

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 67 Public School Recess

SPONSOR(S): PreK-12 Innovation Subcommittee

TIED BILLS: None **IDEN./SIM. BILLS:** SB 78

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: PreK-12 Innovation Subcommittee		McAlarney	Healy

SUMMARY ANALYSIS

This bill allows district school boards' to include free-play recess for students in kindergarten through 3rd grade in the currently mandated 150 minutes per week physical education requirement.

Additionally, the bill requires each school district to provide free-play recess each week on days when physical education classes are not held for students in kindergarten through 3rd grade so that there are at least 20 minutes of free-play recess.

The bill takes effect July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida law requires each district school board (district) to develop a physical education (P.E.) program and encourage all students in prekindergarten through 12th grade to participate in P.E.¹

Instructional Hour Requirements

A district 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.²

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 3rd grade or not less than 900 net hours of instruction for a student in 4th grade through 12th grade.³ As a result, a district must provide, on average, four hours of instructional time per day for students in kindergarten through 3rd grade, and five hours of instruction per day for students in 4th grade through 12th grade to achieve the required minimum instructional hours during a 180-day school year.⁴

Physical Education Requirements

All districts must provide 150 minutes of P.E. each week for students in kindergarten through 5th grade and for students in 6th grade who are enrolled in a school that contains one or more elementary grades so that on any day during which P.E. instruction is conducted there are at least 30 consecutive minutes per day.⁵

P.E. must consist of physical activities of at least a moderate intensity level and for sufficient duration,⁶ subject to the differing capabilities of students.⁷ All P.E. programs and curricula must be reviewed by a certified P.E. instructor.⁸ 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.⁹

Student enrollment in P.E. instruction must be reported and audited pursuant to state law.¹⁰ The P.E. requirements for public elementary schools are waived when:¹¹

- A student is enrolled, or is required to enroll, in a remedial course;
- A parent indicates in writing that the student is:
 - enrolled in another course from among those courses offered as options by the school district; or

¹ Section 1003.455 (1), F.S.

² Sections 1003.02(1) (g) 1.; Section 1001.42 (4), F.S.; Rule 6A-1.045111, F.A.C.

³ Section 1011.61 (1) (a) 1., F.S.

⁴ Sections 1003.02 (1) (g) 1.; Section 1001.42 (4), F.S.; Rule 6A-1.045111, F.A.C.

⁵ Section 1003.455 (3), F.S.

⁶ Section 1003.455 (1), F.S.

⁷ Section 1003.455 (1), F.S.

⁸ Section 1003.455 (3), F.S.

⁹ Section 1003.41 (1)-(2), F.S.

¹⁰ Section 1003.455 (3), F.S.

¹¹ Section 1003.455 (4), F.S.

- participating in physical activities outside the school day which are equal to or in excess of the mandated requirement.

Unstructured free-play is not addressed in these requirements. However, some districts have adopted policies requiring school recess. 11 of Florida's 67 districts have a kindergarten through 5th grade recess policy.¹² Of these districts:

- Seven require recess five days a week.¹³
- Two policies varied in the days per week recess is required.¹⁴
- Two did not specify the number of days required.¹⁵
- Two districts required a minimum of 100 minutes per week.¹⁶

The Florida Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA) surveyed 2,903 schools¹⁷ about their recess practices.¹⁸ 42% of schools responded¹⁹ and 83% of schools offered recess during the 2015-2016 school year.²⁰

Effect of Proposed Changes

This bill allows districts to include free-play recess for students in kindergarten through grade 3 in currently mandated 150 minutes per week P.E. requirement.

Additionally, the bill requires each district to provide free-play recess each week on days when P.E. classes are not held for students in kindergarten through grade 3 so that there are at least 20 minutes of free-play recess.

B. SECTION DIRECTORY:

Section 1. Amends s. 1003.455, F.S., by allowing district school boards' to include free-play recess in current physical education requirements for students in kindergarten through grade 3.

Section 2: Provides an effective date of July 1, 2017.

¹² 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 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, at 5 (last visited Mar. 23, 2017).

¹³ 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.

¹⁴ 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.*

¹⁵ 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.*

¹⁶ Wakulla and Gadsden county district school board-approved recess policies require a minimum of 100 minutes per week of recess. Email, Office of Program Policy Analysis and Government Accountability (Feb. 20, 2017); see also Office of Program Policy Analysis and Government Accountability, *OPPAGA Review of Recess Policies and Practices*, 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, at 5. (last visited Mar. 23, 2017)

¹⁷ Email, Office of Program Policy Analysis and Government Accountability (Feb. 17, 2017).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Office of Program Policy Analysis and Government Accountability, *OPPAGA Review of Recess Policies and Practices*, 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, at 12 (last visited Mar. 23, 2017).

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.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.