

1 A bill to be entitled

2 An act relating to health-related education in the public
3 schools; creating s. 1003.453, F.S.; requiring each school
4 district to submit to the Department of Education, by a
5 specified deadline, copies of the district's school
6 wellness policy and physical education policy; requiring
7 the school district to review those policies annually;
8 requiring the department and the school districts to post
9 those policies on their websites; requiring the department
10 to provide a model school wellness policy and nutrition
11 guidelines and prescribing minimum contents thereof;
12 amending s. 1003.455, F.S.; requiring school district
13 physical education programs and lesson plans to be
14 approved; encouraging school districts to provide physical
15 education for a specified amount of time; deleting
16 obsolete language; amending s. 381.0056, F.S., the "School
17 Health Services Act"; requiring schools to provide certain
18 information to students' parents or guardians; providing
19 requirements relating to the membership of school health
20 advisory committees; encouraging the committees to address
21 specified matters; providing an effective date.

22
23 WHEREAS, Governor Jeb Bush convened the Governor's Task
24 Force on the Obesity Epidemic in fall 2003, and

25 WHEREAS, the Governor's Task Force on the Obesity Epidemic
26 recommended that families and other caregivers coordinate with
27 schools, community organizations, and policymakers to support
28 and sustain healthy lifestyles among youth, and

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29 WHEREAS, the Governor's task force recommended that every
30 school district be required to maintain independent nutrition,
31 physical activity, and physical fitness advisory panels, which
32 would be charged with meeting at least annually to review and
33 determine strong school district policies with respect to all
34 nutritional, physical activity, and physical fitness offerings
35 at schools and to report on compliance to the Department of
36 Education and district school boards, and

37 WHEREAS, the Secretary of Health hosted obesity summits in
38 2004-2005, including one on Solutions in the School Setting, and

39 WHEREAS, the Governor's task force and the obesity summits
40 showed that schools are logical partners in preventing and
41 reducing childhood obesity, and

42 WHEREAS, the majority of our children are enrolled in
43 school, and

44 WHEREAS, school health programs can improve knowledge,
45 attitudes, behaviors, and outcomes, and

46 WHEREAS, the percentage of children and adolescents in the
47 United States who are overweight has tripled to 15 percent
48 during the last 30 years, and

49 WHEREAS, 25 percent of children ages 5 to 10 have high
50 cholesterol, high blood pressure, or other early warning signs
51 of heart disease, and

52 WHEREAS, newly completed research shows a significant
53 relationship between academic achievement and physical fitness
54 and healthful nutrition, and

55 WHEREAS, the majority of food and beverage choices at
56 schools are high-fat, high-sodium snacks and high-fat, high-

57 | sugar baked goods, and

58 | WHEREAS, approximately one-third of high school students
59 | are not getting enough physical activity, and

60 | WHEREAS, many of the youth ages 9-12 have no physical
61 | activity outside of the school day, and

62 | WHEREAS, healthy eating and physical activity lead to
63 | improved academics, improved behavior, improved short-term and
64 | long-term health, and reduced health care costs, and

65 | WHEREAS, the Centers for Disease Control and Prevention
66 | (CDC) recommends that schools offer nutritious food and
67 | beverages in all venues, and

68 | WHEREAS, the CDC encourages schools to adopt comprehensive
69 | nutrition and physical activity policies, and

70 | WHEREAS, the CDC says that standards for physical education
71 | and activity should be set to promote healthy lifestyles and
72 | healthy behaviors, and

73 | WHEREAS, schools should inform parents and the community of
74 | activities which promote healthy eating and physical activity,
75 | and

76 | WHEREAS, parents should be solicited for involvement in
77 | promoting healthy eating and physically active living, and

78 | WHEREAS, promoting healthy lifestyles at the elementary,
79 | middle, and high school levels will reduce the rate of childhood
80 | obesity, improve patient outcomes, and save lives, NOW,

81 | THEREFORE,

82 |

83 | Be It Enacted by the Legislature of the State of Florida:

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85 Section 1. Section 1003.453, Florida Statutes, is created
86 to read:

87 1003.453 School wellness and physical education policies;
88 nutrition guidelines.--

89 (1) By September 1, 2006, each school district shall
90 submit to the Department of Education a copy of its school
91 wellness policy as required by the Child Nutrition and WIC
92 Reauthorization Act of 2004 and a copy of its physical education
93 policy required under s. 1003.455. Each school district shall
94 annually review its school wellness policy and physical
95 education policy and provide a procedure for public input and
96 revisions. In addition, each school district shall send an
97 updated copy of its wellness policy and physical education
98 policy to the department when a change or revision is made.

99 (2) By December 1, 2006, the department shall post each
100 school district's school wellness policy and physical education
101 policy on its website so that the policies can be accessed and
102 reviewed by the public. Each school district shall provide the
103 most current versions of its school wellness policy and physical
104 education policy on the district's website.

105 (3) The department must provide on its website a model
106 school wellness policy that may be accessed and reviewed by
107 school districts and the public. The model school wellness
108 policy must at a minimum:

109 (a) Require that all students receive classroom
110 instruction on the benefits of exercise and healthful eating.

111 (b) Require that all students receive classroom
112 instruction on the health hazards of using tobacco and being

113 exposed to tobacco smoke.

114 (c) Address at least four of the eight components of a
115 coordinated school health program, including health education,
116 physical education, health services, and nutrition services.

117 (d) Establish core measures for school health and
118 wellness, such as the School Health Index.

119 (e) Require that, starting in grade 6, all students
120 receive basic training in first aid, including cardiopulmonary
121 resuscitation, at least every 2 years.

122 (4) By December 1, 2006, the department must provide
123 nutrition guidelines for school districts in a rubric format
124 which must at a minimum:

125 (a) Provide nutrition guidelines for all food and
126 beverages sold on campus throughout the school day through
127 vending machines, as a la carte items, through fund raisers, or
128 through other means.

129 (b) Ensure that each student has access to healthful food
130 choices in accordance with dietary guidelines of the United
131 States Department of Agriculture.

132 (c) Ensure that each student and his or her parents have
133 access to information concerning the nutritional content of food
134 and beverages sold by or available from the school's food
135 service department at breakfast, at lunch, and after school.

136 (d) Direct the school nutrition department to support
137 staff wellness classes that provide nutrition education for
138 teachers and school support staff. Schools are encouraged to
139 provide classes that are taught by a licensed nutrition
140 professional from the school nutrition department.

141 Section 2. Section 1003.455, Florida Statutes, is amended
 142 to read:

143 1003.455 Physical education; assessment.--

144 (1) It is the responsibility of each district school board
 145 to develop a physical education program that stresses physical
 146 fitness and encourages healthy, active lifestyles and to
 147 encourage all students in prekindergarten through grade 12 to
 148 participate in physical education. Physical education shall
 149 consist of physical activities of at least a moderate intensity
 150 level and for a duration sufficient to provide a significant
 151 health benefit to students, subject to the differing
 152 capabilities of students. All physical education programs and
 153 related lesson plans must be reviewed and approved by a
 154 certified physical education instructor.

155 (2) Each district school board shall, ~~no later than~~
 156 ~~December 1, 2004,~~ adopt a written physical education policy that
 157 details the school district's physical education program and
 158 expected program outcomes. ~~Each district school board shall~~
 159 ~~provide a copy of its written policy to the Department of~~
 160 ~~Education by December 15, 2004.~~

161 (3) Each district school board is encouraged to provide
 162 150 minutes of physical education each week for students in
 163 kindergarten through grade 5 and 225 minutes each week for
 164 students in grades 6 through 8. ~~Any district that does not adopt~~
 165 ~~a physical education policy by December 1, 2004, shall, at a~~
 166 ~~minimum, implement a mandatory physical education program for~~
 167 ~~kindergarten through grade 5 which provides students with 30~~
 168 ~~minutes of physical education each day, 3 days a week.~~

169 Section 3. Subsections (2) and (5) of section 381.0056,
 170 Florida Statutes, are amended to read:

171 381.0056 School health services program.--

172 (2) The Legislature finds that health services conducted
 173 as a part of the total school health program should be carried
 174 out to appraise, protect, and promote the health of students.
 175 School health services supplement, rather than replace, parental
 176 responsibility and are designed to encourage parents to devote
 177 attention to child health, to discover health problems, and to
 178 encourage use of the services of their physicians, dentists, and
 179 community health agencies. Each school shall annually provide to
 180 the parents or guardians of each of its students information on
 181 ways that they can help their children to be physically active
 182 and to eat healthful foods.

183 (5) (a) Each county health department shall develop,
 184 jointly with the district school board and the local school
 185 health advisory committee, a school health services plan; and
 186 the plan must ~~shall~~ include, at a minimum, provisions for:

- 187 1.(a) Health appraisal;
- 188 2.(b) Records review;
- 189 3.(c) Nurse assessment;
- 190 4.(d) Nutrition assessment;
- 191 5.(e) A preventive dental program;
- 192 6.(f) Vision screening;
- 193 7.(g) Hearing screening;
- 194 8.(h) Scoliosis screening;
- 195 9.(i) Growth and development screening;
- 196 10.(j) Health counseling;

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197 11.~~(k)~~ Referral and followup of suspected or confirmed
198 health problems by the local county health department;

199 12.~~(l)~~ Meeting emergency health needs in each school;

200 13.~~(m)~~ County health department personnel to assist school
201 personnel in health education curriculum development;

202 14.~~(n)~~ Referral of students to appropriate health
203 treatment, in cooperation with the private health community
204 whenever possible;

205 15.~~(o)~~ Consultation with a student's parent or guardian
206 regarding the need for health attention by the family physician,
207 dentist, or other specialist when definitive diagnosis or
208 treatment is indicated;

209 16.~~(p)~~ Maintenance of records on incidents of health
210 problems, corrective measures taken, and such other information
211 as may be needed to plan and evaluate health programs; except,
212 however, that provisions in the plan for maintenance of health
213 records of individual students must be in accordance with s.
214 1002.22;

215 17.~~(q)~~ Health information which will be provided by the
216 school health nurses, when necessary, regarding the placement of
217 students in exceptional student programs and the reevaluation at
218 periodic intervals of students placed in such programs; and

219 18.~~(r)~~ Notification to the local nonpublic schools of the
220 school health services program and the opportunity for
221 representatives of the local nonpublic schools to participate in
222 the development of the cooperative health services plan.

223 (b) Each school health advisory committee must, at a
224 minimum, include members who represent the eight component areas

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225 of the coordinated school health model as defined by the Centers
226 for Disease Control and Prevention. School health advisory
227 committees are encouraged to address the eight components of the
228 coordinated school health model in the school district's school
229 wellness policy pursuant to s. 1003.453.

230 Section 4. This act shall take effect July 1, 2006.