



K – 20 Innovation Subcommittee

Tuesday, December 6, 2011

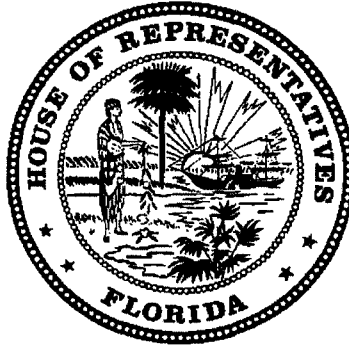
4:30 PM – 6:00 PM

404 HOB

Meeting Packet

**Dean Cannon
Speaker**

**Kelli Stargel
Chair**



AGENDA

K-20 Innovation Subcommittee
Tuesday, December 6, 2011
4:30 PM – 6:00 PM
404 HOB

- I. Call to Order/Roll Call
- II. Opening Remarks
- III. Consideration of the following bill(s):
 - HB 45 Postsecondary Education Course Registration for Veterans by Smith
 - HB 4041 Education Law Repeals by Burgin
 - HB 4057 Physical Education in the Public Schools by Metz
- IV. Closing Remarks and Adjournment

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 45 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: K-20 Innovation
2 Subcommittee
3 Representative Smith offered the following:

Amendment

6 Remove lines 31-33 and insert:

7 independent postsecondary educational institution as defined in
8 s. 1005.02(11), which offers priority course

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Page 1 of 1

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 45 Postsecondary Education Course Registration for Veterans

SPONSOR(S): Smith

TIED BILLS: IDEN./SIM. BILLS: SB 94

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-20 Innovation Subcommittee		Thomas <i>MT</i>	Sherry <i>HPS</i>
2) Community & Military Affairs Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

The bill requires institutions within the Florida College System (FCS) and the State University System (SUS) that offer priority course registration for a segment of the student population (or upon the implementation of such a policy), to provide priority course registration to veterans of the U.S. Armed Forces who are receiving GI Bill educational benefits.

The bill encourages independent postsecondary educational institutions that offer priority course registration for a segment of the student population (or upon the implementation of such a policy) to provide priority course registration to veterans of the U.S. Armed Forces, who are receiving GI Bill educational benefits.

The spouse or dependent children of the veteran to whom the GI Bill educational benefits have been transferred must also be granted priority course registration.

The bill provides that qualified GI Bill users will be eligible for priority registration until the expiration of the GI Bill educational benefits.

The fiscal impact of the bill is minimal. (See Fiscal Comments)

The bill provides an effective date of July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Priority Course Registration

Florida laws authorize colleges and universities to establish rules and policies to govern admission of students to programs and courses within the institutions. All State University System and Florida College System institutions have priority course registration for designated groups of students as a component of their admission policies.¹

Priority course registration allows designated groups of students at colleges and universities to register for courses for an upcoming semester before the entire student population is able to register. Some examples of groups of students who may typically be eligible for priority course registration at institutions that implement such a policy include: upper division students; student athletes; students with disabilities; honors college students; and student veterans.

Postsecondary institutions are currently not required to offer veterans of the U.S. Armed Forces priority when registering for courses based on their status as a veteran.² It is at the discretion of both public and private institutions of higher education whether or not to offer priority course registration and to determine which groups of students would be eligible. If an institution does not offer priority registration for veterans, students who are veterans register for courses at the same time as the general student population.

Currently, the following public colleges and universities offer priority course registration for veterans: Florida International University; Florida State University; the University of South Florida; Tallahassee Community College; St. Petersburg College; Northwest Florida State College; and Miami-Dade College. The institutions licensed by the Commission for Independent Education (Commission) currently enroll veterans but do not generally provide priority course registration for a segment of the population.³

For those veterans who attend institutions that do not provide priority course registration for veterans using the GI Bill, the Department of Veterans Affairs provided the following example: if a veteran using the GI Bill is a junior registering for classes, the veteran may have to wait for the seniors to register first. Then, the veteran would have to compete with other juniors to register for the class seats still available. If the veteran is unable to register for classes required for the degree, he or she would be unable to take non-degree electives to maintain full-time enrollment status and could receive a reduction of benefits through the GI Bill.⁴

Federal GI Bill Education Benefits Programs for Veterans

The U.S. Department of Veterans Affairs (VA) administers a variety of education benefit programs, commonly known as the GI Bill, for veterans pursuing higher education. The most commonly utilized

¹ For public universities, the Florida Board of Governor's regulation 1.001(4)(a)3., authorizes the board of trustees of each state university to adopt university regulations or policies relating to the admission and enrollment of students, which would include priority course registration policies. Section 1007.263, F.S., governs admissions of students to Florida College System institutions.

² Section 1.01(14), F.S. defines the term "veteran" as a person who serves in the active military, naval, or air service and who was discharged or released under honorable conditions only or who later receive an upgrade discharge under honorable conditions, notwithstanding any action by the U.S. Department of Veterans Affairs on individuals discharged or released with other than honorable discharges.

³ Department of Education Analysis, *Bill Analysis for HB 45* (August 17, 2011).

⁴ Telephone conversation with Department of Veterans Affairs Office (November 8, 2011).

GI Bill benefits include the Montgomery GI Bill Active Duty, and the Post 9/11 - GI Bill. The Post 9/11 - GI Bill is the most recent adaptation of the GI Bill and offers substantially enhanced financial assistance compared to the Montgomery GI Bill.

*The Montgomery GI Bill Active Duty (MGIB-AD) Educational Assistance Program
(Chapter 30 of Title 38, U.S. Code)*

The benefits outlined in chapter 30 are available to veterans who served on active duty service beginning on or after July 1, 1985. In order to use benefits under the MGIB-AD, service members must serve on active duty for a minimum of two years and receive a fully honorable discharge. Recipients receive one month of benefits for each month of active duty.

The GI Bill monthly payment rate is determined by two factors: student status (full time, half time, or part time) and duty status. In most cases a student would be considered a full time student if he or she is taking 12 or more credits per semester. If a student is on active duty the GI Bill will only reimburse for the actual tuition and expenses. But once a student leaves active duty service the GI Bill will pay the full payment rate regardless of the actual cost of tuition.⁵

*The Post 9/11 Veterans Educational Assistance Program (Post-9/11)
(Chapter 33 of Title 38, U.S. Code)*

In order to qualify for chapter 33 benefits, a service member must have served on active duty for a minimum of 90 days after September 10, 2001. A veteran's eligibility for benefits under this chapter expires 15 years from the date of the last discharge. Individuals eligible under chapter 33 are entitled to 36 months of educational assistance. Service members enrolled in the Post-9/11 GI Bill program are able to transfer unused education benefits to their spouses or children.

The new Post 9/11 GI Bill, which went into effect on August 1, 2009, provides education benefits for service members who have served on active duty for 90 or more days since Sept. 10, 2001. These benefits are tiered based on the number of days served on active duty, creating a benefit package that gives current and previously activated National Guard and Reserve members the same benefits as active duty service members.⁶

Veterans in Florida

Florida's population of 1.6 million veterans is the third largest in the nation, after California and Texas.⁷ Florida is home to approximately 127,000 veterans whose ages range from 18-34, which demonstrates a significant concentration of "college age" veterans who may be interested in pursuing higher education either at the undergraduate or the graduate level.

Both nationwide and in Florida, there has recently been an influx of veterans on college campuses. Nationwide the number of veterans enrolling in colleges has increased to approximately 800,000 veterans using the GI Bill in 2010, which is up 40 percent from 2009.⁸ In Florida there is a large student veteran presence in universities and colleges. For the 2010 academic year, 10,966 veterans and/or spouses or dependent children were enrolled in the State University System of Florida,⁹ 15,604

⁵ Active Duty Montgomery GI Bill User's Guide *available at* <http://www.military.com/education/content/gi-bill/active-duty-gi-bill-users-guide.html>

⁶ New Post 9/11 GI Bill Overview *available at* <http://www.military.com/education/content/gi-bill/new-post-911-gi-bill-overview.html>

⁷ Florida Department of Veterans' Affairs 2009-10 Annual Report *available at* http://www.floridavets.org/pdf/ann_rprt_10.pdf

⁸ Trevor Hughes, *Vets Go From Combat to Campus*, USA Today, April 12, 2011, *available at* http://www.usatoday.com/news/education/2011-04-11-college-vets_N.htm

⁹ Board of Governors Analysis, *Bill Analysis for HB 45* (September 16, 2011).

in the Florida College System,¹⁰ 16,500 in private for-profit institutions and 4,490 in private non-profit institutions.¹¹

Effect of the Proposed Bill

This bill is intended to extend priority registration opportunities to veterans if the institution offers such opportunities to other students. More specifically, the bill requires institutions within the Florida College System and the State University System that offer priority course registration for a segment of the student population (or upon the implementation of such a policy), to provide priority course registration to veterans of the U.S. Armed Forces who are receiving GI Bill educational benefits. The bill also allows for the spouse or dependent children of the veteran to whom the GI Bill educational benefits have been transferred to be granted priority course registration. The bill will enable veterans who are utilizing GI Bill educational benefits to have greater access to available courses, thereby decreasing the number of excess hours taken by veterans and reducing the time to graduation.

The bill encourages independent postsecondary educational institutions under the jurisdiction of the Commission for Independent Education (commission) or exempt from the jurisdiction of the commission¹² and that offer priority course registration for a segment of the student population (or upon the implementation of such a policy) to provide priority course registration to veterans of the U.S. Armed Forces, who are receiving GI Bill educational benefits. The spouse or dependent children of the veteran to whom the GI Bill educational benefits have been transferred must also be granted priority course registration. Since independent postsecondary institutions are not required to implement a priority course registration policy, the impact on veterans enrolled in those institutions will depend upon whether a policy is adopted.

The bill provides that qualified GI Bill recipients will be eligible for priority course registration until the expiration of the GI Bill educational benefits.

The bill provides an effective date of July 1, 2012.

B. SECTION DIRECTORY:

- Section 1. Creates s. 1004.075, F. S., relating to priority course registration for veterans - requiring institutions within the Florida College System and the State University System to provide priority courses registration for veterans if a priority course registration policy is implemented or exists, providing eligibility requirements.
- Section 2. Creates s. 1005.09, F.S. relating to priority course registration for veterans - encouraging certain independent postsecondary educational institutions to provide priority course registration for veterans.
- Section 3. Provides an effective date of July 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

¹⁰ Email, Florida Department of Education, Division of Florida Colleges (October 28, 2011).

¹¹ Independent Colleges & Universities of Florida Accountability Report, 13, (2010), *available at* <http://www.icuf.org/newdevelopment/publications/icuf-accountability-report>

¹² Section. 1005.06, F.S., specifies those independent postsecondary institutions that are “not under” the jurisdiction of the Commission. The term “exempt” is not used. Clarification may be needed.

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:

A veteran or his or her spouse or dependent children receiving GI Bill educational benefits may benefit from priority course registration which would give the recipient greater access to the courses needed in order to move through a degree/certificate program rapidly and graduate earlier.

D. FISCAL COMMENTS:

The State University System and the Florida College System expect a minimal fiscal impact as a result of the priority course registration. Both systems acknowledge that minimal expenses may occur due to computer programming and related administrative costs of implementation.¹³

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill has incongruent terminology within the provisions related to the Commission for Independent Education that can be clarified through a technical amendment.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

¹³ Department of Education Analysis, *Bill Analysis for HB 45* (August 17, 2011).

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A bill to be entitled
 An act relating to postsecondary education course
 registration for veterans; creating s. 1004.075, F.S.;
 requiring certain Florida College System institutions
 and state universities to provide priority course
 registration for veterans; providing eligibility
 requirements; creating s. 1005.09, F.S.; encouraging
 certain independent postsecondary educational
 institutions to provide priority course registration
 for veterans; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 1004.075, Florida Statutes, is created
 to read:

1004.075 Priority course registration for veterans.—Each
 Florida College System institution and state university that
 offers priority course registration for a segment of the student
 population, or upon implementation of priority course
 registration for a segment of the student population, shall
 provide priority course registration for each veteran of the
 United States Armed Forces who is receiving GI Bill educational
 benefits or for the spouse or dependent children of the veteran
 to whom the GI Bill educational benefits have been transferred.
 Each eligible veteran, or his or her spouse or dependent
 children, shall be granted priority for course registration
 until the expiration of the GI Bill educational benefits.

HB 45

2012

28 Section 2. Section 1005.09, Florida Statutes, is created
 29 to read:

30 1005.09 Priority course registration for veterans.—Each
 31 independent postsecondary educational institution that is under
 32 the jurisdiction of the commission or is exempt from the
 33 jurisdiction of the commission which offers priority course
 34 registration for a segment of the student population, or upon
 35 implementation of priority course registration for a segment of
 36 the student population, is encouraged to provide priority course
 37 registration for each veteran of the United States Armed Forces,
 38 or his or her spouse or dependent children, who is receiving GI
 39 Bill educational benefits, in accordance with s. 1004.075.

40 Section 3. This act shall take effect July 1, 2012.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4041 Education Law Repeals
SPONSOR(S): Burgin
TIED BILLS: IDEN./SIM. BILLS: SB 492

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-20 Innovation Subcommittee		Beagle GB	Sherry <i>ARS</i>
2) Education Committee			

SUMMARY ANALYSIS

The bill repeals ss. 1006.17 and 1006.70, F.S., two substantively identical statutes relating to sponsorship of athletic activities similar to those for which scholarships are offered. In effect, both statutes require public high schools, Florida College System (FCS) institutions, and state universities to align their sports offerings so that student athletes have the opportunity to play the sports for which collegiate scholarships are offered.

Although broadly applicable to all sports programs, these statutes were enacted in 1986 to require school districts that offered women's slow-pitch softball to also offer women's fast-pitch softball. At the time, women's slow-pitch softball was the version of softball sanctioned by the Florida High School Athletic Association (FHSA) and sponsored by the majority of Florida's high schools and FCS institutions. Twenty FCS institutions were offering slow-pitch softball scholarships. On the other hand, four state universities had established women's fast-pitch softball programs and were offering scholarships in the sport. Public high schools and FCS institutions offering only slow-pitch softball hampered student athletes' eligibility for fast-pitch softball scholarships offered by state universities.

Both FHSA and the Florida College System Athletic Association have indicated that these statutes are no longer necessary. Women's fast-pitch softball is the version of softball that is sponsored for competitive play by Florida's public high schools, FCS institutions, and state universities and sanctioned by all of the interscholastic and intercollegiate athletic associations in which these institutions compete.

The bill does not have a fiscal impact on state or local governments.

The bill takes effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida law requires district school boards that sponsor a sport that is “similar to a sport for which a state university or Florida College System (FCS) institution offers an athletic scholarship” to sponsor the scholarship sport. Likewise, FCS institutions that sponsor a sport that is “similar to a sport for which a state university offers an athletic scholarship” must sponsor the scholarship sport. In effect, the law requires public high schools, FCS institutions, and state universities to align their sports offerings so that student athletes may have the opportunity to play the sports for which collegiate scholarships are offered.¹

Although broadly applicable to all sports programs, these laws were enacted in 1986 to require school districts that offered women’s slow-pitch softball to also offer women’s fast-pitch softball.² At the time, women’s slow-pitch softball was the version of softball sanctioned by the Florida High School Athletic Association (FHSAA) and sponsored by the majority of Florida’s high schools and FCS institutions. Twenty FCS institutions were offering slow-pitch softball scholarships. On the other hand, four state universities had established women’s fast-pitch softball programs and were offering scholarships in the sport. Public high schools and FCS institutions offering only slow-pitch softball hampered student athletes’ eligibility for fast-pitch softball scholarships offered by state universities.³

Today, women’s fast-pitch softball is sanctioned by the FHSAA, Florida College System Athletic Association (FCSAA), and National Collegiate Athletic Association (NCAA), whereas slow-pitch softball is not sanctioned or recognized by any of these associations. According to FHSAA, 601 member high schools compete in FHSAA-sanctioned women’s fast-pitch softball.⁴ Twenty-three of Florida’s 28 FCS institutions compete in FCSAA-sanctioned women’s fast-pitch softball.⁵ Ten of Florida’s 11 state universities compete in NCAA-sanctioned women’s fast-pitch softball.⁶

Effect of Proposed Changes

The bill repeals ss. 1006.17 and 1006.70, F.S., two substantively identical statutes relating to sponsorship of athletic activities similar to those for which scholarships are offered. According to the Florida Department of Education bill analysis, both the FHSAA and FCSAA agree that these statutes are no longer necessary. Women’s fast-pitch softball is the version of softball that is sponsored for competitive play by Florida’s public high schools, FCS institutions, and state universities and sanctioned by each of the interscholastic and intercollegiate athletic associations in which these institutions compete.

B. SECTION DIRECTORY:

Section 1. Repeals s. 1006.17, F.S., relating to sponsorship of athletic activities similar to those for which scholarships are offered.

¹ Sections 1006.17(1)-(2) and 1006.70(1)-(2), F.S. Two sports that are similar may be offered simultaneously. If participation is insufficient to warrant offering a particular sport, districts and FCS institutions may offer an alternative sport. Sections 1006.17(3)-(4) and 1006.70(3)-(4), F.S.

² Section 4, ch. 86-172, L.O.F.

³ Staff of the Florida House of Representatives, *Legislative Bill Analysis for CS/HB 90 (1986)*. In March 1985, the FHSAA Board of Directors voted to continue its sanctioning of women’s slow-pitch softball, rather than switch to sanctioning of fast-pitch softball. *Id.*

⁴ Florida High School Athletic Association, *Sports and Programs*, <http://www.fhsaa.org/sports> (last visited Nov. 8, 2011).

⁵ Florida College System Activities Association, *Athletics*, <http://www.thefcsaa.com/> (last visited Nov. 29, 2011).

⁶ National Collegiate Athletic Association, *NCAA Members by Division*, <http://web1.ncaa.org/onlineDir/exec/divisionListing?sortOrder=4&division=All> (last visited Nov. 8, 2011)(New College of Florida does not compete in intercollegiate athletics).

Section 2. Repeals s. 1006.70, F.S., relating to sponsorship of athletic activities similar to those for which scholarships are offered.

Section 3. Provides that the bill takes effect upon becoming law.

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. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

HB 4041

2012

1 A bill to be entitled
2 An act relating to education law repeals; repealing
3 ss. 1006.17 and 1006.70, F.S., relating to school
4 district or Florida College System institution
5 sponsorship of athletic activities or sports similar
6 to sports for which public postsecondary educational
7 institutions offer scholarships; providing an
8 effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Section 1006.17, Florida Statutes, is repealed.

13 Section 2. Section 1006.70, Florida Statutes, is repealed.

14 Section 3. This act shall take effect upon becoming a law.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 4057 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: K-20 Innovation
2 Subcommittee

3 Representative Metz offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7
8 Section 1. Subsection (3) of section 1003.455, Florida
9 Statutes, is amended to read:

10 1003.455 Physical education; assessment.—

11 (3) Each district school board shall provide 150 minutes
12 of physical education each week for students in kindergarten
13 through grade 5 and ~~for students in grade 6 who are enrolled in~~
14 ~~a school that contains one or more elementary grades~~ so that on
15 any day during which physical education instruction is conducted
16 there are at least 30 consecutive minutes per day. ~~Beginning~~
17 ~~with the 2009-2010 school year, the equivalent of one class~~
18 ~~period per day of physical education for one semester of each~~
19 ~~year is required for students enrolled in grades 6 through 8.~~

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 4057 (2012)

Amendment No. 1

20 Students enrolled in such instruction shall be reported through
21 the periodic student membership surveys, and records of such
22 enrollment shall be audited pursuant to s. 1010.305. Such
23 instruction may be provided by any instructional personnel as
24 defined in s. 1012.01(2), regardless of certification, who are
25 designated by the school principal.

26 Section 2. This act shall take effect July 1, 2012.

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T I T L E A M E N D M E N T

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Remove lines 6-9 and insert:

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8; providing an effective date.

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HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4057 Physical Education in the Public Schools

SPONSOR(S): Metz

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-20 Innovation Subcommittee		Thomas <i>10/1</i>	Sherry <i>HRS</i>
2) Education Committee			

SUMMARY ANALYSIS

The bill repeals public school physical education class, activity, and reporting requirements for middle school students (grades 6-8).

Specifically, the bill removes the requirement:

- for each school district to provide 150 minutes of physical education for students in grade 6 who are enrolled in a school that contains one or more elementary grades;
- that physical education instruction in elementary school be conducted for at least 30 consecutive minutes per day of instruction;
- for the equivalent of one class period per day of physical education for one semester of each year for students enrolled in grades 6 through 8; and
- for students enrolled in physical education instruction to be reported through the periodic student membership surveys and records of such enrollment to be audited pursuant to s. 1010.305, F.S.

The bill also removes the possibility of a waiver from the required physical education instruction for public elementary school students (grades K-5).

The bill does not appear to have a fiscal impact.

The bill provides an effective date of July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Current law requires each school board to provide 150 minutes of physical education 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.¹ Prior to the passage of SB 610 in 2008, many school districts had been counting a student walking to lunch, watching a film on nutrition or stretching for a few minutes by their desk as exercise.²

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.

Students enrolled in physical education instruction must be reported through the periodic student membership surveys and records of such enrollment must be audited pursuant to s. 1010.305, F.S. This reporting and auditing requirement was in law for students in grades K through 5 prior to the passage of SB 610 in 2008.

The requirements for physical education in public elementary (grades K-5) and middle schools (grades 6-8) 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.³

Effects of the Proposed Changes

The bill repeals public school physical education class, activity, and reporting requirements for middle school students.

Specifically, the bill removes the requirement:

- for each school district to provide 150 minutes of physical education for students in grade 6 who are enrolled in a school that contains one or more elementary grades;
- that physical education instruction in elementary school be conducted for at least 30 consecutive minutes per day of instruction;
- for the equivalent of one class period per day of physical education for one semester of each year for students enrolled in grades 6 through 8; and
- for students enrolled in physical education instruction to be reported through the periodic student membership surveys and records of such enrollment to be audited pursuant to s. 1010.305, F.S.

Although repeal of the middle school requirements will not prohibit middle schools from offering physical education instruction, middle schools may cease to offer physical education as a result of the repeal.

¹ Section 1003.455(3), F.S.

² Stuart Goldman, *Florida Toughens Physical Education Standards*, Club Industry, July 1, 2008, available at http://www.clubindustry.com/schools/florida_toughens_physical_education

³ Section 1003.455(4), F.S.

In addition, elementary school students (grades K-5) will no longer be required to have physical education instruction for at least 30 consecutive minutes. This could result in a return to the previous practice of counting students walking to lunch or stretching at their desks as minutes used to meet the physical education requirement.

In deleting the reporting and audit requirements for grades 6-8, the bill also deletes those requirements for grades K-5. This will result in an end to reporting for K-5 physical education instruction that was in place prior to the 2008 legislation.

The bill also removes the possibility of a statutory waiver from the required physical education instruction for public elementary school students. In effect, the bill will require all elementary students who currently receive a waiver to now participate in physical education instruction and parents will no longer have an option to seek a waiver from physical education requirements for their elementary grade children.

B. SECTION DIRECTORY:

Section 1. Amends s. 1003.455, F.S., relating to physical education; assessment - deleting provisions relating to requirements of physical education instruction for students in grades 6 through 8, reporting and auditing of student enrolment in physical education instruction, and criteria for student's waiver for participating in physical education instruction.

Section 2. Provides an effective date of July 1, 2012.

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. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill removes the requirement that elementary school (K-5) students receive at least 30 consecutive minutes of physical education instruction whenever instruction is conducted. In order to prohibit school districts from using unstructured student activities (such as walking to lunch) as minutes that meet physical education instruction requirements, this provision may need to remain in statute.

The bill removes the requirement for students enrolled in physical education to be reported through the periodic student membership surveys and the audit of physical education enrollment records being audited pursuant to s. 1010.305, F.S. In order to ensure that each district school board provide students in kindergarten through grade 5 with 150 minutes of physical education each week the reporting and audit requirement may need to remain in statute.

The bill removes the possibility of a statutory waiver from the required physical education instruction for elementary students. This ability to seek a waiver may need to remain in statute.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

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A bill to be entitled

An act relating to physical education in the public schools; amending s. 1003.455, F.S.; deleting provisions relating to requirements for physical education instruction for students in grades 6 through 8, reporting and auditing of student enrollment in physical education instruction, and criteria for a student's waiver from participation in physical education instruction; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (3), (4), and (5) of section 1003.455, Florida Statutes, are amended to read:

1003.455 Physical education; assessment.—

(3) Each district school board shall 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. Beginning with the 2009-2010 school year, 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.~~ Students enrolled in such instruction shall be reported through ~~the periodic student membership surveys, and records of such enrollment shall be audited pursuant to s. 1010.305.~~ Such instruction may be provided by any instructional personnel as

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29 defined in s. 1012.01(2), regardless of certification, who are
 30 designated by the school principal.

31 ~~(4) The requirement in subsection (3) shall be waived for~~
 32 ~~a student who meets one of the following criteria:~~

33 ~~(a) The student is enrolled or required to enroll in a~~
 34 ~~remedial course.~~

35 ~~(b) The student's parent indicates in writing to the~~
 36 ~~school that:~~

37 ~~1. The parent requests that the student enroll in another~~
 38 ~~course from among those courses offered as options by the school~~
 39 ~~district; or~~

40 ~~2. The student is participating in physical activities~~
 41 ~~outside the school day which are equal to or in excess of the~~
 42 ~~mandated requirement.~~

43 ~~(5) Each school district shall notify the student's parent~~
 44 ~~of the options available under subsection (4) before scheduling~~
 45 ~~the student to participate in physical education.~~

46 Section 2. This act shall take effect July 1, 2012.