

By the Committee on Education; and Senators Margolis,
 Villalobos, Campbell and Bullard

304-2487-04

1 A bill to be entitled
 2 An act relating to public school instruction
 3 for grades K through 12; providing a short
 4 title; requiring the Department of Education to
 5 conduct a study on physical education in public
 6 schools; requiring a report to the Governor and
 7 the Legislature; requiring the Department of
 8 Education to develop a physical fitness
 9 assessment instrument and support materials for
 10 fitness assessment programs; amending s.
 11 1001.42, F.S.; requiring district school boards
 12 to address student health and fitness in school
 13 improvement plans; requiring district school
 14 boards to adopt policies for implementing
 15 student health and fitness standards; creating
 16 s. 1003.455, F.S.; requiring district school
 17 boards to develop physical education programs;
 18 requiring district school boards to adopt
 19 written physical education policies; requiring
 20 that the policies be provided to the Department
 21 of Education; requiring school districts to
 22 implement mandatory physical education under
 23 certain circumstances; amending s. 1012.98,
 24 F.S.; providing for the development of an
 25 Internet-based clearinghouse at a public state
 26 university for professional development
 27 programs concerning physical education;
 28 providing an effective date.

30 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. This act may be cited as the "Healthy
2 Achievers Act."

3 Section 2. (1) The Department of Education shall
4 conduct a study to determine the status of physical education
5 instruction in the public schools and shall develop detailed
6 recommendations for changes to physical education programs. As
7 a part of the study, the Department of Education shall:

8 (a) Determine the number of public schools in the
9 state which have eliminated or reduced physical education
10 instruction;

11 (b) Assess current issues concerning personnel who
12 teach physical education and determine appropriate roles for
13 all personnel in expanding both physical education and other
14 physical activity for students;

15 (c) Determine the average length and frequency of
16 physical education classes in elementary, middle, and high
17 school, respectively, by school district;

18 (d) Determine the percent of physical education
19 classes taught by certified physical education instructors;

20 (e) Assess the degree to which individual schools
21 within a school district are allowed to add to or modify
22 district requirements for physical education;

23 (f) Assess the availability of fitness assessment
24 programs, such as the President's Challenge Physical Fitness
25 Program, which could be adopted by schools or an entire school
26 district in order to provide information regarding and
27 encourage student fitness;

28 (g) Determine the methods of providing feedback to a
29 parent through a student assessment report that would
30 summarize a student's results and the school's results as set
31 forth in an assessment tool, such as the Fitnessgram or the

1 School Health Index of the Centers for Disease Control and
2 Prevention; and

3 (h) Develop recommendations for the most efficient
4 ways to substantially increase the level of physical education
5 and physical activity for students in grades prekindergarten
6 through grade 5, grades 6 through 8, and grades 9 through 12,
7 by group.

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9 The study results must also contain an assessment developed by
10 the Department of Education of the fiscal impact of any
11 recommended changes. The Department of Education shall submit
12 a report on the study to the Governor and the Legislature by
13 February 1, 2005.

14 (2) The Department of Education shall select or
15 develop by March 1, 2005, a physical fitness assessment
16 instrument that school districts may use in assessing and
17 reporting individual student fitness and a standard report
18 form for this information which may be provided to parents.

19 (3) By December 1, 2004, the Department of Education
20 shall develop support materials and distribute the materials
21 to each school district to enable implementation of fitness
22 assessment programs recommended pursuant to subsection (2).
23 The support materials must include the necessary instructions,
24 procedures, and forms to implement and successfully administer
25 the programs or reports. The department may develop and
26 distribute other support or informational materials it
27 determines may assist schools or school districts in improving
28 student health and fitness through local action.

29 Section 3. Paragraph (a) of subsection (16) and
30 paragraph (a) of subsection (17) of section 1001.42, Florida
31 Statutes, are amended to read:

1 1001.42 Powers and duties of district school
2 board.--The district school board, acting as a board, shall
3 exercise all powers and perform all duties listed below:
4 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
5 ACCOUNTABILITY.--Maintain a system of school improvement and
6 education accountability as provided by statute and State
7 Board of Education rule. This system of school improvement and
8 education accountability shall be consistent with, and
9 implemented through, the district's continuing system of
10 planning and budgeting required by this section and ss.
11 1008.385, 1010.01, and 1011.01. This system of school
12 improvement and education accountability shall include, but is
13 not limited to, the following:
14 (a) School improvement plans.--Annually approve and
15 require implementation of a new, amended, or continuation
16 school improvement plan for each school in the district,
17 except that a district school board may establish a district
18 school improvement plan that includes all schools in the
19 district operating for the purpose of providing educational
20 services to youth in Department of Juvenile Justice programs.
21 Such plan shall be designed to achieve the state education
22 priorities pursuant to s. 1000.03(5) and student performance
23 standards. Each plan shall also address issues relative to
24 budget, training, instructional materials, technology,
25 staffing, student support services, specific school safety and
26 discipline strategies, student health and fitness, including
27 nutrition, physical fitness, parental information on student
28 health and fitness, and indoor environmental air quality,and
29 other matters of resource allocation, as determined by
30 district school board policy, and shall be based on an
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1 analysis of student achievement and other school performance
2 data.

3 (17) LOCAL-LEVEL DECISIONMAKING.--

4 (a) Adopt policies that clearly encourage and enhance
5 maximum decisionmaking appropriate to the school site. Such
6 policies must include guidelines for schools in the adoption
7 and purchase of district and school site instructional
8 materials and technology, the implementation of student health
9 and fitness standards, staff training, school advisory council
10 member training, student support services, budgeting, and the
11 allocation of staff resources.

12 Section 4. Section 1003.455, Florida Statutes, is
13 created to read:

14 1003.455 Physical education; assessment.--

15 (1) It is the responsibility of each district school
16 board to develop a physical education program that stresses
17 physical fitness and encourages healthy, active lifestyles and
18 to encourage all students in prekindergarten through grade 12
19 to participate in physical education. Physical education shall
20 consist of physical activities of at least a moderate
21 intensity level and for a duration sufficient to provide a
22 significant health benefit to students, subject to the
23 differing capabilities of students.

24 (2) Each district school board shall, no later than
25 December 1, 2004, adopt a written physical education policy
26 that details the school district's physical education program
27 and expected program outcomes. Each district school board
28 shall provide a copy of its written policy to the Department
29 of Education by December 15, 2004.

30 (3) Any district that does not adopt a physical
31 education policy by December 1, 2004, shall, at a minimum,

1 implement a mandatory physical education program for
2 kindergarten through grade 5 which provides students with 30
3 minutes of physical education each day, 3 days a week.

4 Section 5. Paragraph (d) is added to subsection (4) of
5 section 1012.98, Florida Statutes, to read:

6 1012.98 School Community Professional Development
7 Act.--

8 (4) The Department of Education, school districts,
9 schools, community colleges, and state universities share the
10 responsibilities described in this section. These
11 responsibilities include the following:

12 (d) The Department of Education shall approve a public
13 state university having an approved physical education teacher
14 preparation program within its college of education to develop
15 and implement an Internet-based clearinghouse for physical
16 education professional development programs that may be
17 accessed and used by all instructional personnel. The
18 development of these programs shall be financed primarily by
19 private funds and shall be available for use no later than
20 August 1, 2005.

21 Section 6. This act shall take effect July 1, 2004.
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COMMITTEE SUBSTITUTE FOR

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4 Requires the Department of Education to develop a physical
5 physical fitness programs.
6 Requires district school boards to address student health and
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8 Requires district school boards to adopt policies for
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10 Requires district school boards to develop physical education
11 programs.
12 Requires district school boards to adopt physical education
13 policies and to provide them to the Department of Education.
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15 education for K-5 students if no written policy is adopted.
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