

# FLORIDA DEPARTMENT OF EDUCATION



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*Commissioner of  
Education*



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## Technical Assistance Paper

### NEW LEGISLATION RELATING TO PHYSICAL EDUCATION

**Summary:** The 2007 Legislature passed House Bill 967 which includes changes in policy as it relates to Physical Education (PE). On May 17, 2007, Governor Crist signed this bill into law.

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## TABLE OF CONTENTS

<b>General.....</b>	<b>1</b>
1. What does House Bill 967 do?.....	1
2. How are districts and schools going to implement the new requirements?.....	1
3. How do districts report this requirement? .....	1
4. When will the Sunshine State Standards for Physical Education be reviewed?.....	1
5. When must the new law be implemented? .....	1
<b>Elementary School .....</b>	<b>2</b>
6. Who can teach Elementary Physical Education?.....	2
7. How do I find information on how to teach Elementary Physical Education?.....	3
8. If a paraprofessional is assigned by a principal to teach Physical Education, must they do so under the direct supervision of an instructional staff member? .....	3
9. Will recess fulfill the new Elementary Physical Education requirement?.....	3
10. Are districts required to provide 30 minutes per day of Physical Education or 150 minutes per week?.....	3
11. If a student with severe and profound disabilities receives physical therapy and other activities, can this count toward the 150 minutes of Physical Education requirement? .....	3
<b>Middle School.....</b>	<b>4</b>
12. Are there any recommendations for middle school? .....	4
<b>High School.....</b>	<b>4</b>
13. If the district has chosen the Personal Fitness/Physical Education Activity option to fulfill the High School Physical Education graduation requirement, which waivers apply? .....	4
14. If the district has chosen the Health Opportunities through Physical Education (HOPE) or the HOPE-PE Variation options to fulfill the Physical Education graduation requirement, which waivers apply? .....	4
15. Can a district school board require that the one credit in Physical Education be taken during the 9 <sup>th</sup> grade year?.....	5
16. When does implementation begin?.....	5
17. Can Reserve Officer Training Corps (R.O.T.C.) course taken through dual enrollment apply as credit to satisfy the High School Physical Education requirement? .....	5
18. What dual enrollment options can satisfy the Physical Education requirement? ...	5
19. If a student successfully completes only one year of junior varsity/varsity sports or one year of R.O.T.C., can this satisfy .5 credits of the graduation credits? .....	5

## NEW LEGISLATION RELATING TO PHYSICAL EDUCATION

The 2007 Legislature passed House Bill 967 which included changes in policy as it relates to Physical Education (PE). The following questions and answers are provided for your information:

### **I. General:**

#### **1. What does House Bill 967 do?**

- o Defines Physical Education
- o Requires 150 minutes of PE per week for grades K-5
- o Defines those approved to teach PE in grades K-5
- o Requires that the PE Sunshine State Standards be reviewed and revised during the 2007-2008 school year
- o Requires a professional development clearinghouse link on the Department of Education's Web site to include current PE and nutrition philosophy and best practices

#### **2. How are districts and schools going to implement the new requirement?**

Districts and schools have a great deal of flexibility in implementing the new law. The Department of Education will continue to provide guidance throughout the summer.

#### **3. How do districts report this requirement?**

Districts report the number of minutes per week of actual instruction in the course being reported for each individual student. For example, "John Smith was in Elementary Physical Education for 150 minutes per week."

#### **4. When will the Sunshine State Standards for Physical Education be reviewed?**

The Sunshine State Standards for Physical Education must be reviewed and revised during the 2007-2008 school year to reflect state-of-the-art philosophy and practice. The revised standards shall emphasize the role of physical education in promoting the knowledge, skills, and attitudes that prepare students to make healthy lifelong nutrition and physical fitness choices.

#### **5. When must the new law be implemented?**

Implementation of this bill begins in the 2007-2008 school year.

## **II. Elementary School:**

### **6. Who can teach Elementary Physical Education?**

Under the new legislative language, instructional personnel approved to teach PE in grades K-5 are defined in Section 1012.01(2), Florida Statutes (F.S.). The specifications of Section 1012.01(2), F.S., are as follows:

(2) INSTRUCTIONAL PERSONNEL.--"Instructional personnel" means any K-12 staff member whose function includes the provision of direct instructional services to students. Instructional personnel also includes K-12 personnel whose functions provide direct support in the learning process of students. Included in the classification of instructional personnel are the following K-12 personnel:

(a) Classroom teachers.--Classroom teachers are staff members assigned the professional activity of instructing students in courses in classroom situations, including basic instruction, exceptional student education, career education, and adult education, including substitute teachers.

(b) Student personnel services.--Student personnel services include staff members responsible for: advising students with regard to their abilities and aptitudes, educational and occupational opportunities, and personal and social adjustments; providing placement services; performing educational evaluations; and similar functions. Included in this classification are guidance counselors, social workers, career specialists, and school psychologists.

(c) Librarians/media specialists.--Librarians/media specialists are staff members responsible for providing school library media services. These employees are responsible for evaluating, selecting, organizing, and managing media and technology resources, equipment, and related systems; facilitating access to information resources beyond the school; working with teachers to make resources available in the instructional programs; assisting teachers and students in media productions; and instructing students in the location and use of information resources.

(d) Other instructional staff.--Other instructional staff are staff members who are part of the instructional staff but are not classified in one of the categories specified in paragraphs (a)-(c). Included in this classification are primary specialists, learning resource specialists, instructional trainers, adjunct educators certified pursuant to s. 1012.57, and similar positions.

(e) Education paraprofessionals.--Education paraprofessionals are individuals who are under the direct supervision of an instructional staff member, aiding the instructional process. Included in this classification are classroom paraprofessionals in regular instruction, exceptional education paraprofessionals, career education paraprofessionals, adult education paraprofessionals, library paraprofessionals, physical education and playground paraprofessionals, and other school-level paraprofessionals.

**7. How do I find information on how to teach Elementary Physical Education?**

The Department of Education will make links available on the Department's Web site to a clearinghouse of professional development for Physical Education (PE) and wellness, as well as PE policies, other resources, and other Web sites that provide helpful information for elementary teachers who will be teaching PE. These resources will include (1) current PE and nutrition philosophy; and (2) best practices that result in student participation in physical activities that promote lifelong physical and mental well-being.

**8. If a paraprofessional is assigned by a principal to teach PE, must the paraprofessional do so under the direct supervision of an instructional staff member?**

Yes. Section 1012.01(2), F.S., states: "Education paraprofessionals are individuals who are under the direct supervision of an instructional staff member, aiding the instructional process."

**9. Will recess fulfill the new Elementary Physical Education requirement?**

The American Alliance for Health, Physical Education, Recreation and Dance (AAHPERD) states that "Unstructured school time, also referred to as recess, is defined as a break during the day allocated to allow children the time for physically active free play." In this new legislation, PE is defined as "the development and maintenance of skills related to strength, agility, flexibility, movement, and stamina, including dance; 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."

It is clear that, while physical activity such as that which occurs during recess is one part of the new requirements, there are also requirements for knowledge and skills regarding issues such as teamwork, fair play, nutrition, and healthy lifestyles.

**10. Are districts required to provide 30 minutes per day of PE or 150 minutes per week?**

The new law stipulates 150 per week for grades K-5. Districts have flexibility as to how to implement this requirement.

**11. If a student with severe and profound disabilities receives physical therapy and other activities, can this count toward the 150 minutes of PE requirement?**

No. Physical therapy is a related service and therefore is not considered physical education. However, the PE requirement for students with severe and profound disabilities can be met through participation in adaptive or specially designed PE.

### **III. Middle School:**

#### **12. Are there any recommendations for middle school?**

Districts are encouraged to provide 225 minutes per week of PE in grades 6-8 (existing language).

### **IV. High School:**

Senate Bill 2092 updates waiver language for the High School Physical Education graduation requirement. Implementation of specific waivers depends on which of the Physical Education graduation requirement options the district has chosen. If the Governor signs Senate Bill 2092 into law, implementation of the PE waivers is as follows:

#### **13. If the district has chosen the Personal Fitness/Physical Education Activity option to fulfill the High School Physical Education graduation requirement, which waivers apply?**

- o Participation in two seasons of an interscholastic sport at the junior varsity and varsity levels AND a passing grade of “C” on the Personal Fitness Competency test replaces both the .5 credit requirement in Personal Fitness and the .5 credit requirement in a PE Activity elective for a total of 1 credit in PE.
- o Completion of one semester of marching band with a passing grade of “C” replaces the .5 credit of the PE Activity elective. (Note: Another option is to have this satisfy the Performing Arts requirement.) The student must still take the Personal Fitness class (.5 credit) to complete the 1 credit in PE.
- o Participation in a dance class satisfies the .5 credit of the PE activity elective. (Note: Another option is to have this satisfy the Performing Arts requirement.) The student must still take the Personal Fitness class (.5 credit) to complete the 1 credit in PE.
- o Completion of two years in a Reserve Officer Training Corps (R.O.T.C.) class satisfies 1 credit of the PE activity electives. However, the student must still take the Personal Fitness class (.5 credit) to satisfy the PE graduation requirement in those districts choosing this option. Students using the R.O.T.C. waiver and the Personal Fitness class will have 1.5 credits in PE.

#### **14. If the district has chosen the Health Opportunities through Physical Education (HOPE) or the HOPE-PE Variation option to fulfill the PE graduation requirement, which waivers apply?**

- o Participation in two seasons of an interscholastic sport at the junior varsity and varsity levels AND a passing grade of “C” on the Personal Fitness Competency test satisfies the full 1 credit Physical Education requirement.

- o Completion of two years in a Reserve Officer Training Corps (R.O.T.C.) class satisfies the full 1 credit PE requirement and the full 1 credit Performing Arts requirement.

**15. Can a district school board require that the one credit in PE be taken during the 9<sup>th</sup> grade year?**

No. Senate Bill 2092 specifically states that a district school board may not require that the one credit in PE be taken during the 9th grade year.

**16. When does implementation begin?**

Implementation of this bill begins in the 2007-2008 school year.

**17. Can an R.O.T.C. course taken through dual enrollment apply as credit to satisfy the High School Physical Education requirement?**

Postsecondary ROTC courses are not currently approved for dual enrollment to satisfy the high school graduation PE requirement. However, districts may submit Statewide Course Numbered Courses for annual faculty discipline committee review. The proposed courses will be considered for addition to the Dual Enrollment Course Equivalency List. Courses may be submitted to the Office of Articulation, [Pamela.Kerouac@fldoe.org](mailto:Pamela.Kerouac@fldoe.org). Committee recommendations are submitted to the Articulation Coordinating Committee and the State Board of Education for approval. New course additions are posted online at:

<http://facts23.facts.org/Advising%20Manuals/pdf/Dual%20Enrollment%20List%20for%20Mar%202007%20SBE%20Approval.pdf>.

**18. What dual enrollment options can satisfy the Physical Education requirement?**

Currently, the Dual Enrollment Course Equivalency List contains six approved college courses that can satisfy the high school PE graduation requirement. The courses include Personal Health and Fitness; Human Performance; Personal Health; Perspectives of Health and Wellness; Wellness: Nutrition, Personal Growth, Fitness; and Application of Scientific Principles to Conditioning Programs. They can be referenced online at:

<http://facts23.facts.org/Advising%20Manuals/pdf/Dual%20Enrollment%20List%20for%20Mar%202007%20SBE%20Approval.pdf>.

**19. If a student successfully completes only one year of junior varsity/varsity sports or one year of R.O.T.C., can this satisfy .5 credits of the graduation credits?**

No. Updated waiver language included in Senate Bill 2092 states: "Completion of 2 years in a Reserve Officer Training Corps (R.O.T.C.) class, a significant component of which is drills, shall satisfy the one-credit requirement in physical education and the one-credit requirement for performing arts."