

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/CS/HB 967 Public School Physical Education  
**SPONSOR(S):** Policy & Budget Council; Weatherford and others  
**TIED BILLS:** **IDEN./SIM. BILLS:**

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on K-12</u>	<u>8 Y, 0 N</u>	<u>Barnhill</u>	<u>Ahearn</u>
2) <u>Schools &amp; Learning Council</u>	<u>11 Y, 0 N, As CS</u>	<u>Barnhill</u>	<u>Cobb</u>
3) <u>Policy &amp; Budget Council</u>	<u>33 Y, 0 N, As CS</u>	<u>Martin</u>	<u>Hansen</u>
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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### SUMMARY ANALYSIS

Currently, Florida law *encourages* all students in prekindergarten through grade 12 to participate in physical education. More particularly, school boards are *encouraged* to provide 150 minutes of physical education each week to students in kindergarten through grade 5 and to provide 225 minutes of physical education each week to students in grades 6 through 8. Students in grades 9 through 12 are encouraged to participate in physical education, although no amount of time is suggested. However, high school graduation requirements require one credit of physical education.

CS/HB 967 requires district school boards to provide 150 minutes of physical education each week to students in kindergarten through grade 5 and encourages district school boards to provide 225 minutes of physical education each week for students in grades 6 through 8.

CS/HB 967 also requires the State Board of Education to review, and revise as necessary, the Sunshine State Standards to ensure the standards reflect the state-of-the-art physical education philosophy and practice in this state. In addition, the bill also requires the Commissioner of Education to provide professional development for physical education instructors and developers of physical education curricula.

CS/HB 967 does not appear to have a significant fiscal impact on state government. This bill does not appear to have a fiscal impact on local governments. Please see FISCAL ANALYSIS, section II.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

*Provide limited government* – This bill requires the State Board of Education to revise the Sunshine State Standards to reflect Florida's state-of-the-art physical education philosophy and practice. This bill also requires the Department of Education and district school boards to provide a professional development program for physical education instructors and developers of physical education curricula.

#### B. EFFECT OF PROPOSED CHANGES:

##### **Background**

Obesity is a growing concern across the country and in this state. Overweight rates have doubled among children and tripled among adolescents in the last 25 years.<sup>1</sup> Obesity has been linked to inactivity, yet schools have reduced or completely excluded physical education from the curriculum in an effort to spend more time in the classroom.

##### **Present Situation**

Currently, Florida law *encourages* all students in prekindergarten through grade 12 to participate in physical education.<sup>2</sup> Section 1003.455(2), F.S., states the district school boards are responsible for developing a physical education program that stresses physical fitness and encourages healthy, active lifestyles. Physical education must include physical activities of moderate intensity, and for enough time to provide a significant health benefit to students. Differing capabilities of students must be considered in the development of the physical education program.

Each school board must adopt a written policy for physical education. This policy must detail the school district's physical education program and include the district's expected program outcomes.

Current law *encourages* district school boards to provide 150 minutes of physical education each week for students in kindergarten through grade 5. District school boards are encouraged to provide 225 minutes of physical education each week to students in grades 6 through 8. Students in grades 9 through 12 are encouraged to participate in physical education, although no amount of time is suggested. However, high school graduation requirements require one credit of physical education.<sup>3</sup>

There are currently 6,233 physical education teachers employed in Florida. There are also an unknown number of additional teachers involved in physical education.

##### **Effects of Proposed Changes**

CS/HB 967 requires the Commissioner of Education to dedicate financial and departmental staff resources to provide professional development to physical education instructors and developers of physical education curricula. Physical education instructors include elementary and secondary school teachers whose responsibilities include teaching physical education classes. The provided professional development must incorporate current physical education and nutrition philosophy and promote lifelong physical and mental well-being.

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<sup>1</sup> <http://www.cdc.gov/HealthyYouth/index.htm>

<sup>2</sup> s. 1003.455(1), F.S.

<sup>3</sup> s. 1003.428(2)(a)(6), F.S.

CS/HB 967 provides a definition of physical education to include the development or maintenance of skills related to strength, agility, flexibility, movement, and stamina, including dance. The definition also includes the development of knowledge and skills regarding teamwork and fair play; the development of knowledge and skills regarding nutrition and physical fitness as part of a healthy lifestyle; and the development of positive attitudes regarding sound nutrition and physical activity as a component of personal well-being.

Current law *encourages* district school boards to provide 150 minutes of physical education each week for students in kindergarten through grade 5. CS/HB 967 requires district school boards to provide 150 minutes of physical education each week to students in kindergarten through grade 5. Current law also encourages district school boards to provide 225 minutes of physical education each week to students in grades 6 through 8. Students in grades 9 through 12 are also encouraged to participate in physical education and are required to receive one credit in physical education that includes an integration of health. CS/HB 967 encourages district school boards to provide 225 minutes of physical activity each week to students in grades 6 through 8.

CS/HB 967 requires the State Board of Education to review and revise, as necessary, the Sunshine State Standards for physical education. These standards should reflect Florida's state-of-the-art physical education philosophy and practice and promote the knowledge, skills, and attitudes that prepare students to make healthy lifelong nutrition and physical fitness choices.

#### C. SECTION DIRECTORY:

- Section 1.** Amends s. 1001.11, F.S., requiring the Commissioner of Education to dedicate resources to provide professional development to physical education teachers and curricula developers;
- Section 2.** Amends s. 1003.01, F.S., defining the term "physical education";
- Section 3.** Amends s. 1003.455, F.S., requiring district school boards to provide specified physical education for certain students; requiring reporting for funding purposes and auditing of records;
- Section 4.** Requires the State Board of Education to review and revise the Sunshine State Standards related to physical education
- Section 5.** Provides an effective date of upon becoming a law.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

CS/HB 967 does not appear to have a fiscal impact on state government revenues.

##### 2. Expenditures:

CS/HB 967 has an indeterminate fiscal impact on the Department of Education (DOE). CS/HB 967 requires the Commissioner of Education to provide professional development to physical education instructors and developers of physical education curricula. These costs depend on availability of existing material and professional analysis of needed content.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

##### 1. Revenues:

CS/HB 967 does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

CS/HB 967 does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

CS/HB 967 does not appear to require a city or county to expend funds or to take any action requiring the expenditure of funds.

CS/HB 967 does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate.

CS/HB 967 does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

CS/HB 967 does not raise the need for rules or rulemaking authority or direct an agency to adopt rules.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Department of Education expressed these concerns in their analysis of the bill<sup>4</sup>:

- This bill will have an impact on daily instructional time for elementary schools. Districts that do not currently follow the recommendations in statute will have to eliminate instruction time in other areas.

D. STATEMENT OF THE SPONSOR

No statement submitted.

### IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

The Committee on K-12 adopted one amendment on March 20, 2007. The amendment retained the new requirement as provided in the bill that children in kindergarten through grade 5 take 150 minutes of physical education per week, but provided a definition of "physical education" to include the development or maintenance of skills related to strength, agility, flexibility, movement, and stamina; the development of knowledge and skills regarding teamwork and fair play and nutrition and physical fitness; and the development of positive attitudes regarding nutrition and physical activity. Thus, the amendment allows greater flexibility in meeting the 150 minute requirement.

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<sup>4</sup> Florida Department of Education, Governmental Relations Office, 2007 Legislative Bill Analysis on HB 967: Relating to Physical Education/Public School

On March 27, 2007, the Schools and Learning Council adopted one amendment that clarified the student reporting process. The Council reported the bill, as amended, favorably as a council substitute.

CS/HB 967 differs from the bill in that the CS:

- Provides a definition of physical education, and
- Requires the Commissioner of Education, rather than the school districts and the Department of Education, to dedicate both financial and departmental staff resources to provide for professional development.

On April 5, 2007 the CS was considered by the Policy and Budget Council and one amendment was adopted that expanded the definition of physical education to include dance.

The staff analysis has been updated to reflect the amendment.