

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 833 Public School Recess  
**SPONSOR(S):** Plasencia and others  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1002

| <b>REFERENCE</b>                         | <b>ACTION</b> | <b>ANALYST</b> | <b>STAFF DIRECTOR or<br/>BUDGET/POLICY CHIEF</b> |
|--|---------------|----------------|--|
| 1) K-12 Subcommittee                     | 12 Y, 0 N     | Brink          | Fudge  |
| 2) Education Appropriations Subcommittee | 13 Y, 0 N     | Seifert        | Heflin   |
| 3) Education Committee                   |               |                |  |

**SUMMARY ANALYSIS**

Current law establishes minimum time requirements for physical education instruction in public schools. However, there are no similar provisions related to school recess, which some organizations consider to be an integral component of a child’s physical, social, and academic development.

The bill requires each district school board to provide 100 minutes of supervised, safe, and unstructured free-play recess 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. The recess must be provided for at least 20 consecutive minutes each day and may not be withheld for academic or punitive reasons.

The bill may have a fiscal impact on school districts if districts elect to extend the school day to comply with the requirements of the bill. See FISCAL COMMENTS.

The bill takes effect July 1, 2016.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Present Situation**

##### Minimum Instructional Hours

Generally, for purposes of the Florida Education Finance Program, 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 for no less than 900 hours of instruction for a student in grades 4 through 12, or not less than 720 hours of instruction for a student in kindergarten through grade 3.<sup>1</sup>

Thus, in order to receive full funding based on full-time equivalent student membership, an elementary school must provide during the 180-day school year no fewer than 900 hours of instruction for 4<sup>th</sup> and 5<sup>th</sup> grade students and no fewer than 720 hours of instruction for K-3 students. This results in an average of 5 hours of instructional time per day for 4<sup>th</sup> and 5<sup>th</sup> grade students and 4 hours per day for K-3 students. The instructional time does not include lunch or recess.

##### Time-Based Instructional Requirements

State Board of Education rule requires that elementary schools teach reading each school day in a “dedicated, uninterrupted block of time of at least ninety (90) minutes duration” to all students.<sup>2</sup> In addition, schools that are included in the 300 lowest-performing elementary schools based on state reading assessments must provide an additional hour of instruction beyond the normal school day for each day of the entire school year for intensive reading instruction for their students.<sup>3</sup>

Further, current law requires each school board to 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 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.<sup>4</sup> This means that reading and physical education take up 2 of the 4 minimum, daily instructional hours for K-3 students and 2 of the 5 minimum, daily instructional hours for 4<sup>th</sup> and 5<sup>th</sup> graders.

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.<sup>5</sup>

Students enrolled in physical education instruction must be reported through the periodic student membership surveys. Records of physical education enrollment are subject to audit by the Auditor General.<sup>6</sup>

The requirements for physical education in public elementary and middle schools 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.<sup>7</sup>

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

<sup>2</sup> Rule 6A-6.053, F.A.C.

<sup>3</sup> Section 1011.62(1)(f)2., F.S. Students who earn a Level 5 on the statewide, standardized English Language Arts assessment may, but are not required to, participate in the additional hour. *Id.*

<sup>4</sup> Section 1003.455(3), F.S.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* The audits must be conducted pursuant to s. 1010.305, F.S.

**STORAGE NAME:** h0833c.EDAS

**DATE:** 2/3/2016

While the law provides requirements related to physical education, there are no such provisions related to school recess. At least one district school board has voluntarily adopted a resolution to provide recess to elementary school students on days during which they are not scheduled for physical education instruction.<sup>8</sup> Other school districts expressly require students be provided recess or physical activity in school board policy.<sup>9</sup>

The National Association for Sport and Physical Education (NASPE) recommends that all elementary school children be provided with at least one daily period of recess of at least 20 minutes in length.<sup>10</sup>

### **Effect of Proposed Changes**

The bill requires each district school board to provide 100 minutes of supervised, safe, and unstructured free-play recess 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. The recess must be provided for at least 20 consecutive minutes each day and may not be withheld for academic or punitive reasons.

#### **B. SECTION DIRECTORY:**

Section 1. Amends s. 1003.455, F.S.; Requiring each district school board to provide students in certain grades with consecutive minutes of free-play recess per day; providing that free-play recess may not be withheld for specified reasons.

Section 2. Provides an effective date of July 1, 2016.

## **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.

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<sup>7</sup> Section 1003.455(4), F.S.

<sup>8</sup> Orange County Public School District, *Orange County Public Schools Resolution on Recess* (June 23, 2015), available at <https://www.ocps.net/sb/Documents/2015%20School%20Board%20Items/Recess%20Resolution%202015%20OCPS.pdf>.

<sup>9</sup> See Osceola County School Board, *The School District of Osceola County, Florida Wellness Program*, at 5 (Feb. 17, 2015), available at [http://www.osceola.k12.fl.us/Resources/Student\\_Resources/documents/WellnessProgramUpdated2015.pdf](http://www.osceola.k12.fl.us/Resources/Student_Resources/documents/WellnessProgramUpdated2015.pdf) (requiring that all students in Kindergarten through grade 5 receive 20 minutes of “recess/physical activity” each day).

<sup>10</sup> Position Paper, National Association for Sport and Physical Education, *Recess for Elementary School Students* (2006), available at <http://www.aahperd.org/naspe/standards/upload/Recess-for-Elementary-School-Students-2006.pdf>.

D. FISCAL COMMENTS:

The requirement for additional free-play recess will not require additional state funds. However, the districts may incur additional costs associated with educator salary contracts if the 20 minutes of free-play recess replaces current instructional time which would require adding time to the school day.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.