

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Education Pre-K - 12 Committee

BILL: CS/SB 1320

INTRODUCER: Education Pre-K-12 Committee and Senators Wise, Storms, and Sobel

SUBJECT: Physical Education Instruction in Public Schools

DATE: March 30, 2011 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harkey	Matthews	ED	Fav/CS
2.			BC	
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

This bill would remove the possibility of a statutory waiver from the required physical education instruction for elementary students. The bill would authorize a middle school student to receive a waiver from the required physical education instruction for a period of one semester each year if:

- The student is enrolled in a remedial course; or
- One of the following documents is presented to the school principal:
 - A parent’s written statement that the student is enrolled in another course provided by the school district, followed by the student’s enrollment in that course;
 - A parent’s written statement that the student is participating in physical activities outside the school day; or
 - A physician’s note specifying the health reason as to why the student should not participate in physical education activities.

This bill amends s. 1003.455, Florida Statutes.

II. Present Situation:

Childhood Obesity

According to the U.S. Centers for Disease Control (CDC), the prevalence of obesity in children ages 6 to 11 years increased from 6.5 percent in 1980 to 19.6 percent in 2008. For children ages 12 to 19, the prevalence of obesity increased from 5.0 percent to 18.1 percent in the same period.¹ The factors that can increase an individual's tendency to develop extra body weight include genetics, diet, and lack of physical activity.² According to the U.S. Department of Health, "Being overweight during childhood and adolescence increases the risk of developing high cholesterol, hypertension, respiratory ailments, orthopedic problems, depression and type 2 diabetes as a youth."³ One of the factors in childhood obesity, lack of physical activity, is addressed by Florida's statutory requirements for physical education in elementary and middle school.

Required Physical Education Instruction in Elementary and Middle Schools

Each district school board is required to provide 150 minutes of physical education for students in kindergarten through grade 5 and for students in grade 6 who are enrolled in a school that contains one or more elementary grades, so that on any day during which physical education instructions is conducted, there are at least 30 consecutive minutes per day.⁴ The equivalent of one class period per day of physical education for one semester of each year is required for students enrolled in grades 6 through 8. The instruction in physical education may be delivered by any instructional personnel as defined in s. 1012.01(2), F.S., regardless of certification, who are designated by the school principal.⁵

The requirements for physical education in elementary and middle school must be waived for a student who meets one of the following criteria:

- The student is enrolled or required to enroll in a remedial course;
- The parent requests in writing that the student enrolls in another course from among those courses offered as options by the school district; or
- The student's parent indicates in writing to the school that the student is participating in physical activities outside the school day which are equal to or in excess of the mandated requirement.⁶

According to data from fall 2010 from the Department of Education (DOE), over 99.5 percent of students in grades K-5 are enrolled in physical education. Statewide, the average minutes per week of physical education received by students in grades K-5 exceeds the minimum requirement of 150 minutes, ranging from 174 minutes in kindergarten to 172 minutes in grades 3, 4 and 5.

¹ U.S. Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, "childhood Obesity." Readable at: <http://www.cdc.gov/healthyyouth/obesity/>

² U.S. Centers for Disease Control and Prevention, "Overweight and Obesity." Readable at: http://aspe.hhs.gov/health/reports/child_obesity/

³ U.S. Department of Health and Human Services Assistant Secretary for Planning and Evaluation, "Childhood Obesity." Readable at: http://aspe.hhs.gov/health/reports/child_obesity/

⁴ s. 1003.455(3), F.S.

⁵ *Id.*

⁶ s. 1003.455(4), F.S.

The fall 2010 DOE survey for grades 6-8 shows that 60 to 64 percent of the students are enrolled in physical education. Statewide, the average minutes per week of physical education received by students enrolled in grades 6-8 ranges from 217 minutes in grade 8 to 227 minutes in grade 6.

III. Effect of Proposed Changes:

This bill would remove the possibility of a statutory waiver from the required physical education instruction for elementary students.. The bill revises the authorization for a middle school student to receive a waiver from physical education requirements by:

- Limiting the waiver to a period of one semester each year; and
- Authorizing a waiver if:
 - The student is enrolled in a remedial course; or
 - One of the following documents is presented to the school principal:
 - A parent's written statement that the student is enrolled in another course provided by the school district, followed by the student's enrollment in that course;
 - A parent's written statement that the student is participating in physical activities outside the school day; or
 - A physician's note specifying the health reason as to why the student should not participate in physical education activities.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education Pre-K-12 on March 30, 2011:

The committee substitute:

- Does not require the physical education instruction to be provided by certified physical education teachers; and
- Authorizes three types of documents for a waiver of the required physical education in middle school.

B. Amendments:

None.