

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SBs 308, 1780, and 2534

SPONSOR: Education Committee and Senators Margolis, Villalobos, and Campbell

SUBJECT: K-12 Instruction/Public Schools

DATE: April 13, 2004 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dormady</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Fav/CS</u>
2.	_____	_____	<u>AED</u>	_____
3.	_____	_____	<u>AP</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

CS/SBs 308, 1780 and 2534 creates the "Healthy Achievers Act." The committee substitute directs the Department of Education to conduct a study to determine the status of physical education instruction in the public schools and to develop recommendations for changes to the state's physical education programs. A report on the study is required to be submitted to the Governor and the Legislature by February 1, 2005. The Department of Education is also required to develop a physical fitness assessment instrument and support materials for fitness assessment programs for use by school districts.

The bill requires district school boards to address physical education in school improvement plans and to adopt written physical education policies, which must be provided to the Department of Education by December 15, 2004. Districts that do not adopt written physical education policies will be required, at a minimum, to provide physical education to students in kindergarten through grade 5 for 30 minutes per day, 3 days per week.

The bill requires a state university chosen by the Department of Education to develop an Internet-based clearinghouse for professional development programs regarding physical education. The programs would be available to all instructional personnel and would be financed primarily by private funds.

This bill creates an undesignated section of law.

The effective date of the bill is July 1, 2004.

II. Present Situation:

Child and Adolescent Health

According to the Centers for Disease Prevention and Control (CDC), the United States has seen a decrease in the number of children who are physically active and an increase in the number of children who are overweight.¹ The CDC also notes the following:

- Nearly half of young people aged 12-21 years in the United States are not vigorously active on a regular basis.
- About 14 percent of young people report no recent physical activity.
- Participation in all types of physical activity declines strikingly as age or grade in school increases.
- Well-designed school-based interventions directed at increasing physical activity in physical education classes are effective.
- Daily enrollment in physical education classes dropped from 42 percent to 25 percent among high school students between 1991 and 1995.
- Over the past 30 years, the percent of children aged 6 to 11 years who are overweight has more than doubled.

Various U.S. health and fitness organizations have published recommendations for physical activity. In December 1995, the National Institute for Health (NIH) Consensus Development Conference Statement on Physical Activity and Cardiovascular Health identified physical inactivity as a major public health problem. NIH issued a call to action to increase physical activity at all levels among persons in all population groups. The consensus panel recommended that all children and adults strive for at least 30 minutes of moderate physical activity on most days and preferably every day. According to CDC, there are two widely accepted developmentally appropriate recommendations for physical activity for school-age children: the National Association for Sport and Physical Education guidelines for elementary school-age children; and the International Consensus Conference on Physical Activity guidelines for adolescents.

The 2001 Surgeon General's Report recommended daily, quality physical education (PE) for all school grades and the U.S. health objectives for 2010 include increasing the proportion of public and private schools that require daily physical education for all students.² As well, the Governor's Task Force on the Obesity Epidemic recommended that school districts elect to include formal curriculum on physical activity and physical education instruction in kindergarten through grade 12.³

¹ "The Importance of Physical Activity for Children," National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Prevention and Control., See <http://www.cdc.gov/nccdphp/dnpa/kidswalk/physact.htm>

² "The Surgeon General's Call to Action to Prevent and Decrease Overweight and Obesity," December 13, 2001, and *Healthy People 2010*, U.S. Department of Health and Human Services, a prevention agenda for the nation that includes health objectives, <http://www.healthypeople.gov/data/PROGRVW/>

³ "Obesity in Florida," Report of the Governor's Task Force on the Obesity Epidemic, February 2004.

Sunshine State Standards

The Florida Department of Education has developed Sunshine State Standards for physical education (pre-K through grade 12) that include an emphasis on the benefits of regular participation in physical activity.

Required Instruction

Current law (s. 1003.42, F.S.) specifies that district school boards must provide appropriate instruction to ensure that students meet State Board of Education standards in specific subject areas, including physical education. Prescribed courses of study include comprehensive health education that addresses specific concepts, including nutrition and personal health. The Department of Education provided the following information on the number of schools, by school type, statewide, for 2003-2004: 1,678 elementary schools, 477 junior high school/middle schools, and 426 high schools.⁴

High School Graduation Requirements

High school graduation requirements generally consist of achieving a 2.0 Grade Point Average, earning passing scores on the grade 10 FCAT (unless subject to a waiver), completing all district requirements and 24 academic credits, including one physical education credit and eight and one-half elective credits. PE includes assessment, improvement, and maintenance of personal fitness. The law (s. 1003.43, F.S.) allows students to participate in alternate activities that fully substitute for the required PE credit, as follows:

- Participating in an interscholastic sport at the junior varsity or varsity level for 2 full seasons; and
- Passing the Department of Education competency test on personal fitness (“C” or better).

By completing one semester (“C” or better) of the following alternate activities, a student may substitute one-half of the required credit:

- marching band activities, in a physical activity class that requires participating in marching band activities as an extracurricular activity; or
- Reserve Officer Training Corps (R.O.T.C.) class, with a significant drill component.

The half-credit cannot be used to satisfy the personal fitness requirement or the adaptive PE under an IEP or 504 plan.

School Community Professional Development

Current law (s. 1012.98, F.S.) provides that the DOE, school districts, schools, community colleges, and state universities share specific responsibilities in developing and implementing a professional development system that will assist the school community in meeting state and local

⁴ Florida DOE, August 28, 2003.

education goals. The Department of Education must develop and disseminate to the school community successful model professional development methods and programs.

III. Effect of Proposed Changes:

Section 1. The bill designates the “Healthy Achievers Act” as its popular name.

Section 2. The bill directs the Department of Education to conduct a study to determine the status of physical education instruction in the public schools and to develop recommendations for changes to the state’s physical education programs. A report on the study is required to be submitted to the Governor and the Legislature by February 1, 2005.

As part of its study, the Department of Education is required to:

- determine the number of public schools in the state that have eliminated or reduced physical education;
- assess physical education personnel issues;
- determine the length and frequency of physical education classes in elementary, middle and high schools;
- determine the percentage of physical education classes taught by certified instructors;
- assess the degree to which individual schools are permitted to vary from districts’ physical education requirements;
- assess the availability of fitness assessment programs that could be adopted by schools or districts;
- determine ways of providing feedback to parents on students’ fitness;
- develop recommendations for the most efficient ways to increase physical education and physical activity for students at all grade levels; and
- report on the fiscal impact of any recommended changes to physical education programs.

Section 3. The bill requires school improvement plans to address issues relating to student health and fitness, including nutrition, physical fitness, parental information on student health and fitness, and indoor environmental air quality. School districts are also required to adopt policies that include guidelines for schools in the implementation of student health and fitness standards.

Section 4. The committee substitute requires each district school board to develop a physical education program that stresses and encourages physical fitness and healthy lifestyles. The bill stipulates that physical education must consist of physical activities of at least a moderate intensity level and for a duration sufficient to provide a significant health benefit to students, subject to their differing capabilities.

District school boards are required to adopt written physical education policies detailing the district’s physical education program and expected program outcomes by December 1, 2004. The school boards are required to submit these policies to the Department of Education by December 15, 2004.

Any district that does not adopt the written physical education policy required by the bill by December 1, 2004, will be required to implement mandatory physical education for students in kindergarten through grade 5 for 30 minutes per day, 3 days per week.

Section 5. The bill requires the Department of Education to approve a state university with a physical education teacher preparation program in its college of education to develop and implement an Internet-based clearinghouse for physical education professional development programs that may be accessed and used by all instructional personnel.

The bill requires that these professional development programs be financed primarily by private funds and be available for use no later than August 1, 2005.

Section 6. The bill will take effect July 1, 2004.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None. Although the bill stipulates that professional development programs regarding physical education be developed using primarily private funds, these funds will need to be solicited, and there is no legal requirement that the funds be provided by private parties.

C. Government Sector Impact:

The fiscal impact of the study is not determinable at this time, although the Department of Education indicates that the study could likely be completed with existing resources and personnel. The Department of Education also reports that it has already collected some district level data on the status of physical education.

The fiscal impact on individual school districts of amending school improvement plans and adopting local policies as required by the bill is not currently determinable, as it will depend on whether any of the new requirements were already implemented locally.

For school districts that do not adopt written physical education policies as required by the bill, the mandatory physical education then imposed for students in kindergarten through grade 5 under the bill will likely have a fiscal impact on certain school districts; however, this impact will depend on what programs were already in place in the district previously.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Other states have pending legislation to require physical education in schools to varying degrees, including New York, Massachusetts, and Alabama.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
