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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 Physical
12 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 capabilities
24 of students. All physical education programs and curricula must
25 be reviewed by a certified physical education instructor.

26 (2) Each district school board shall adopt a written
27 physical education policy that details the school district's
28 physical education program, the ~~and~~ expected program outcomes,
29 the benefits of physical education, and the availability of one-

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30 on-one counseling concerning the benefits of physical education.

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

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

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

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

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

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

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59 mandated requirement.

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

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