

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 4057 Physical Education in the Public Schools

SPONSOR(S): K-20 Innovation Subcommittee; Metz

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-20 Innovation Subcommittee	9 Y, 6 N, As CS	Thomas	Sherry
2) Education Committee		Thomas	Klebacha

SUMMARY ANALYSIS

The bill repeals the requirement for each district school board to provide the equivalent of one class period per day of physical education for one semester of each year for students enrolled in grades 6 through 8.

In addition, the bill removes the requirement for each district school board to provide 150 minutes of physical education each week for students in grade 6 who are enrolled in a school that contains one or more elementary grades.

The bill does not appear to have a fiscal impact.

The bill provides an effective date of July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Current law requires each school board to provide 150 minutes of physical education instruction for students in kindergarten through grade 5 and for students in grade 6 who are enrolled in a public school that contains one or more elementary grades, so that on any day during which physical education instruction is conducted, there are at least 30 consecutive minutes of instruction per day.¹ Prior to the passage of SB 610 in 2008, many school districts had been counting a student walking to lunch, watching a film on nutrition or stretching for a few minutes by their desk as exercise.²

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.

Students enrolled in physical education instruction must be reported through the periodic student membership surveys and records of such enrollment must be audited pursuant to s. 1010.305, F.S. This reporting and auditing requirement was in law for students in grades K through 5 prior to the passage of SB 610 in 2008.

The requirements for physical education in public elementary (grades K-5) and middle schools (grades 6-8) 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 requirements.³

Effect of Proposed Changes

The bill repeals the requirement for each district school board to provide the equivalent of one class period per day of physical education for one semester of each year for students enrolled in grades 6 through 8.

In addition, the bill removes the requirement for each district school board to provide 150 minutes of physical education each week for students in grade 6 who are enrolled in a school that contains one or more elementary grades.

The bill does not prohibit district school boards from offering physical education instruction. Instead, the repeal allows district school boards greater flexibility when establishing course offerings. The bill also provides students in grades 6 through 8 with greater flexibility by enabling them to choose other elective courses in lieu of physical education. Based on student participation in physical education courses prior to the mandate, it is anticipated that district school boards will continue to offer physical education courses and many students will continue to choose to enroll in those courses.

The bill maintains the requirement that district school boards provide physical education instruction for public school students in grades K through 5.

The bill provides an effective date of July 1, 2012.

¹ Section 1003.455(3), F.S.

² Stuart Goldman, *Florida Toughens Physical Education Standards*, Club Industry, July 1, 2008, available at http://www.clubindustry.com/schools/florida_toughens_physical_education

³ Section 1003.455(4), F.S.

B. SECTION DIRECTORY:

Section 1. Amends s. 1003.455, F.S., relating to physical education; assessment; to delete provisions relating to requirements of physical education instruction for students in grades 6 through 8.

Section 2. Provides an effective date of July 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On December 6, 2011, the K-20 Innovation Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute.

The strike-all amendment maintained the repeal of the requirement for each district school board to provide physical education instruction for public school students in grades 6 through 8.

The strike-all amendment restored provisions related to physical education instruction for students in grades K-5. These included:

- Requiring that physical education instruction be conducted for at least 30 consecutive minutes;
- Reporting and auditing requirements; and
- Providing criteria for a student's waiver from participation in physical education.