

1 A bill to be entitled
 2 An act relating to physical education; providing a short
 3 title; amending s. 1003.455, F.S.; requiring physical
 4 education in grades 6 through 8; providing for waivers
 5 under certain circumstances; requiring school districts to
 6 notify parents of the waiver options; providing an
 7 effective date.

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 9 Be It Enacted by the Legislature of the State of Florida:

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 11 Section 1. This act may be cited as the "Don Davis
 12 Physical Education Act."

13 Section 2. Section 1003.455, Florida Statutes, is amended
 14 to read:

15 1003.455 Physical education; assessment.--

16 (1) It is the responsibility of each district school board
 17 to develop a physical education program that stresses physical
 18 fitness and encourages healthful, active lifestyles and to
 19 encourage all students in prekindergarten through grade 12 to
 20 participate in physical education. Physical education shall
 21 consist of physical activities of at least a moderate intensity
 22 level and for a duration sufficient to provide a significant
 23 health benefit to students, subject to the differing
 24 capabilities of students. All physical education programs and
 25 curricula must be reviewed by a certified physical education
 26 instructor.

27 (2) Each district school board shall adopt a written
 28 physical education policy that details the school district's

29 | physical education program, the ~~and~~ expected program outcomes,
 30 | the benefits of physical education, and the availability of one-
 31 | on-one counseling concerning the benefits of physical education.

32 | (3) Each district school board shall provide 150 minutes
 33 | of physical education each week for students in kindergarten
 34 | through grade 5 and for students in grade 6 who are enrolled in
 35 | a school that contains one or more elementary grades so that on
 36 | any day during which physical education instruction is conducted
 37 | there are at least 30 consecutive minutes per day. Beginning
 38 | with the 2009-2010 school year, the equivalent of one class
 39 | period per day of physical education for one semester of each
 40 | year is required for students enrolled in grades 6 through 8.
 41 | Students enrolled in such instruction shall be reported through
 42 | the periodic student membership surveys, and records of such
 43 | enrollment shall be audited pursuant to s. 1010.305. Such
 44 | instruction may be provided by any instructional personnel as
 45 | defined in s. 1012.01(2), regardless of certification, who are
 46 | designated by the school principal. ~~Each district school board~~
 47 | ~~is encouraged to provide 225 minutes of physical education each~~
 48 | ~~week for students in grades 6 through 8.~~

49 | (4) The requirement in subsection (3) shall be waived for
 50 | a student who meets one of the following criteria:

51 | (a) The student is enrolled or required to enroll in a
 52 | remedial course.

53 | (b) The student's parent indicates in writing to the
 54 | school that:

55 | 1. The parent requests that the student enroll in another
 56 | course from among those courses offered as options by the school

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57 district; or

58 2. The student is participating in physical activities
59 outside the school day which are equal to or in excess of the
60 mandated requirement.

61 (5) Each school district shall notify the student's parent
62 of the options available under subsection (4) before scheduling
63 the student to participate in physical education.

64 Section 3. This act shall take effect July 1, 2008.