

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government- The bill increases the responsibilities of the Department of Education to post online a model wellness policy and to provide school districts with the following nutrition guidelines. The bill also requires the district's school nutrition department to support staff wellness classes and provide nutrition education to teachers and school support staff.

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.

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 provide public electronic access to the district policies.

The bill requires the Department to post on its website a model school wellness policy that must address the following:

- Require classroom instruction on the benefits of exercise and healthy eating.
- Require classroom instruction on health hazards related to tobacco.
- Address 4 of the 8 components of a coordinated school health program.¹
- Establish core measures for school health and wellness.

¹ <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.

- Requiring students beginning in grade 6 to receive basic first aid training, including CPR, at least every 2 years.

The bill requires the Department to provide school districts with the following nutrition guidelines in rubric format:

- All food and beverages some on campus throughout the day.
- Ensure access to healthy food choices.
- Ensure access to nutritional information on food and beverages sold or available from the school's food service department.
- Direct school nutrition department to support staff wellness classes and provide nutrition education to teachers and school support staff.

The bill requires a certified physical education instructor to review all physical education programs and related lesson plans. Also, the bill encourages districts 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 that districts provide parents with information on ways to help their children be physically active and eat healthy foods. Lastly, it revises 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.² 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 provide a model school wellness policy and nutrition guidelines.

Section 2. Amends s. 1003.455, F.S., requiring approval of physical education programs and lesson plans; 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:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

The Department of Education bill analysis states that the agency would require three additional Program Specialists to develop model policies and fulfill the requirements of monitoring of the wellness policy requirements outlined in this bill and as required by the Child Nutrition and WIC Reauthorization Act of 2004, being implemented in September 2006. This staff would be needed in order to meet federal regulation requirements. Dollars for additional staff would not come from state funds but from federal funds. However, the state would have to allocate these positions. The classifications and costs associated with the additional staffing requirements are:

² Id.

Program Specialist III (3)

Base Salary & Benefits	\$51,714
Expenses	9,746
OCO	1,900
Human Resource Services	<u>393</u>
TOTAL	\$63,753 x 3 = \$191,259

Travel costs associated with the positions description and other tasks are estimated at \$38,880 annually. The itemization of travel costs is:

Three staff traveling an average of 2 times per month for 4 days.

4 days (3 nights) hotel:	\$300
Per diem (4 days):	\$113
Auto (3 days):	<u>\$127</u>
Total	\$540 each trip X 2 per month X 3 staff members = \$3,240 monthly costs

ANNUAL TOTAL \$3,240 x 12 = \$38,880

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:

The fiscal impact of the bill to school districts is indeterminate. Wellness and physical education policies are already required; however, school districts may incur costs related to annual review and revisions as well as review of physical education programs and lesson plans.

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