

Bill No. CS for CS for SB 354

Amendment No. ____ Barcode 025868

CHAMBER ACTION

Senate

House

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Senator Constantine moved the following amendment:

Senate Amendment (with title amendment)

On page 7, line 24, through
page 8, line 26, delete those lines

and insert:

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

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

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

(c) Determine the average length and frequency of
physical education classes in elementary, middle, and high

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1 school, respectively, by school district;

2 (d) Determine the percent of physical education
3 classes taught by certified physical education instructors;

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

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

12 (g) Determine the methods of providing feedback to a
13 parent through a student assessment report that would
14 summarize a student's results and the school's results as set
15 forth in an assessment tool, such as the Fitnessgram or the
16 School Health Index of the Centers for Disease Control and
17 Prevention; and

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

23
24 The study results must also contain an assessment developed by
25 the Department of Education of the fiscal impact of any
26 recommended changes. The Department of Education shall submit
27 a report on the study to the Governor and the Legislature by
28 February 1, 2005.

29 (2) The Department of Education shall select or
30 develop by March 1, 2005, a physical fitness assessment
31 instrument that school districts may use in assessing and

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1 reporting individual student fitness and a standard report
2 form for this information which may be provided to parents.

3 (3) By December 1, 2004, the Department of Education
4 shall develop support materials and distribute the materials
5 to each school district to enable implementation of fitness
6 assessment programs recommended pursuant to subsection (2).
7 The support materials must include the necessary instructions,
8 procedures, and forms to implement and successfully administer
9 the programs or reports. The department may develop and
10 distribute other support or informational materials it
11 determines may assist schools or school districts in improving
12 student health and fitness through local action.

13 Section 3. Paragraph (a) of subsection (16) and
14 paragraph (a) of subsection (17) of section 1001.42, Florida
15 Statutes, are amended to read:

16 1001.42 Powers and duties of district school
17 board.--The district school board, acting as a board, shall
18 exercise all powers and perform all duties listed below:

19 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
20 ACCOUNTABILITY.--Maintain a system of school improvement and
21 education accountability as provided by statute and State
22 Board of Education rule. This system of school improvement and
23 education accountability shall be consistent with, and
24 implemented through, the district's continuing system of
25 planning and budgeting required by this section and ss.
26 1008.385, 1010.01, and 1011.01. This system of school
27 improvement and education accountability shall include, but is
28 not limited to, the following:

29 (a) School improvement plans.--Annually approve and
30 require implementation of a new, amended, or continuation
31 school improvement plan for each school in the district,

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1 | except that a district school board may establish a district
2 | school improvement plan that includes all schools in the
3 | district operating for the purpose of providing educational
4 | services to youth in Department of Juvenile Justice programs.
5 | Such plan shall be designed to achieve the state education
6 | priorities pursuant to s. 1000.03(5) and student performance
7 | standards. In addition, any school required to implement a
8 | rigorous reading requirement pursuant to s. 1003.415 must
9 | include such component in its school improvement plan. Each
10 | plan shall also address issues relative to budget, training,
11 | instructional materials, technology, staffing, student support
12 | services, specific school safety and discipline strategies,
13 | student health and fitness, including physical fitness,
14 | parental information on student health and fitness, and indoor
15 | environmental air quality, and other matters of resource
16 | allocation, as determined by district school board policy, and
17 | shall be based on an analysis of student achievement and other
18 | school performance data.

19 | (17) LOCAL-LEVEL DECISIONMAKING.--

20 | (a) Adopt policies that clearly encourage and enhance
21 | maximum decisionmaking appropriate to the school site. Such
22 | policies must include guidelines for schools in the adoption
23 | and purchase of district and school site instructional
24 | materials and technology, the implementation of student health
25 | and fitness standards, staff training, school advisory council
26 | member training, student support services, budgeting, and the
27 | allocation of staff resources.

28 | Section 4. Section 1003.455, Florida Statutes, is
29 | created to read:

30 | 1003.455 Physical education; assessment.--

31 | (1) It is the responsibility of each district school

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1 board to develop a physical education program that stresses
2 physical fitness and encourages healthy, active lifestyles and
3 to encourage all students in prekindergarten through grade 12
4 to participate in physical education. Physical education shall
5 consist of physical activities of at least a moderate
6 intensity level and for a duration sufficient to provide a
7 significant health benefit to students, subject to the
8 differing capabilities of students.

9 (2) Each district school board shall, no later than
10 December 1, 2004, adopt a written physical education policy
11 that details the school district's physical education program
12 and expected program outcomes. Each district school board
13 shall provide a copy of its written policy to the Department
14 of Education by December 15, 2004.

15 (3) Any district that does not adopt a physical
16 education policy by December 1, 2004, shall, at a minimum,
17 implement a mandatory physical education program for
18 kindergarten through grade 5 which provides students with 30
19 minutes of physical education each day, 3 days a week.

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

22 1012.98 School Community Professional Development
23 Act.--

24 (4) The Department of Education, school districts,
25 schools, community colleges, and state universities share the
26 responsibilities described in this section. These
27 responsibilities include the following:

28 (d) The Department of Education shall approve a public
29 state university having an approved physical education teacher
30 preparation program within its college of education to develop
31 and implement an Internet-based clearinghouse for physical

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1 education professional development programs that may be
 2 accessed and used by all instructional personnel. The
 3 development of these programs shall be financed primarily by
 4 private funds and shall be available for use no later than
 5 August 1, 2005.

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 7 (Redesignate subsequent sections.)

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10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 On page 1, lines 20-22, delete those lines

13

14 and insert:

15 requiring the Department of Education to
 16 conduct a study on physical education in public
 17 schools; requiring a report to the Governor and
 18 the Legislature; requiring the Department of
 19 Education to develop a physical fitness
 20 assessment instrument and support materials for
 21 fitness assessment programs; amending s.
 22 1001.42, F.S.; requiring a school improvement
 23 plan to include the rigorous reading
 24 requirement if applicable; requiring district
 25 school boards to address student health and
 26 fitness in school improvement plans; requiring
 27 district school boards to adopt policies for
 28 implementing student health and fitness
 29 standards; creating s. 1003.455, F.S.;
 30 requiring district school boards to develop
 31 physical education programs; requiring district

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1 school boards to adopt written physical
2 education policies; requiring that the policies
3 be provided to the Department of Education;
4 requiring school districts to implement
5 mandatory physical education under certain
6 circumstances; amending s. 1012.98, F.S.;
7 providing for the development of an
8 Internet-based clearinghouse at a public state
9 university for professional development
10 programs concerning physical education;
11 amending s.

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