

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: Education Appropriations Committee

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BILL: CS/CS/SB 126

SPONSOR: Education Appropriations Committee, Education Committee and Senator Margolis

SUBJECT: K-12 instruction

DATE: April 21, 2005

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hermanson</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Fav/CS</u>
2.	<u>Armstrong</u>	<u>Newman</u>	<u>EA</u>	<u>Fav/CS</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
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## I. Summary:

This committee substitute requires each school district to submit to the Department of Education a copy of the wellness policy required by the federal Child Nutrition and WIC Reauthorization Act of 2004. The committee substitute also encourages school districts to review the level of participation in and the success of wellness programs in each school setting, solicit public input on school nutritional offerings and wellness plans, and review the research on how planned physical movement can foster enhanced learning in academic subjects.

The Department of Education must post school district wellness policies on the DOE website, evaluate the extent to which the Sunshine State Standards in the arts are being taught in each school district, and provide the results of an evaluation of the arts to the Legislature and the Governor by December 1, 2005.

The committee substitute requires an operational defibrillator on the grounds of each public high school that has athletic facilities or that participates in interscholastic sports. Public and private partnerships are encouraged to cover the costs. Finally, the committee substitute requires staff development for instructors in physical education and the arts to include content related to an integrated curriculum in specific areas.

The committee substitute substantially amends section 1003.455 of the Florida Statutes.

The committee substitute takes effect upon becoming a law

## **II. Present Situation:**

### **Sunshine State Standards**

The Florida Department of Education (DOE) has developed Sunshine State Standards for physical education (pre-K through grade 12) that include an emphasis on the benefits of regular participation in physical activity. The Sunshine State Standards also address dance, music, theater, and visual arts.

### **Required Instruction**

Current law (s. 1003.42, F.S.) specifies that district school boards must provide appropriate instruction to ensure that students meet State Board of Education standards in specific subject areas, including physical education. Prescribed courses of study include comprehensive health education that addresses specific concepts, including nutrition and personal health.

### **High School Graduation Requirements**

High school graduation requirements generally consist of achieving a 2.0 Grade Point Average, earning passing scores on the grade 10 FCAT (unless subject to a waiver), completing all district requirements and 24 academic credits, including one physical education credit, one credit in practical arts career education or exploratory career education, and eight and one-half elective credits. PE includes assessment, improvement, and maintenance of personal fitness. The law (s. 1003.43, F.S.) allows students to participate in alternate activities that fully substitute for the required PE credit, as follows:

- Participating in an interscholastic sport at the junior varsity or varsity level for 2 full seasons; and
- Passing the Department of Education competency test on personal fitness (“C” or better).

By completing one semester (“C” or better) of the following alternate activities, a student may substitute one-half of the required credit:

- marching band activities, in a physical activity class that requires participating in marching band activities as an extracurricular activity; or
- Reserve Officer Training Corps (R.O.T.C.) class, with a significant drill component.

The half-credit cannot be used to satisfy the personal fitness requirement or the adaptive PE under an IEP or 504 plan.

The one credit in practical arts career education or exploratory career education can be fulfilled in three ways. First, the requirement can be fulfilled by taking a career education course. The requirement can also be fulfilled by taking one credit in performing fine arts to be selected from music, dance, painting or sculpture. (The one credit in the performing arts may be satisfied through a course in any art form, in addition to painting or sculpture, that requires manual dexterity or a course in speech and debate.) Lastly, a student can fulfill the requirement by

taking one-half credit each in practical arts career education or exploratory career education and performing fine arts.

### **Professional Development**

Part V of chapter 1012, F.S., relates to professional development. Section 1012.98 (4) (d), F.S. requires the Department of Education to approve a public university having an approved physical education teacher preparation program within its college of education 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 development of these programs shall be financed primarily by private funds and shall be available for use no later than August 1, 2005.

### **Defibrillators**

Defibrillation is the technique involving the administration of an electric shock that can restore the heart's normal rhythm. While this procedure historically has been available only from paramedics or in hospital settings, the development of a portable computer that can analyze a person's heart rhythm has enabled trained personnel to perform this procedure in other settings.<sup>1</sup>

### **III. Effect of Proposed Changes:**

The committee substitute requires each school district to submit to the Department of Education (by September 1, 2006) a copy of the wellness policy required by the federal Child Nutrition and WIC Reauthorization Act of 2004.<sup>2</sup>

The committee substitute also encourages school districts to do the following:

- Review the level of participation and evaluate the success of wellness programs in each school setting;
- Solicit public input on a regular basis about district policies on school nutritional offerings and wellness plans, to ensure that they meet the intent and spirit of the law and rules, as well as the Sunshine State Standards and community expectations; and
- Review the research and best practices on how planned physical movement can foster enhanced learning in academic subjects.

The Department of Education must meet the following requirements:

- Post school district wellness policies on the DOE's website for public review;
- Evaluate the extent to which the Sunshine State Standards in the arts are being taught in each school district in kindergarten through grade 12; and
- Provide the results of the evaluation of the arts to the Legislature and the Governor by December 1, 2005.

The committee substitute requires an operational defibrillator on the grounds of each public high school that has athletic facilities or that participates in interscholastic sports. Public and private

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<sup>1</sup> The National Collegiate Athletic Association, *The NCAA News --Health and Safety Newsletter*, November 11, 2002.

<sup>2</sup> P.L. 108-265.

partnerships are encouraged to cover the costs associated with purchasing and training personnel to use the defibrillator.

Finally, the committee substitute requires staff development for instructors in physical education and the arts to include content related to an integrated curriculum in particular areas (i.e., reading, mathematics, arts, fitness-based instruction, and the connection between movement and learning).

This committee substitute takes effect upon becoming a law.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Public high schools that have athletic facilities or that participate in interscholastic sports will need to obtain a defibrillator if one is not currently available. Districts may incur costs unless a defibrillator is made available through public and private partnerships. An internet search indicates that portable defibrillator prices start around \$1,500. A lay person can be trained to use one in five or six hours. The bill would have a relatively small fiscal impact on school districts. To the extent the federal law does not already require districts to submit wellness policies to the DOE, there will be some cost incurred for submitting these documents.

Department of Education cost would be associated with the evaluation of the Sunshine State Standards and school district arts programs.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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## **VIII. Summary of Amendments:**

None.

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