

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1113 CS

Physical Education in the Public Schools

SPONSOR(S): Sobel

TIED BILLS:

IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>PreK-12 Committee</u>	<u>9 Y, 0 N, w/CS</u>	<u>Howlette</u>	<u>Mizereck</u>
2) <u>Education Appropriations Committee</u>	<u>13 Y, 0 N, w/CS</u>	<u>Eggers</u>	<u>Hamon</u>
3) <u>Education Council</u>	<u>9 Y, 0 N</u>	<u>Howlette</u>	<u>Cobb</u>
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

House Bill 1113 requires school districts to submit a copy of the wellness policy required by federal law to the Department of Education, who shall provide electronic access to the policies. The bill also requires staff development for physical education instructors to include specific content and lists specific actions which school boards are encouraged to take.

The bill takes effect upon becoming a law.

The bill does not appear to have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government: The bill specifies content that must be included in staff development for physical education teachers.

B. EFFECT OF PROPOSED CHANGES:

Background

Presently, section 1003.42, Florida Statutes, provides that each school board shall provide appropriate instruction that meets State Board of Education standards, also known as the Sunshine State Standards, in specific subject areas including health and physical education.

In 2004 the Legislature enacted CS/CS/SB 354 which included several requirements regarding physical education. The 2004 bill directed the Department of Education (DOE) to conduct a study to determine the status of physical education instruction in the public schools and to develop recommendations for changes. The study was due February 1, 2005 to the Governor and the Legislature. It was received on March 24, 2005. The study did not recommend any Legislative action.

Physical Education Requirements and Policies

In 2004, the Legislature enacted s.1003.455, F.S., which required district school boards to adopt written physical education policies by December 1, 2004, that detailed the district's physical education program and expected program outcomes. Districts that did not adopt physical education policies by the deadline were required to implement a program requiring, at a minimum, 30 minutes of physical education for kindergarten through fifth-graders for three days a week. Six districts did not adopt physical education programs by the deadline. Four districts (Gadsden, Glades, Hardee, and Highlands) are listed as "pending" by the Department of Education, and two districts (Lee and Monroe) received waivers due to the 2004 hurricanes. It is unclear if any of the four "pending" districts are now subject to the minimum requirements.

The federal Child Nutrition and WIC Reauthorization Act (PL 108-265-June 30, 2004) requires each local education agency participating in the National School Lunch Act or the Child Nutrition Act of 1966 to establish a local school wellness policy, which must include nutritional education, physical activity, and other school based efforts to promote wellness.

The bill requires each school district to submit a copy of the wellness plan required by the Child Nutrition and WIC Reauthorization Act to the Florida Department of Education. The Department is required to provide public electronic access to the district policies. The bill encourages school districts to regularly seek public input on their policies related to school nutritional offerings and physical activity/fitness offerings, which reflects recommendations 11 and 16 of the Governor's Task Force on Obesity.

The bill states that by January 1, 2006, school boards are encouraged to take the following actions:

- Evaluate the level of student participation in physical education programs,
- Ensure that teachers who teach physical education are certified in such programs,
- Review and determine whether the school board's professional-development opportunities include best practices for fitness-related instruction, strategies that support classroom learning,

a connection between movement and learning, and strategies for integrating academic subject matter, particularly in reading, mathematics, and physical education,

- Review the research and best practices regarding how planned physical movement can foster enhanced learning in academic subjects, and
- Review the adopted school board's physical education policies in order to ensure that policies meet the intent and spirit of the law, applicable rules, and Sunshine State Standards.

Teacher Training

The 2004 Legislature amended section 1012.98, F.S., directing the Department of Education to approve a public state university to develop and implement an internet-based clearinghouse for physical education professional development programs that may be accessed and used by all instructional personnel. The clearinghouse must be available no later than August 1, 2005, and is currently under development.

The bill requires that staff development for physical education instructors include content related to an integrated curriculum in support of reading and math, fitness-based instruction, and connections between movement and learning.

C. SECTION DIRECTORY:

Section 1: Amends s. 1003.455, F.S., to revise school district requirements for physical education and staff development.

Section 2: Provides an effective date upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a fiscal impact on the private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

This PreK-12 Committee adopted a Committee Substitute their April 5, 2005, meeting, which differs from the bill as filed as noted below.

- Deletes the requirement for twice annual fitness assessments of students and reporting of the results;
- Deletes the requirement that each school district appoint a district-level coordinator for physical education and health;
- Deletes the requirements that core curricula for state-approved teacher preparation programs include concepts of physical education; and
- Deletes permissive authority for public and private partnerships and involvement of community-based organizations in training and public physical fitness showcase events.

On April 18, 2005, the Education Appropriations Committee adopted a Committee Substitute, adding the list of actions school boards are encouraged to take. This analysis is drawn to the Education Appropriations Committee Substitute.