

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.)

Prepared By: Education Committee

BILL: CS/SB 126

SPONSOR: Education Committee & Senator Margolis

SUBJECT: PreK-12 instruction/physical education & arts

DATE: February 9, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hermanson</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>AE</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This committee substitute requires each district school board to develop a performing and fine arts program that addresses the state's rich cultural diversity and promotes creative thinking and problem solving skills. Each student shall be allowed sufficient time and access to instruction in order to obtain knowledge and skills in the performing and fine arts, as defined and assessed against the Sunshine State Standards.

The committee substitute requires each district school board to adopt written policies for providing time and access to the performing and fine arts for prekindergarten through grade 12. These policies must be submitted to the Department of Education by January 1, 2006. In addition, each district school board shall provide an annual report to the Department on trends and student achievement in the performing and fine arts, and the Department must summarize and disseminate the reports to each school district.

The committee substitute requires district school boards to appoint from current staff a performing and fine arts coordinator by August 1, 2006. This coordinator implements any policy for performing and fine arts developed by the school board.

The committee substitute also requires that district school boards appoint from current staff a physical education coordinator by August 1, 2005. This coordinator implements any physical education program developed by the district school board resulting from the physical education assessment.

The committee substitute creates section 1003.456 of the Florida Statutes and substantially amends section 1003.455 of the Florida Statutes.

II. Present Situation:

Sunshine State Standards

The Florida Department of Education 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. 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.

Recent Legislative Changes Regarding Physical Education

The 2004 Legislature passed CS/CS/SB 354, which, in part, amended ss. 1001.42 and 1012.98, F.S., and created s. 1003.455, F.S., to add new requirements for K-12 physical education in Florida. The law requires the Department of Education to study the status of physical education instruction in the public schools and to develop recommendations for changes to physical education programs. The Department of Education must report its findings to the Governor and the Legislature by February 1, 2005.

The law also requires each school district to develop a written physical education policy and deliver a copy of the policy to the Department of Education by December 15, 2004. Any district that does not develop a written policy will be required to implement mandatory physical education for students in kindergarten through grade 5 that includes 30 minutes of physical education per day, 3 days per week.

The law establishes an internet-based clearinghouse, funded primarily by private sources, for physical education professional development. The Department of Education will approve a state university to develop this clearinghouse, which will be available to all teachers.

III. Effect of Proposed Changes:

This committee substitute requires each district school board to develop a performing and fine arts program that address Florida's rich cultural diversity and promotes creative thinking and problem solving skills.

Each district school board is required to adopt written policies for providing time and access to performing and fine arts for prekindergarten through grade 12, and these policies must be submitted to the Department of Education by January 1, 2006. Additionally, each district school board must provide an annual report to the Department of Education on trends and student achievement in the performing and fine arts for prekindergarten through grade 12. The Department must summarize and disseminate the reports to each school district.

By August 1, 2006, each district school board must appoint from current staff a performing and fine arts coordinator to implement any policy for performing and fine arts developed by the district school board. In addition, by August 1, 2005, each district school board must appoint a physical education coordinator to implement any physical education program developed by district school board resulting from the physical education assessment completed according to Section 1003.455. The committee substitute requires the coordinator to be appointed from current staff.

This committee substitute takes effect July 1, 2005.

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:

The committee substitute purports to be fiscally neutral in that each district school board shall appoint the new performing and fine arts and physical education coordinators from the district's current staff. However, the committee substitute also requires that each student must have sufficient time and access to performing and fine arts. Accordingly, there may be an indeterminate fiscal impact at the district or individual school level associated with the access requirement depending on the school district's implementation of the performing and fine arts program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

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