

# 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 Committee

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BILL: CS/SB 2602

INTRODUCER: Education Committee and Senator Constantine

SUBJECT: Schools/Health-related Education

DATE: April 19, 2006

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harkey</u>	<u>Matthews</u>	<u>ED</u>	<u>Fav/CS</u>
2.	_____	_____	<u>HE</u>	_____
3.	_____	_____	<u>EA</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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## I. Summary:

This bill requires school districts to submit to the Department of Education (DOE) copies of the school wellness policies they are required to develop under the Child Nutrition and WIC Reauthorization Act of 2004. School districts must submit copies of their physical education policies to the DOE as well. Districts must also provide parents with information on ways to help their children be physically active and eat healthful foods.

The DOE and the school districts are required to post links to their school wellness policies and physical education policies on their websites. The DOE is also required to provide Internet links to resources for school districts and the public and prescribe the types of information that those resources must provide.

The bill establishes minimum requirements for local school health advisory committee membership. The bill encourages districts to provide physical education for specified amounts of time and encourages school health advisory committees to address specific topics included in the coordinated school health program (CSHP) model.

This bill amends sections 381.0056 and 1003.455, Florida Statutes.

The bill creates section 1003.453, Florida Statutes.

## II. Present Situation:

### Local Wellness Policies

The Child Nutrition and WIC reauthorization Act of 2004<sup>1</sup> requires all schools that participate in a program that provides free and reduced price school lunches, and/or breakfast, to establish a local wellness policy before the first day of school after June 30, 2006. At a minimum, the policy must:

- Include goals for nutrition education, physical activity, and other school-based activities that are designed to promote student wellness in a manner that the local educational agency determines is appropriate;
- Include nutrition guidelines selected by the local educational agency for all foods available on each school campus under the local educational agency during the school day with the objectives of promoting student health and reducing childhood obesity;
- Provide an assurance that guidelines for reimbursable school meals may not be less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to subsections (a) and (b) of section 10 of the Child Nutrition Act<sup>2</sup> and sections 9(f)(1) and 17(a) of the Richard B. Russell National School Lunch Act,<sup>3</sup> as those regulations and guidance apply to schools;
- Establish a plan for measuring implementation of the local wellness policy, including designation of one or more persons within the local educational agency or at each school, as appropriate, charged with operational responsibility for ensuring that the school meets the local wellness policy; and
- Involve parents, students, representatives of the school food authority, the school board, school administrators, and the public in the development of the school wellness policy.

### The Coordinated School Health Services Program

The DOE, in cooperation with the Department of Health, administers the Coordinated School Health Program (CSHP) under a grant from the U.S. Centers for Disease Control and Prevention (CDC) to assist in the development and enhancement of school-based programs that protect and maintain student health and support academic achievement. The eight components of the CSHP program are health education; physical education; health services; nutrition services; counseling, psychological, and social services; healthy school environment; health promotion for staff; and family/community involvement. School-based programs assist students to increase health knowledge; support healthy decision-making and behavior; improve access to nutritious food, physical activity and mental health services; and assure a healthy school environment that includes positive, healthy role models such as teachers, parents, and community members. According to the Department of Health, Coordinated School Health Programs provide a strategy for improving the health and learning of Florida's school age children. The Florida state-level Coordinated School Health Program has been in place since 1992.

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<sup>1</sup> P.L. 108-265

<sup>2</sup> 42 U.S.C. s. 1779

<sup>3</sup> 42 U.S.C. ss. 1758(f)(1), 1766(a)

The CSHP provides statewide training and technical assistance to school health advisory committees on how to use a coordinated school health approach when addressing school health issues. In 2005, the Department of Health, the CSHP, and the School Health Services Program in cooperation with the DOE provided training for local school districts that was focused on strengthening school health advisory committees by incorporating the CSHP model and using the committee to develop the local school wellness policy.

### **The School Health Services Program**

Under s. 381.0056, F.S., the School Health Services Program requires each county health department, the district school board and the local school health advisory committee to develop a school health services plan that includes growth and development screening, health counseling, and referral and follow-up of suspected or confirmed health problems by the county public health department. The program provides information to parents concerning nutrition and exercise.

### **Physical Education Policies**

Under s. 1003.455, F.S., school districts must establish a physical education policy that stresses physical fitness and encourages healthy, active lifestyles. School districts were required to submit their policies to the DOE by December 1, 2004. Any district that did not adopt a physical education policy by that date must provide at least 30 minutes of mandatory physical education three days per week for a student in kindergarten through grade 5. The law does not require school districts to submit revised policies to the DOE, provide a procedure for public input, or require districts or the DOE to post these policies on their websites.

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

The bill requires that by September 1, 2006, each school district must submit to the DOE a copy of its school wellness policy as required by the Child Nutrition and WIC Reauthorization Act of 2004 and a copy of its physical education policy required under s. 1003.455, F.S. Each school district must annually review its school wellness policy and physical education policy and provide a procedure for public input and revisions. In addition, each school district must send an updated copy of its wellness policy and physical education policy to the DOE when a change or revision is made.

By December 1, 2006, the DOE must post links to each school district's school wellness policy and physical education policy on its website so that the policies can be accessed and reviewed by the public. Each school district must provide the most current versions of its school wellness policy and physical education policy on the district's website.

By December 1, 2006, the DOE must provide on its website links to a wide array of resources that may be accessed and reviewed by school districts and the public. The resources must include information regarding:

- Classroom instruction on the benefits of exercise and healthful eating;
- Classroom instruction on the health hazards of using tobacco and being exposed to tobacco smoke;

- The eight components of a coordinated school health program, including health education, physical education, health services, and nutrition services;
- The core measures for school health and wellness, such as the School Health Index;
- Access for each student to the nutritional content of foods and beverages and to healthful food choices in accordance with the dietary guidelines of the United States Department of Agriculture;
- Multiple examples of school wellness policies for school districts; and
- Examples of wellness classes that provide nutrition education for teachers and school support staff, including encouragement to provide classes that are taught by a licensed nutrition professional from the school nutrition department.

The bill encourages:

- School districts to provide basic training in first aid, including cardiopulmonary resuscitation, for all students, beginning in grade 6 and every two years thereafter; and
- Private and public partnerships to provide training or necessary funding.

The bill requires all physical education programs and curricula to be reviewed by a certified physical education instructor.

The bill repeals a requirement which states that any school district that does not adopt a physical education policy must implement a mandatory physical education program for grades K-5. Instead the bill encourages each district school board to provide 150 minutes of physical education each week in grades K-5 and 225 minutes each week in grades 6-8.

The bill requires each school to provide information to parents and guardians each year concerning ways they can help their children to be physically active and to eat healthful foods. The bill requires each school health advisory committee to include members who represent the eight component areas of the U.S. Centers for Disease Control and Prevention coordinated school health model. The bill encourages school health advisory committees to address the eight components of the coordinated school health model in the school district's school wellness policy under s. 1003.453, F.S.

The bill would take effect July 1, 2006.

#### **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:

According to the DOE, it would require three additional Program Specialists to develop model policies and fulfill the requirements of monitoring wellness policies as required by the Child Nutrition and WIC Reauthorization Act of 2004. This staff would be needed in order to meet federal regulation requirements. The positions would be funded through federal grant dollars; however, the Legislature would have to allocate the positions to the Department of Education. The classifications and annual costs associated with the additional staffing requirements are:

Program Specialist III (3)	
Base Salary & Benefits	\$51,714
Expenses	\$ 9,746
OCO	\$ 1,900
Human Resource Services	\$ 393
TOTAL	\$63,753 x 3 = \$191,259

Travel costs and other expenses associated with the positions would be paid by federal funds. These associated costs are estimated at \$38,880 annually.

The DOE does not anticipate a significant cost for implementation of the requirement that a certified physical education instructor must review all physical education programs and curricula. Most schools employ physical education instructors; there might be a cost for their additional time for involvement or paperwork.

**VI. Technical Deficiencies:**

The Department of Health recommends changing the statutory placement of the requirement that each school must annually provide to the parents or guardians of each of its students, information on ways that they can help their children to be physically active and to eat healthful foods. The requirement is placed in the subsection that describes the school health program, s. 381.0056(2), F.S. It would be more appropriately placed in a new paragraph (e) in s. 381.0056(7), F.S., which defines district school board responsibilities.

**VII. Related Issues:**

None.

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

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

None.

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