

**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.)

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 78

INTRODUCER: Senator Flores and others

SUBJECT: Public School Recess

DATE: February 20, 2017      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Benvenisty	Graf	ED	<b>Pre-meeting</b>
2.			AED	
3.			AP	

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**I. Summary:**

SB 78 adds an unstructured free-play recess requirement to district school boards' responsibilities regarding physical education. Specifically, the bill requires each district school board to provide at least 100 minutes of supervised, safe, and unstructured free-play recess each week for students in kindergarten through grade 5. Such recess must involve at least 20 consecutive minutes of free-play per day.

The bill takes effect July 1, 2017.

**II. Present Situation:**

Florida law requires each district school board to develop a physical education program and encourage all students in prekindergarten through grade 12 to participate in physical education.<sup>1</sup>

**Minimum Instructional Hour Requirements**

A district school board must provide for the operation of public schools for a term of 180 days or the equivalent on an hourly basis as specified by rules of the State Board of Education.<sup>2</sup>

For purposes of the Florida Educational Finance Program (FEFP), a "full-time student" is a student on the membership roll of one school program or a combination of school programs for the school year or the equivalent for not less than 720 net hours of instruction for a student in kindergarten through grade 3 or not less than 900 net hours of instruction for a student in grades 4 through 12.<sup>3</sup> As a result, a district school board must provide, on average, 4 hours of instructional time per day for students in kindergarten through grade 3, and 5 hours of instruction

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<sup>1</sup> Section 1003.455(1), F.S.

<sup>2</sup> Sections 1003.02(1)(g)1. and 1001.42(4), F.S.; Rule 6A-1.045111, F.A.C.

<sup>3</sup> Section 1011.61(1)(a)1., F.S.

per day for students in grades 4 through 12 to achieve the required minimum instructional hours during a 180-day school year.<sup>4</sup>

### **Time-Based Physical Education Requirements**

Each district school board must provide 150 minutes of physical education each week 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 instruction is conducted there are at least 30 consecutive minutes per day.<sup>5</sup>

Physical education must consist of physical activities of at least a moderate intensity level and for sufficient duration,<sup>6</sup> subject to the differing capabilities of students.<sup>7</sup> All physical education programs and curricula must be reviewed by a certified physical education instructor.<sup>8</sup> The Next Generation Sunshine State Standards (NGSSS) provide distinct grade level expectations for the knowledge and skills which a student is expected to acquire at each grade.<sup>9</sup>

Student enrollment in physical education instruction must be reported and audited pursuant to state law.<sup>10</sup>

The requirements for physical education in public elementary schools must be waived for a student who meets one of the following criteria:<sup>11</sup>

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

While Florida law provides requirements related to physical education, provisions specific to unstructured free-play are not addressed in such requirements. However, some school districts have chosen independently to adopt policies requiring school recess. During the 2015-2016 school year, 11 of Florida's 67 school districts had a school board-approved recess policy for students in kindergarten through grade 5.<sup>12</sup> Of these 11 school districts:

<sup>4</sup> Sections 1003.02(1)(g)1. and 1001.42(4), F.S.; Rule 6A-1.045111, F.A.C.

<sup>5</sup> Section 1003.455(3), F.S. The equivalent of one class period per day of physical education for one semester of each year is required for students in grades 6 through 8. *Id.*

<sup>6</sup> Physical education instruction must be for a period of time sufficient to provide a significant health benefit to students. Section 1003.455(1), F.S.

<sup>7</sup> Section 1003.455(1), F.S.

<sup>8</sup> Section 1003.455(3), F.S.

<sup>9</sup> Section 1003.41(1) and (2), F.S. Physical education standards are available at CPALMS. CPALMS is the State of Florida's official source for information on standards and course descriptions. CPALMS, *Homepage*, <http://www.cpalms.org/Public/> (last visited Feb. 20, 2017).

<sup>10</sup> Section 1003.455(3), F.S.

<sup>11</sup> Section 1003.455(4), F.S.

<sup>12</sup> The following school districts had a school board-approved recess policy during the 2015-2016 school year: Charlotte, Escambia, Gadsden, Lee, Levy, Miami-Dade, Nassau, Orange, Putnam, Union and Wakulla County school districts. Office of Program Policy Analysis and Government Accountability, *OPPAGA Review of Recess Policies and Practices*, presentation to

- Seven school districts required recess five days a week.<sup>13</sup>
- Two of the 11 school district policies varied in the days per week recess is required.<sup>14</sup>
- Two of the 11 school districts did not specify the number of days for requiring recess.<sup>15</sup>
- Three districts required a minimum of 100 minutes per week of recess.<sup>16</sup>

The Florida Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA) surveyed 2,903 schools, including elementary, middle, and combination schools<sup>17</sup> about their recess practices.<sup>18</sup> Out of the 1,737 elementary schools surveyed, 738 (42%) schools responded.<sup>19</sup> Based on the elementary schools that responded, 612 (83%) schools offered recess during the 2015-2016 school year.<sup>20</sup>

The American Academy of Pediatrics found that well-supervised recess is necessary to optimize a child's social, emotional, physical, and cognitive development.<sup>21</sup> The Center for Disease Control and Prevention and The Society of Health and Physical Educators (SHAPE) America recommend all elementary school children be provided with a minimum of one daily recess period of at least 20 minutes in length in addition to physical education and classroom activity.<sup>22</sup>

### III. Effect of Proposed Changes:

SB 78 adds an unstructured free-play recess requirement to district school boards' responsibilities regarding physical education. Specifically, the bill requires each district school board to provide at least 100 minutes of supervised, safe, and unstructured free-play recess each week for students in kindergarten through grade 5. Such recess must involve at least 20 consecutive minutes of free-play per day.<sup>23</sup>

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the Senate Appropriations Subcommittee on Prek-12 Education (Feb. 15, 2017) *available at* [http://www.flsenate.gov/PublishedContent/Committees/2016-2018/AED/MeetingRecords/MeetingPacket\\_3645\\_2.pdf](http://www.flsenate.gov/PublishedContent/Committees/2016-2018/AED/MeetingRecords/MeetingPacket_3645_2.pdf), at 5.

<sup>13</sup> Recess policies for Charlotte, Escambia, Gadsden, Lee, Levy, Putnam, and Union county school districts specify that recess must be offered 5 days a week. *Id.* at 8.

<sup>14</sup> The school board-approved recess policies of Miami-Dade and Orange County school district varied in the number of days' recess is required at the time OPPAGA surveyed the school districts. *Id.*

<sup>15</sup> Nassau and Wakulla county district school board-approved recess policies did not specify the number of days per week recess must be offered to students. *Id.*

<sup>16</sup> Levy, Putnam, and Wakulla county district school board-approved recess policies require a minimum of 100 minutes per week of recess. *Id.* at 9.

<sup>17</sup> A combination school combines both elementary and middle grades in their grade configuration. Email, Office of Program Policy Analysis and Government Accountability (Feb. 17, 2017).

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> Office of Program Policy Analysis and Government Accountability, *OPPAGA Review of Recess Policies and Practices*, presentation to the Senate Appropriations Subcommittee on Prek-12 Education (Feb. 15, 2017) *available at* [http://www.flsenate.gov/PublishedContent/Committees/2016-2018/AED/MeetingRecords/MeetingPacket\\_3645\\_2.pdf](http://www.flsenate.gov/PublishedContent/Committees/2016-2018/AED/MeetingRecords/MeetingPacket_3645_2.pdf), at 12.

<sup>21</sup> American Academy of Pediatrics, *The Crucial Role of Recess in School* (2013) *available at* <http://pediatrics.aappublications.org/content/pediatrics/131/1/183.full.pdf>, at 183,186.

<sup>22</sup> Centers for Disease Control and Prevention and SHAPE America, *Strategies for Recess in Schools* (2017), *available at* <http://portal.shapeamerica.org/uploads/pdfs/recess/SchoolRecessStrategies.pdf>.

<sup>23</sup> Florida Department of Education, 2017 Agency Legislative Bill Analysis for SB 78 (Dec. 8, 2016), at 2.

According to the Florida Department of Education, the master schedules at each school containing elementary grades would need to reflect the requirement for a minimum of 20 consecutive minutes of recess daily.<sup>24</sup>

The bill may result in additional physical activity for students in kindergarten through grade 5.

This bill takes effect July 1, 2017.

#### **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:

Recess is not instructional time and is not funded through the Florida Educational Finance Program.<sup>25</sup> A school that does not currently provide recess within its existing schedule may need to increase its hours of operation to continue to provide the minimum number of instructional hours required by law.<sup>26</sup> The fiscal impact of this is indeterminate.<sup>27</sup>

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<sup>24</sup> Florida Department of Education, 2017 Agency Legislative Bill Analysis for SB 78 (Dec. 8, 2016), at 2.

<sup>25</sup> Department of Education, *Physical Education and Recess for Elementary Schools*, presentation to the Senate Appropriations Subcommittee on Pre-K-12 Education (Feb. 15, 2017) available at [http://www.flsenate.gov/PublishedContent/Committees/2016-2018/AED/MeetingRecords/MeetingPacket\\_3645\\_2.pdf](http://www.flsenate.gov/PublishedContent/Committees/2016-2018/AED/MeetingRecords/MeetingPacket_3645_2.pdf), at 8.

<sup>26</sup> Florida Department of Education, 2017 Agency Legislative Bill Analysis for SB 78 (Dec. 8, 2016), at 3. *See also* s. 1003.02(1)(g)1. and 1001.42(4), F.S.; Rule 6A-1.045111, F.A.C.

<sup>27</sup> Florida Department of Education, 2017 Agency Legislative Bill Analysis for SB 78 (Dec. 8 2016), at 3.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following section 1003.455 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

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

None.

**B. Amendments:**

None.