

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1163 & HB 757 Public School Physical Education

SPONSOR(S): Dorworth; Davis, D.

TIED BILLS: IDEN./SIM. BILLS:

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR. Row 1: Orig. Comm.: Schools & Learning Council, 14 Y, 2 N, Kutasi/Eggers, Cobb. Row 2: 1) Policy & Budget Council, Martin, Hansen. Rows 3-5 are empty.

SUMMARY ANALYSIS

Florida law requires a district school board to provide 150 minutes of physical education (P.E.) each week for students in kindergarten through grade 5. The bill requires that, with regard to those 150 minutes, students must participate in at least 30 consecutive minutes of P.E. whenever they are participating in P.E.

The bill expands the 150 minute P.E. requirement to include students in grade 6 who are enrolled in a school that contains one or more elementary grades.

Beginning with the 2009-2010 school year, the bill requires that students in grade 6, who are enrolled in a school that does not contain an elementary grade, and students in grades 7 and 8 must take "one class period per day, or the equivalent, of P.E. for one semester of each school year." These students may be exempted from this requirement if:

- The parent requests, in writing and prior to the student's enrollment, an exemption from the P.E. requirement; or
• The schedule for the student's courses of study cannot be modified to provide adequate time for P.E. without interfering with the student's normal progression or enrollment in a remedial course.

The bill deletes language encouraging a district school board to provide 225 minutes of P.E. each week for students in grades 6 through 8.

The bill does not appear to have a fiscal impact on state government expenditures. However, for local school districts, according to the Department of Education, if each school district uses only certified P.E. teachers, 1,835 additional P.E. teachers would be required at a cost of \$89,500,290 annually in salaries and benefits. However, the bill retains a school district's ability to use any instructional personnel to teach P.E. (not simply certified P.E. teachers), thereby minimizing costs. The costs to school districts is indeterminate.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

#### B. EFFECT OF PROPOSED CHANGES:

##### Background:

Between 1976–1980 and 2003–2004, the percentage of overweight children increased from 5.0 percent to 13.9 percent for those aged 2–5 years, from 6.5 percent to 18.8 percent for those aged 6–11 years, and from 5.0 percent to 17.4 percent for those aged 12–19 years.<sup>1</sup> As a result, states are implementing various health policies and programs within schools, including revising physical education (P.E.) requirements. According to a national study using data from the 2006-2007 school year, 69.3 percent of elementary schools, 83.9 percent of middle schools, and 95.2 percent of high schools required P.E.<sup>2</sup> During that same school year, 3.8 percent of elementary schools, 7.9 percent of middle schools, and 2.1 percent of high schools provided daily P.E., or its equivalent, for the entire school year for students in all grades of the school.<sup>3</sup>

##### Present Situation:

Florida law requires a district school board to develop a P.E. program that stresses physical fitness and encourages healthful, active lifestyles.<sup>4</sup> P.E. must consist of physical activities of at least a moderate intensity level and for a duration sufficient to provide a significant health benefit to students, subject to the differing capabilities of students.<sup>5</sup> Each district school board must adopt a written P.E. policy detailing the school district's P.E. program and expected program outcomes.<sup>6</sup>

Florida law requires a district school board to provide 150 minutes of P.E. each week for students in kindergarten through grade 5.<sup>7</sup> Furthermore, a district school board is encouraged to provide 225 minutes of P.E. each week for students in grades 6 through 8.<sup>8</sup> As a part of Florida's general requirements for high school graduation, a student must receive one credit in P.E.<sup>9</sup>

P.E. instruction in kindergarten through grade 5 may be provided by any instructional personnel<sup>10</sup> regardless of certification, as designated by the school principal.<sup>11</sup>

---

<sup>1</sup> The Center for Disease Control and Prevention, *Physical Activity and Good Nutrition: Essential Elements to Prevent Chronic Disease and Obesity*, available at <http://www.cdc.gov/nccdphp/publications/aag/dnpa.htm> (last viewed Apr. 2, 2008).

<sup>2</sup> The Center for Disease Control and Prevention, *SHPPS 2006: School Health Policies and Programs Study-Physical Education*, available at [http://www.cdc.gov/HealthyYouth/shpps/2006/factsheets/component\\_index.htm](http://www.cdc.gov/HealthyYouth/shpps/2006/factsheets/component_index.htm) (last viewed Apr. 2, 2008).

<sup>3</sup> *Id.* (The equivalent of daily physical education is 150 minutes per week in elementary schools and 225 minutes per week in middle and high schools.)

<sup>4</sup> §1003.455(1), Fla. Stat.

<sup>5</sup> *Id.*

<sup>6</sup> §1003.455(2), Fla. Stat.

<sup>7</sup> §1003.455(3), Fla. Stat.

<sup>8</sup> *Id.*

<sup>9</sup> §1003.428(2)(a)(6), Fla. Stat.

<sup>10</sup> §1012.01(2), Fla. Stat., defines “instruction personnel” as classroom teachers, staff members responsible for student personnel services, librarians and media specialists, other instructional staff, and education paraprofessionals.

<sup>11</sup> §1003.455(3), Fla. Stat.

## Effect of Proposed Changes:

This bill adds a requirement for a district school board's written P.E. policy to include "the benefits of physical education, and the availability of one-on-one counseling concerning the benefits of physical education."

The bill expands the 150 minute per week P.E. requirement for students from kindergarten through grade 5 to include "students in grade 6 who are enrolled in a school that contains one or more elementary grades." The bill requires that, with regard to those 150 minutes, students must participate in at least 30 consecutive minutes of P.E. whenever they are participating in P.E.

Additionally, beginning with the 2009-2010 school year, the bill requires a student in grade 6, enrolled in a school that does *not* contain an elementary grade, and students in grades 7 and 8 to take "one class period per day, or the equivalent, of physical education for one semester of each school year." The effective date of this provision allows school districts adequate time to establish teacher and student schedules in compliance with the new P.E. requirement.

The bill exempts students from P.E. in grade 6, who are enrolled in a school that does not contain an elementary grade, and students in grades 7 and 8 if:

- The parent requests in writing, prior to the student's enrollment, an exemption from the physical education requirement. The parent may make such a written request for each school year the student is in grades 6, 7, or 8; or
- The schedule for the student's courses of study cannot be modified to provide adequate time for the required minutes of physical education without interfering with the student's normal progression<sup>12</sup> or enrollment in a remedial course.<sup>13</sup>

The bill deletes the provision encouraging a district school board to provide 225 minutes of P.E. each week for students in grades 6 through 8.

The existing provisions of law allow instructional personnel, regardless of certification, to teach P.E. This same provision applies to the required P.E. instruction for students in grades 6, 7, 8.

### C. SECTION DIRECTORY:

**Section 1.** Amends s. 1003.455, adding requirements regarding a district school board's P.E. policy; requiring 30 consecutive minutes of P.E. on any day P.E. is provided for certain grades; expanding P.E. requirements to grades 6 through 8; and creating exceptions to the P.E. requirement.

**Section 2.** Provides an effective date of July 1, 2008.

---

<sup>12</sup> §1003.4156, Fla. Stat., provides that, beginning with students in grade 6 in the 2006-2007 school year, in order to be promoted to the ninth grade a student must complete the following: three middle school or higher courses in English (emphasizing literature, composition, and technical text); three middle school or higher courses in mathematics; three middle school or higher courses in social studies (one semester of which must include the study of state and federal government and civics education); three middle school or higher courses in science; and one semester-long course in career and education planning to be completed in seventh or eighth grade.

<sup>13</sup> §1003.4156, Fla. Stat., provides that in order to be promoted to the ninth grade, a student receiving a score at Level 1 on FCAT Reading must be enrolled in and complete an intensive reading course the following year. Students receiving a score at Level 2 on FCAT Reading must be placed in either an intensive reading course or a content area course in which reading strategies are delivered and determined by diagnosis of reading needs. The statute further provides that a student receiving a score at Level 1 or Level 2 on FCAT Mathematics must receive remediation the following year which may be integrated into the student's required mathematics course.

## 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:

The bill does not appear to have a fiscal impact on state government expenditures.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

The bill does not appear to have a fiscal impact on local government revenues.

#### 2. Expenditures:

The bill requires one class period of P.E. per day for one semester of each year a student is enrolled in the sixth, seventh, and eighth grades. According to the Department of Education, if each school district uses only certified P.E. teachers, 1,835 additional P.E. teachers would be required at a cost of \$89,500,290 annually in salaries and benefits. However, the bill retains a school district's ability to use *any* instructional personnel to teach P.E. (not simply certified P.E. teachers), thereby minimizing costs. Costs will also be reduced as a result of students not taking P.E. because of parental requests or because the students' courses of study cannot be modified to provide adequate time for P.E. without interfering with their normal progression or enrollment in remedial courses. Also, P.E. classes are not subject to class size maximum restrictions. The costs to school districts is indeterminate.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

#### 1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require a city or county to expend funds or to take any action requiring the expenditure of funds. The bill does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

Not applicable.

#### IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On April 8, 2008, the Schools and Learning Council adopted a council substitute for HB 1163 and HB 757.

House Bill 757 required 225 minutes of physical education each week for students in grades 6 through 8. Existing law only encourages a district school board to provide 225 minutes of P.E each week for students in grades 6 through 8.

In contrast, the council substitute requires, beginning with the 2009-2010 school year, that students in grade 6, who are enrolled in a school that does not contain an elementary grade, and students in grades 7 and 8 must take "one class period per day, or the equivalent, of P.E. for one semester of each school year." These students may be exempted from this requirement if:

- The parent requests, in writing and prior to the student's enrollment, an exemption from the P.E. requirement; or
- The schedule for the student's courses of study cannot be modified to provide adequate time for P.E. without interfering with the student's normal progression or enrollment in a remedial course.

The council substitute in addition amends the existing law that students in K to grade 5 receive 150 minutes of P.E., by including students in grade 6 who are enrolled in a school that contains one or more elementary grades. The council substitute also requires that, regarding the 150 minutes currently required by law, students must participate in at least 30 consecutive minutes of P.E. whenever they are participating in P.E.

Both HB 757 and the council substitute delete language *encouraging* a district school board to provide 225 minutes of P.E. each week for students in grades 6 through 8.