

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 679 CS

Health-Related Education in the Public Schools

**SPONSOR(S):** Sobel and others

**TIED BILLS:**

**IDEN./SIM. BILLS:** SB 2602

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>PreK-12 Committee</u>	<u>8 Y, 1 N, w/CS</u>	<u>Hassell</u>	<u>Mizereck</u>
2) <u>Health Care General Committee</u>	<u>6 Y, 0 N</u>	<u>Cicccone</u>	<u>Brown-Barrios</u>
3) <u>Education Appropriations Committee</u>	<u>11 Y, 0 N, w/CS</u>	<u>Eggers</u>	<u>Hamon</u>
4) <u>Education Council</u>	<u></u>	<u>Beagle</u>	<u>Cobb</u>
5) <u></u>	<u></u>	<u></u>	<u></u>

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### SUMMARY ANALYSIS

The bill requires each school district to submit a copy of the wellness policy required by federal law and its physical education policy to the Department of Education (DOE), who shall post online links to each district's policy on its website. The bill requires the DOE to post health and nutrition resources on its website.

The bill encourages school districts to provide training on first aid and CPR, and to provide 150 minutes of physical education a week for students in grades K-5 and 225 minutes each week for students in grades 6-8. The bill requires a certified physical education instructor to review all physical education programs and curricula.

The bill requires that districts annually provide parents and guardians with information on ways to help their children be physically active and eat healthy foods. It also revises the membership of the school health advisory committee so that members represent the eight component areas of the coordinated school health model.

The bill appears to have no fiscal impact. See FISCAL COMMENTS for details.

The bill provides for an effective date of July 1, 2006.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

*Provide limited government-* The bill increases the responsibilities of the Department of Education.

*Empower families* – The bill increases the amount of available information to parents, guardians and families regarding school district's wellness and physical education policies.

#### 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 did not recommend any Legislative action.

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.

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.

##### **Effects of Proposed Changes**

The bill requires each school district to submit a copy of the wellness policy and its physical education policy to the Florida Department of Education. The bill requires each district to annually review its policies, provide a procedure for public input and revisions, and send any updated policies to the Department. By December 1, 2006, the Department is required to post online links to each district's policies.

The bill requires the Department to post on its website online links to resources that include information regarding:

- Classroom instruction on the benefits of exercise and healthy eating.
- Classroom instruction on health hazards related to tobacco.
- The 8 components of a coordinated school health program.<sup>1</sup>
- The core measures for school health and wellness.
- Access to the nutritional content of foods and beverages and healthy food choices.

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<sup>1</sup> <http://www.cdc.gov/healthyyouth/CSHP/>. The eight components of a coordinated school health model include healthy school environment, counseling, psychological and social services, nutrition services, health services, health promotion for staff, family/community involvement, health education, and physical education.

- Multiple examples of school wellness policies.
- Examples of wellness classes to support staff wellness.

The bill encourages school districts to provide basic first aid training to students, including CPR, beginning in grade 6 and every two years thereafter and to provide 150 minutes of physical education a week for students in K-5 and 225 minutes each week for students in grades 6-8.

The bill requires a certified physical education instructor to review all physical education programs and curricula.

The bill requires that districts annually provide parents and guardians with information on ways to help their children be physically active and eat healthy foods. Lastly, it revises the membership of the school health advisory committee so that members represent the eight component areas of the coordinated school health model as defined by the Centers for Disease Control and Prevention.<sup>2</sup> It also encourages the committees to address the school health model in the school district's school wellness policy.

#### C. SECTION DIRECTORY:

**Section 1.** Creates s. 1003.453, F.S., requiring each school district to submit copies of the school district's wellness policy and physical education policy; requiring the department to post online links to policies and health and nutrition resources on its website.

**Section 2.** Amends s. 1003.455, F.S., requiring approval of physical education programs and curricula; encouraging districts to provide physical education for a specified amount of time; deleting obsolete language.

**Section 3.** Amends s. 381.0056, F.S., revising the composition of the school health advisory council.

**Section 4.** Provides for an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

The 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. See FISCAL COMMENTS.

### 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. See FISCAL COMMENTS.

<sup>2</sup> Id.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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

D. FISCAL COMMENTS:

Posting of nutritional information by districts and district wellness policies by DOE should be able to be carried out within existing resources and not have a fiscal impact.

Each district should have at least one certified physical education instructor who is able to review all physical education programs and curricula and as such should not have a fiscal impact.

School districts are encouraged, not required, to provide the activities in the bill not already required by federal law and as such do not have a fiscal impact.

### 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. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

There do not appear to be any other constitutional issues.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create, modify, or eliminate rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 28, 2006 the PreK-12 Committee adopted a strike-all amendment to the bill.

- The strike-all removes the “whereas clauses” from the bill.
- The original bill required DOE to post each school’s wellness policy on its website. Instead, the strike-all requires DOE to post online links to district policies.
- The original bill required DOE to provide a model wellness policy on its website that contained specified components. The strike-all removes this requirement, and states that DOE must provide online links to resources to information addressing items formerly listed as policy components.
- The original bill required DOE to provide nutritional information in rubric format on its website. The strike-all removes this requirement.
- The original bill required school districts to provide first aid training to students. The strike-all encourages that such training be provided.

On April 11, 2006 the Education Appropriations Committee adopted an amendment to include guardians in addition to parents for the requirement of schools to provide information annually on physical activity and healthful foods.