

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 1113 CS                      Physical Education in the Public Schools  
**SPONSOR(S):** Sobel  
**TIED BILLS:**                                      **IDEN./SIM. BILLS:**

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

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**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.

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 (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.

##### **Teacher Training**

In 2004 the Legislature amended section 1012.98 to direct the Department of Education to approve a public state university to develop and implement in 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 analysis is drawn to the Committee Substitute that was adopted at the April 5, 2005, meeting of the PreK-12 Committee. The Committee Substitute differs from the bill as filed in that the Committee Substitute:

- 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.
- Deletes permissive authority for public and private partnerships and involvement of community-based organizations in training and public physical fitness showcase events.