

By Senator Wise

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1 A bill to be entitled

2 An act relating to physical education instruction in
3 public schools; amending s. 1003.455, F.S.; requiring
4 that physical education instruction for students in
5 kindergarten through grade 5 be delivered by a
6 certified physical education teacher; requiring that
7 each school district implement such requirement during
8 a 5-year period; requiring that each district school
9 board provide 150 minutes of physical education
10 instruction by a certified physical education teacher
11 each week for students in grade 6 who are enrolled in
12 a school that contains one or more elementary grades
13 so that on any day during which physical education
14 instruction is conducted there are at least 30
15 consecutive minutes per day; providing that a student
16 may have the physical education requirement waived for
17 a period of one semester each year under certain
18 circumstances; providing an effective date.

19
20 WHEREAS, every year an estimated 300,000 people in the
21 United States die because they are overweight or obese, and

22 WHEREAS, since 1970, the number of overweight children in
23 Florida has increased by 300 percent, and

24 WHEREAS, overweight or obese children experience the same
25 risk factors associated with heart disease in adults such as
26 high blood pressure, high cholesterol levels, and Type 2
27 diabetes, once known as adult-onset diabetes, and

28 WHEREAS, studies have shown that up to 80 percent of
29 overweight adolescents become overweight adults, and

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30 WHEREAS, the annual economic impact in the United States
31 from obesity on our health care system is estimated by the
32 Centers for Disease Control and Prevention at \$147 billion, and

33 WHEREAS, a recent study by a major insurance carrier stated
34 that 50 percent of all Americans will develop diabetes by 2020,
35 which will cost the health care system approximately \$3.35
36 trillion if current trends in obesity are not abated, and

37 WHEREAS, early education on proper physical fitness and
38 nutrition will provide a foundation for a child's future as does
39 learning to read, which prepares a child for success in his or
40 her life and academic achievement, NOW, THEREFORE,

41
42 Be It Enacted by the Legislature of the State of Florida:

43
44 Section 1. Subsections (3), (4), and (5) of section
45 1003.455, Florida Statutes, are amended to read:

46 1003.455 Physical education; assessment.—

47 (3) Each district school board shall provide 150 minutes of
48 physical education each week for students in kindergarten
49 ~~through grade 5 and for students in grade 6 who are enrolled in~~
50 ~~a school that contains one or more elementary grades~~ so that on
51 any day during which physical education instruction is conducted
52 there are at least 30 consecutive minutes per day. In order to
53 ensure that physical education instruction is delivered by a
54 highly qualified teacher commensurate with all subject areas,
55 the instruction must be provided by a certified physical
56 education teacher. This requirement shall be implemented by each
57 school district during a 5-year period, beginning with the 2012-
58 2013 school year and through the 2016-2017 school year.

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59 (4) Each district school board shall provide 150 minutes of
60 physical education instruction by a certified physical education
61 teacher each week for students in grade 6 who are enrolled in a
62 school that contains one or more elementary grades so that on
63 any day during which physical education instruction is conducted
64 there are at least 30 consecutive minutes per day.

65 (5) Beginning with the 2009-2010 school year, the
66 equivalent of one class period per day of physical education for
67 one semester of each year is required for students enrolled in
68 grades 6 through 8. Students enrolled in such instruction shall
69 be reported through the periodic student membership surveys, and
70 records of such enrollment shall be audited pursuant to s.
71 1010.305. Such instruction shall ~~may~~ be provided by a certified
72 physical education teacher to ensure that instruction is
73 delivered by a highly qualified teacher commensurate with all
74 subject areas ~~any instructional personnel as defined in s.~~
75 ~~1012.01(2), regardless of certification, who are designated by~~
76 ~~the school principal. This requirement shall be implemented by~~
77 ~~each school district during a 5-year period, beginning with the~~
78 ~~2012-2013 school year and through the 2016-2017 school year.~~

79 (6)~~(4)~~ The requirement in subsection (5) ~~(3)~~ shall be
80 waived for a student for a period of one semester each year who
81 meets one of the following criteria:

82 (a) The student is enrolled or required to enroll in a
83 remedial course.

84 (b) The student's parent indicates in writing to the school
85 that~~÷~~

86 1. ~~The parent requests that~~ the student is enrolled ~~enroll~~
87 in another course, including, but not limited to, ~~from among~~

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88 ~~these~~ courses offered as options by the school district. ~~or~~
89 (c)2. The student's parent or guardian indicates in writing
90 and provides documentation to the school reviewed by a certified
91 physical education teacher that the student is participating in
92 physical activities outside the school day which are equal to or
93 in excess of the mandated requirement.

94 (7)~~(5)~~ Each school district shall notify the student's
95 parent of the options available under subsection (6) ~~(4)~~ before
96 scheduling the student to participate in physical education.

97 Section 2. This act shall take effect July 1, 2011.