

# FLORIDA DEPARTMENT OF EDUCATION



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Commissioner of  
Education



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## Technical Assistance Paper

### K-8 Physical Education

**Summary:**

The Bureau of Instruction and Innovation is pleased to provide you with technical assistance for implementation of Senate Bill 610. This legislation affects s. 1003.455, F.S., as it relates to physical education for students in grades kindergarten through grade eight.

Copies of this technical assistance paper as well as Senate Bill 610 will be posted on the Department of Education Web site no later than August 1, 2008.

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**Status:**

- New Technical Assistance Paper
- Revises and replaces existing Technical Assistance:

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<http://www.fldoe.org/schools/>

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## TABLE OF CONTENTS

<b>General</b> .....	<b>1</b>
What does Senate Bill 610 do?.....	1
<b>Elementary School</b> .....	<b>1</b>
1. Is the new requirement of at least 30 consecutive minutes a daily physical education requirement?.....	1
2. A student attends 45 minute physical education classes on Monday, Tuesday and Thursday for a total of 135 minutes. Can the classroom teacher (or any other instructional personnel designated by the principal) provide the remaining 15 minutes and have met the requirements for that student?.....	2
3. Are students in grades K-5 eligible for the waivers listed in SB 610?.....	2
<b>Middle School</b> .....	<b>2</b>
1. Will 6 <sup>th</sup> grade students who attend a school with one or more elementary grades be required to receive 150 minutes each week or one semester per year beginning in the 2009-2010 school year?.....	2
2. Will the Department of Education provide a template that school districts may use to notify parents of what waiver options are available prior to scheduling students in physical education?.....	2
3. Who is required to provide the one-on-one counseling that must be made available to students (e.g. physical education teacher, guidance counselor)?.....	2
4. Can physical education for students in grades 6-8 be taught by someone other than a certified physical education teacher?.....	3
5. What are the allowable waiver options?.....	4
6. How often must each district school board notify parents of the options available to waive their child out of the physical education requirements?...	4

## **NEW LEGISLATION RELATING TO PHYSICAL EDUCATION**

The 2008 Legislature passed Senate Bill 610 which was signed into law by Governor Crist on June 2, 2008. It included changes in statute as it relates to physical education for students in grades K-8. The following questions and answers are provided below for your information:

### **What does Senate Bill 610 do?**

- Requires each district school board to include the availability of one-on-one counseling concerning the benefits of physical education in their written physical education policy
- Requires 6<sup>th</sup> grade students who are enrolled in a school with one or more elementary grades to receive 150 minutes of physical education per week
- Continues to require 150 minutes each week for students in grades K-5 and requires at least 30 consecutive minutes of physical education on any day during which physical education instruction is conducted
- Requires the equivalent of one class period per day of physical education for one semester of each year for students enrolled in grades 6-8 beginning in the 2009-2010 school year
- Provides waiver options for students and requires that each district school board is required to notify parents of waiver options prior to scheduling a student in physical education

### **ELEMENTARY SCHOOL**

#### **1. Is the new requirement of at least 30 consecutive minutes a daily physical education requirement?**

No. The requirement is that "...on any day during which physical education instruction is conducted there are at least 30 consecutive minutes per day."

Example 1: A student attends 50-minute physical education classes on Monday, Wednesday and Friday. They have met the requirement for a total of 150 minutes per week as well as 30 consecutive minutes on any day that physical education instruction is conducted.

Example 2: A student attends 45-minute physical education classes on Tuesday and Thursday. The classroom teacher (or any other instructional personnel designated by the principal) conducts 30-minute physical education activities on Monday and Wednesday. They have met the requirement for a total of 150 minutes per week as well as 30 consecutive minutes on any day that physical education instruction is conducted.

- 2. A student attends 45-minute physical education classes on Monday, Tuesday and Thursday for a total of 135 minutes. Can the classroom teacher (or any other instructional personnel designated by the principal) provide the remaining 15 minutes and have met the requirements for that student?**

No. If only the remaining 15 minutes are provided, the student has not completed the additional requirement of 30 consecutive minutes on any day that physical instruction is conducted. The teacher would need to provide a minimum of 30 additional minutes even though the student will have a total number of minutes higher than 150 for that week.

- 3. Are students in grades K-5 eligible for the waivers listed in SB 610?**

These waivers and parent notification letters do not go into effect until the 2009-2010 school year.

### **MIDDLE SCHOOL**

- 1. Will 6<sup>th</sup> grade students who attend a school with one or more elementary grades be required to receive 150 minutes each week or one semester per year beginning in the 2009-2010 school year?**

If a 6<sup>th</sup> grade student attends a school where they operate as an elementary school (e.g. K-6 school where 6<sup>th</sup> grade students are in self-contained classes), they would receive 150 minutes each week of physical education, where on any day that physical education instruction is conducted, there are at least 30 consecutive minutes (beginning in 2008-2009). For 2009-2010, please note that additional technical assistance is forthcoming regarding 6<sup>th</sup> grade students who attend a combination school where they operate as a middle school (e.g. K-8 school where the students in grades 6-8 change classes as a middle school).

- 2. Will the Department of Education provide a template that school districts may use to notify parents of what waiver options are available so that they can notify parents prior to scheduling students in physical education?**

Yes. A sample letter is provided with this document for each district school board, but it will not be mandatory for a district school board to use the one provided. Each district has the option of creating and providing their own parent notification letter that best meets the needs of their district.

- 3. Who is required to provide the one-on-one counseling that must be made available to students (e.g. physical education teacher, guidance counselor)?**

This will be decided by each district school board and should be detailed in the district's written physical education policy. However, the legislation does not require counseling for all students, just that counseling be available.

**4. Can physical education for students in grades 6-8 be taught by someone other than a certified physical education teacher?**

The same requirements currently applicable for elementary school physical education instruction, applies to middle school physical education instruction beginning in 2009-2010. The law states: "...instruction may be provided by any instructional personnel as defined in s. 1012.01(2), regardless of certification, who are designated by the school principal." The specifications of s. 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.

**5. What are the allowable waiver options?**

The physical education requirement shall 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 student's parent indicates in writing to the school that:
  1. The parent requests that the student enroll in another course from among those offered as options by the school district, or
  2. The student is participating in physical activities outside the school day which are equal to or in excess of the mandated requirement.

**6. How often must each district school board notify parents of the options available to waive their child out of the physical education requirements?**

District school boards will be required to notify parents of the waiver options annually prior to the scheduling of classes for the following school year, beginning with 2009-2010.

## SAMPLE LETTER REGARDING PARENT OPTIONS FOR 2009-10

Dear Parent or Guardian,

The 2008 Legislature passed Senate Bill 610 which was signed into law by Governor Crist on June 2, 2008. It included changes in statute as it relates to physical education requirements for Florida students.

Senate Bill 610 requires the equivalent of one class period per day of physical education for one semester of each year for students in grades 6 through 8 beginning in the 2009-2010 school year. The physical education requirement shall 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 student's parent indicates in writing to the school that:
  1. The parent requests that the student enroll in another course from among those offered as options by the school district, OR
  2. The student is participating in physical activities outside the school day which are equal to or in excess of the mandated requirement.

This statute requires each district school board to notify parents of the options available prior to scheduling a student in physical education. Unless your child meets one of the waiver criteria listed above, he/she will be enrolled in physical education for one semester of each year while in grades 6 through 8.

Please contact your school administration if you have questions or concerns regarding the physical education requirements or waiver criteria.