

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 67 Public School Recess

**SPONSOR(S):** PreK-12 Innovation Subcommittee; Plasencia; Cortes, B. and others

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Innovation Subcommittee	14 Y, 0 N, As CS	McAlarney	Healy
2) PreK-12 Appropriations Subcommittee			
3) Education Committee			

### SUMMARY ANALYSIS

This bill allows district school boards' to include free-play recess for students in kindergarten through 3<sup>rd</sup> 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 3<sup>rd</sup> 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 12<sup>th</sup> grade to participate in P.E.<sup>1</sup>

##### **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.<sup>2</sup>

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

##### **Physical Education Requirements**

All districts must provide 150 minutes of P.E. each week for students in kindergarten through 5<sup>th</sup> grade and for students in 6<sup>th</sup> 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.<sup>5</sup>

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

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

- 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

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

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

<sup>3</sup> Section 1011.61 (1) (a) 1., F.S.

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

<sup>5</sup> Section 1003.455 (3), F.S.

<sup>6</sup> Section 1003.455 (1), F.S.

<sup>7</sup> Section 1003.455 (1), F.S.

<sup>8</sup> Section 1003.455 (3), F.S.

<sup>9</sup> Section 1003.41 (1)-(2), F.S.

<sup>10</sup> Section 1003.455 (3), F.S.

<sup>11</sup> 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 5<sup>th</sup> grade recess policy.<sup>12</sup> Of these districts:

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

The Florida Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA) surveyed 2,903 schools<sup>17</sup> about their recess practices.<sup>18</sup> 42% of schools responded<sup>19</sup> and 83% of schools offered recess during the 2015-2016 school year.<sup>20</sup>

### 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.

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<sup>12</sup> 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](http://www.flsenate.gov/PublishedContent/Committees/2016-2018/AED/MeetingRecords/MeetingPacket_3645_2.pdf), at 5 (last visited Mar. 23, 2017).

<sup>13</sup> 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.

<sup>14</sup> 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.*

<sup>15</sup> 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.*

<sup>16</sup> 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](http://www.flsenate.gov/PublishedContent/Committees/2016-2018/AED/MeetingRecords/MeetingPacket_3645_2.pdf), at 5. (last visited Mar. 23, 2017)

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

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> 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](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

On March 28, 2017, the PreK-12 Innovation Subcommittee adopted a proposed committee substitute (PCS) and reported the bill favorably as a committee substitute. The PCS differs from the bill by permitting schools to include free-play recess in kindergarten through grade 3 and requiring district school boards to provide free-play recess for grades kindergarten through grade 3 on days when physical education classes are not held. The bill analysis is drafted to the PCS as passed by the PreK-12 Innovation Subcommittee.