

HB 1047

2004

A bill to be entitled

An act relating to public school instruction; amending s. 1003.42, F.S.; revising requirements relating to instruction in comprehensive health; providing physical education requirements for students in prekindergarten through grade 8; amending s. 1003.429, F.S.; requiring credit in personal fitness and life management skills for students selecting certain high school graduation options; amending s. 1003.43, F.S.; increasing physical education credit requirements for high school graduation and specifying criteria for satisfaction of such credit requirements; creating s. 1003.455, F.S.; requiring district school boards to ensure student participation in physical education and specifying requirements; requiring the Department of Education to monitor school district compliance; requiring corrective plans in certain circumstances; requiring assessment of physical performance and reporting of results; providing for adaptations of requirements under certain circumstances; providing an effective date.

WHEREAS, the Legislature intends that all children from prekindergarten through high school shall have access daily to a high-quality, comprehensive, developmentally appropriate physical education program, and

WHEREAS, required daily physical education enhances learning and promotes healthy achievers, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

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Section 1. Paragraph (m) of subsection (2) of section 1003.42, Florida Statutes, is amended, and paragraph (s) is added to said subsection, to read:

1003.42 Required instruction.--

(2) Members of the instructional staff of the public schools, subject to the rules of the State Board of Education and the district school board, shall teach efficiently and faithfully, using the books and materials required, following the prescribed courses of study, and employing approved methods of instruction, the following:

(m) Comprehensive health education that addresses concepts of community health; consumer health; environmental health; family life, including an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy; mental and emotional health; injury prevention and safety; nutrition; personal health; prevention and control of disease; and substance use and abuse. Beginning with the 2004-2005 school year, such education shall be taught at each grade level, prekindergarten through grade 8, for no less than one semester per year.

(s)1. Physical education at each grade level, prekindergarten through grade 5, for a minimum of 30 minutes daily, consisting of structured, moderate to vigorous physical activity taught by a state-certified physical education instructor, beginning with the 2004-2005 school year.

2. Physical education at each grade level, grade 6 through grade 8, for a minimum of 45 minutes daily, consisting of structured, moderate to vigorous physical activity taught by a

HB 1047

2004

59 state-certified physical education instructor, beginning with
 60 the 2004-2005 school year.

61 Section 2. Subsection (1) of section 1003.429, Florida
 62 Statutes, is amended to read:

63 1003.429 Accelerated high school graduation options.--

64 (1) Beginning with the 2003-2004 school year, all students
 65 scheduled to graduate in 2004 and thereafter may select one of
 66 the following three high school graduation options:

67 (a) Completion of the general requirements for high school
 68 graduation pursuant to s. 1003.43;

69 (b) Completion of a 3-year standard college preparatory
 70 program requiring successful completion of a minimum of 18
 71 academic credits in grades 9 through 12. The 18 credits shall be
 72 primary requirements and shall be distributed as follows:

73 1. Four credits in English, with major concentration in
 74 composition and literature;

75 2. Three credits in mathematics at the Algebra I level or
 76 higher from the list of courses that qualify for state
 77 university admission;

78 3. Three credits in natural science, two of which must
 79 have a laboratory component;

80 4. Three credits in social sciences;

81 5. Two credits in the same second language unless the
 82 student is a native speaker of or can otherwise demonstrate
 83 competency in a language other than English. If the student
 84 demonstrates competency in another language, the student may
 85 replace the language requirement with two credits in other
 86 academic courses; and

87 6. Three credits in electives; or

HB 1047

2004

88 (c) Completion of a 3-year career preparatory program
 89 requiring successful completion of a minimum of 18 academic
 90 credits in grades 9 through 12. The 18 credits shall be primary
 91 requirements and shall be distributed as follows:

92 1. Four credits in English, with major concentration in
 93 composition and literature;

94 2. Three credits in mathematics, one of which must be
 95 Algebra I;

96 3. Three credits in natural science, two of which must
 97 have a laboratory component;

98 4. Three credits in social sciences;

99 5. Two credits in the same second language unless the
 100 student is a native speaker of or can otherwise demonstrate
 101 competency in a language other than English. If the student
 102 demonstrates competency in another language, the student may
 103 replace the language requirement with two credits in other
 104 academic courses; and

105 6. Three credits in electives.

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 107 Beginning with students entering the 9th grade in the 2004-2005
 108 school year and thereafter, a student selecting a graduation
 109 option listed in paragraph (b) or paragraph (c) shall be
 110 required to take one credit in personal fitness and life
 111 management skills in place of one of the elective credits.

112 Section 3. Paragraphs (j) and (k) of subsection (1) and
 113 paragraph (a) of subsection (6) of section 1003.43, Florida
 114 Statutes, are amended to read:

115 1003.43 General requirements for high school graduation.--

HB 1047

2004

116 (1) Graduation requires successful completion of either a
 117 minimum of 24 academic credits in grades 9 through 12 or an
 118 International Baccalaureate curriculum. The 24 credits shall be
 119 distributed as follows:

120 (j)1. One credit in physical education to include
 121 assessment, improvement, and maintenance of personal fitness.
 122 Participation in an interscholastic sport at the junior varsity
 123 or varsity level, for two full seasons, shall satisfy the one-
 124 credit requirement in physical education if the student passes a
 125 competency test on personal fitness with a score of "C" or
 126 better. The competency test on personal fitness must be
 127 developed by the Department of Education. A district school
 128 board may not require that the one credit in physical education
 129 be taken during the 9th grade year. Completion of one semester
 130 with a grade of "C" or better in a marching band class, in a
 131 physical activity class that requires participation in marching
 132 band activities as an extracurricular activity, or in a Reserve
 133 Officer Training Corps (R.O.T.C.) class a significant component
 134 of which is drills shall satisfy a one-half credit requirement
 135 in physical education. This one-half credit may not be used to
 136 satisfy the personal fitness requirement or the requirement for
 137 adaptive physical education under an individual educational plan
 138 (IEP) or 504 plan.

139 2. For students entering the 9th grade in the 2004-2005
 140 school year and thereafter, four credits in physical education
 141 with two of such credits to include nutrition and assessment,
 142 improvement, and maintenance of personal fitness. Participation
 143 in an interscholastic sport at the junior varsity or varsity
 144 level for four full seasons or semesters shall satisfy two of

HB 1047

2004

145 the credit requirements, but may not be used to satisfy the two-
 146 credit requirement that includes nutrition and assessment,
 147 improvement, and maintenance of personal fitness or the
 148 requirement for adaptive physical education under an individual
 149 educational plan (IEP) or 504 plan. Completion of four full
 150 seasons or semesters with a grade of "C" or better in a marching
 151 band class, in a physical activity class that requires
 152 participation in marching band activities as an extracurricular
 153 activity, or in a Reserve Officer Training Corps (R.O.T.C.)
 154 class a significant component of which is drills shall satisfy
 155 two of the credit requirements, but may not be used to satisfy
 156 the two-credit requirement that includes nutrition and
 157 assessment, improvement, and maintenance of personal fitness or
 158 the requirement for adaptive physical education under an
 159 individual educational plan (IEP) or 504 plan.

160 (k) Eight and one-half elective credits. For students
 161 entering the 9th grade in the 2004-2005 school year and
 162 thereafter, five and one-half elective credits.

163
 164 District school boards may award a maximum of one-half credit in
 165 social studies and one-half elective credit for student
 166 completion of nonpaid voluntary community or school service
 167 work. Students choosing this option must complete a minimum of
 168 75 hours of service in order to earn the one-half credit in
 169 either category of instruction. Credit may not be earned for
 170 service provided as a result of court action. District school
 171 boards that approve the award of credit for student volunteer
 172 service shall develop guidelines regarding the award of the
 173 credit, and school principals are responsible for approving

HB 1047

2004

174 specific volunteer activities. A course designated in the Course
 175 Code Directory as grade 9 through grade 12 that is taken below
 176 the 9th grade may be used to satisfy high school graduation
 177 requirements or Florida Academic Scholars award requirements as
 178 specified in a district school board's student progression plan.
 179 A student shall be granted credit toward meeting the
 180 requirements of this subsection for equivalent courses, as
 181 identified pursuant to s. 1007.271(6), taken through dual
 182 enrollment.

183 (6) The Legislature recognizes that adult learners are
 184 unique in situation and needs. The following graduation
 185 requirements are therefore instituted for students enrolled in
 186 adult general education in accordance with s. 1004.93 in pursuit
 187 of a high school diploma:

188 (a) The credits ~~one credit~~ in physical education required
 189 for graduation, pursuant to subsection (1), are ~~is~~ not required
 190 for graduation and shall be substituted with elective credits
 191 ~~credit~~ keeping the total credits needed for graduation
 192 consistent with subsection (1).

193 Section 4. Section 1003.455, Florida Statutes, is created
 194 to read:

195 1003.455 Physical education; assessment.--

196 (1) It is the responsibility of each district school board
 197 to ensure that all students in prekindergarten through grade 5
 198 participate in physical education, as required in s.
 199 1003.42(2)(s), taught by a state-certified physical education
 200 instructor for at least 150 minutes each school week and that
 201 all students in grades 6 through 8 participate in physical
 202 education, as required in s. 1003.42(2)(s), for at least 225

HB 1047

2004

203 minutes each school week. Physical education shall consist of
 204 physical activities of at least moderate intensity level and for
 205 a duration sufficient to provide a significant health benefit to
 206 students. It shall take place in an environment in which
 207 students learn, practice, and are assessed on developmentally
 208 appropriate knowledge, motor skills, and health-related fitness.
 209 The State Board of Education shall establish specific learning
 210 goals and objectives for physical education based on the
 211 Sunshine State Standards.

212 (2) Suitably adapted physical education shall be included
 213 as a part of the individual educational plans for students with
 214 chronic health problems, disabling conditions, or other special
 215 needs that preclude participation in regular physical activity.

216 (3)(a) The Department of Education shall annually select
 217 not fewer than 10 percent of the school districts to report on
 218 compliance with the provisions of this section. The school
 219 districts selected shall provide a random and accurate sampling
 220 of the state as a whole.

221 (b) For purposes of determining compliance, the department
 222 shall count only the time a student spends in a structured
 223 physical education class taught by a state-certified physical
 224 education instructor.

225 (c) A school district that fails to comply with the
 226 requirements of this section shall issue a corrective plan to
 227 the department within 1 year of receiving a noncompliance
 228 notification from the department.

229 (4)(a) During the month of March, April, or May, each
 230 district school board shall administer to each student in grades
 231 5, 7, and 9 a physical performance test designated by the State

HB 1047

2004

232 Board of Education. Each physically handicapped student and each
233 student who is physically unable to take a health-related
234 physical performance test shall be given as much of the test as
235 his or her condition will permit.

236 (b) Each district school board shall report the individual
237 results of each test administered pursuant to this subsection,
238 in writing, to each student's parent. The written report shall
239 include a clear explanation of the purposes of the test, the
240 student's score, and its intended use by the school district.
241 Nothing in this subsection shall be construed to require
242 teachers to prepare individualized explanations of each
243 student's test score.

244 Section 5. This act shall take effect July 1, 2004.