regular, moderate to vigorous physical activity program that contributes to personal health and enhances cognitive and physical performance on a variety of academic, recreational, and life tasks.

(5) Physical Activity. Students will demonstrate the ability to use the principles of exercise physiology, social psychology, and biomechanics to design and adhere to a regular, personalized, purposeful program of physical activity consistent with their health, performance, and fitness goals in order to gain health and cognitive/academic benefits.

(6) Social Psychological Principles. Students will demonstrate the ability to use skills essential for developing self-efficacy, fostering a sense of community, and working effectively with others in physical activity settings.]

(1) Demonstrate competency in a variety of motor skills and movement patterns;

(2) Apply knowledge of concepts, principles, strategies, and tactics related to movement and performance;

(3) Demonstrate the knowledge and skills to achieve and maintain a health-enhancing level of physical activity and fitness;

(4) Exhibit responsible personal and social behavior that respects self and others; and

(5) Recognize the value of physical activity for health, enjoyment, challenge, self-expression and social interaction.

D. — F. (text unchanged)

.02 Certification Procedures.

By September [2015] 2016 and each 5 years after that, each local superintendent of schools shall certify to the State Superintendent of Schools that the instructional programming within grades prekindergarten—12 meets, at a minimum, the requirements set forth in Regulation .01 of this chapter.

JACK R. SMITH, Ph.D.
Interim State Superintendent of Schools

Subtitle 04 SPECIFIC SUBJECTS

13A.04.18 Program in Comprehensive Health Education

Authority: Education Article, §§2-205(c) and (h), 7-205.2, 7-401, 7-410, 7-411, 7-411.1, and 7-413, Annotated Code of Maryland

Notice of Proposed Action

[16-092-P]

The Maryland State Board of Education proposes to amend Regulations .01 and .02 under **COMAR 13A.04.18 Program in Comprehensive Health Education**. This action was considered at the State Board of Education meeting held on February 12, 2016.

Statement of Purpose

The purpose of this action is to bring regulations into compliance with the legislation regarding instruction in hands-free cardiopulmonary resuscitation and use of automated external defibrillators.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Heather Lageman, Director of Curriculum, Teacher Induction Programs, Division of Instruction, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0348 (TTY 410-333-6442), or email to heather.lageman@maryland.gov, or fax to 410-333-1146. Comments will be accepted through May 16, 2016. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on June 28, 2016, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

.01 Comprehensive Health Education Instructional Programs for Grades Prekindergarten — 12.

A. (text unchanged)

B. Maryland Comprehensive Health Education Program. [The comprehensive instructional program shall help students adopt and maintain healthy behaviors and contribute directly to a student's ability to successfully practice behaviors that protect and promote health and avoid or reduce health risks. The instructional program shall provide for the diversity of student needs, abilities, and interests at the early, middle, and high school learning years, and shall include the Maryland Health Education Content Standards with related indicators and objectives as set forth in §§C—I of this regulation.]

(1) The comprehensive instructional program shall help students adopt and maintain healthy behaviors and contribute directly to a student's ability to successfully practice behaviors that protect and promote health and avoid or reduce health risks.

(2) The instructional program shall provide for the diversity of student needs, abilities, and interests at the early, middle, and high school learning years, and shall include the Maryland Health