

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCS/HB 0077 Student Health and Fitness  
**SPONSOR(S):** Committee on Education K-20 and Farkas  
**TIED BILLS:** **IDEN./SIM. BILLS:**

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Education K-20		Aldis	Bohannon
2) Education Appropriations (Sub)			
3) Appropriations			
4)			
5)			

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### SUMMARY ANALYSIS

The PCS addresses the issue of student health and fitness by modifying provisions relating to and requiring action by school advisory councils, district school boards, and the Department of Education.

School advisory councils are required to make recommendations each year on ways to improve student health and fitness at the school level. The recommendations may relate to nutrition, physical fitness, parental information, and indoor environmental quality. During the recommendation process advisory councils shall hold a public meeting to gather parental input. The recommendations are given to the principal, parents, and district school board.

The PCS requires district school boards to incorporate student health and fitness into school improvement plans, adopt policies to encourage school site decisionmaking, and develop a districtwide plan for student health and fitness. The districtwide plan must be submitted to the Department of Education.

The Department of Education is required to conduct a study on student health and fitness and to develop support materials for implementation of fitness assessment programs and student health reports at the local level. The results of the study are to be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2004.

The Department of Education must also develop procedures and establish rules to require school districts to evaluate every student to determine if he or she is overweight or at risk of becoming overweight. Schools must notify parents of the results and request a meeting with a parent whose child is overweight or at risk of becoming overweight.

There is an indeterminate fiscal impact on state and school district expenditures that will depend largely on the policies adopted by the Department of Education to implement the provisions relating to the annual assessment of students to determine the risk of becoming overweight. See the FISCAL COMMENTS section.

This act shall take effect on July 1, 2004.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h0077a.edk.doc  
**DATE:** March 22, 2004

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |   |  |   |
|--------------------------------------|---|--|---|
| 1. Reduce government?                | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. Lower taxes?                      | Yes <input type="checkbox"/>            | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/>            | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            | N/A <input type="checkbox"/>            |
| 5. Empower families?                 | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            | N/A <input type="checkbox"/>            |

For any principle that received a “no” above, please explain:

Because the PCS requires increases the duties of the Department of Education (DOE) and school districts it increases government.

#### B. EFFECT OF PROPOSED CHANGES:

##### **Background**

##### The Obesity Epidemic

In December 2001, the Surgeon General of the United States issued a report entitled, *The Surgeon General's Call to Action to Prevent and Decrease Overweight and Obesity*. The report contained Center for Disease Control findings that found more than 61 percent of adults were overweight and at least 27 percent of those are obese. The economic cost of obesity was estimated at \$117 billion in 2001, with 300,000 deaths attributed to obesity.

Florida has not been spared by the obesity epidemic. The percent of adults in Florida who are overweight has increased from 35.3 percent in 1986 to 57.4 percent in 2002. The problem is not limited to adults though as 26.4 percent of Florida high school students are overweight or at risk of becoming overweight.<sup>1</sup> Some studies have suggested that approximately 50 percent of children and adolescents that are obese will become obese adults.<sup>2</sup>

##### Florida's Response

To address the rising rates of overweight and obese adults and young people, Governor Bush created the Governor's Task Force on the Obesity Epidemic on October 15, 2003. The Task Force, made up of health experts and community leaders from across the state, met over the course of 4 months and heard public testimony related to the epidemic and suggestions to improve the current situation. As a result the Task Force adopted and submitted to the Governor twenty-two recommendations for consideration, at least ten of the recommendations involved schools.<sup>3</sup>

On March 10, 2004, the House of Representatives Subcommittee on General Education held a workshop on the concept of student health and fitness entitled “Healthy Achievers.” The workshop included member discussion and public testimony on ways to improve student health.

<sup>1</sup> Source: Report of the Governor's Task Force on the Obesity Epidemic, p. 4 (February 2004).

<sup>2</sup> Source: “Health Consequences of Childhood Obesity” at <http://www.healthinschools.org>.

<sup>3</sup> The Task Force recommendations may be found at <http://www.doh.state.fl.us/Family/GTFOE/report.pdf>.

## The PCS

The PCS addresses the issue of student health and fitness by modifying provisions relating to and requiring action by school advisory councils (SACs), district school boards, and the DOE.

### School Advisory Councils

SACs were established by s. 1001.452, F.S. They are composed of the school's principal, teachers, education support employees, students, parents, and other business and community citizens. The PCS changes the composition to require every SAC to have at least one member that is a health care professional.

Currently, the SAC is involved in the school improvement plan and preparation of the school's annual budget.<sup>4</sup> The PCS requires SACs to make a recommendation each year on how to maintain or improve student health and fitness. The PCS requires the following issues be considered but does not limit recommendations to these issues:

- Nutrition
  - School food service offerings
  - Nutritional value of food used as classroom incentives or as fundraisers
  - Vending machine contents and hours of availability
  - Level of nutrition education
- Physical Fitness Opportunities
  - Physical education (PE) classes
  - Recess
  - Activity requirements in before school, after school, and summer school programs
  - Fitness assessment programs
  - Use of school grounds as a public park
- Parental information- need for information on health and fitness of child
- Indoor environmental quality

To assist SACs in making a recommendation, every SAC must hold a public meeting to allow parents to comment on the school's role in student health and fitness. When a SAC's recommendations are complete,<sup>5</sup> they are distributed to the school's parents and principal and submitted to the district school board.

### School Districts

The PCS makes several changes relating to student health and fitness that affect district school boards. The PCS:

- Requires student health and fitness issues to be addressed in school improvement plans.<sup>6</sup>
- Requires district school boards to adopt policies with guidelines to encourage decisionmaking at the school site regarding student health and fitness standards.
- Gives boards the authority to adopt policies relating to indoor environmental quality.
- Modifies the composition of SACs to include at least one person that is a health care professional.<sup>7</sup>
- Requires district school boards to develop a districtwide plan for student health and fitness

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<sup>4</sup> Section 1001.452(2), F.S.

<sup>5</sup> They are due by March 1 of each year.

<sup>6</sup> Section 1001.42(16), F.S., requires school improvements plans to be approved by the district school board.

<sup>7</sup> This necessitates board action because district school boards, pursuant to s. 1001.452(1)(a), F.S., are required to develop procedures for the election, appointment, and selection of advisory council members.

- Requires districtwide plans for student health and fitness be submitted to the DOE of Education

District school boards were already permitted to take many of the actions delineated by the PCS; however, the PCS emphasizes student health and fitness by specifically requiring it be addressed in the school improvement plan. It also emphasizes the role of the individual school with a requirement for district school boards to adopt policies encouraging more school site decisionmaking.

When the district school board develops the districtwide plan for student health and fitness it must do so in conjunction with recommendations submitted by SACs. The fact that the district will have a districtwide plan does not prevent a school from implementing a SAC recommendation that the school has the authority under district policies to implement. The district school board must submit its districtwide plan for student health and fitness to the DOE by May 1 of each year.

### State Duties

The PCS requires the DOE to perform a study to collect information regarding student health and fitness. The study is to examine the following:

- Physical education (PE) classes
  - Length and frequency of classes by grade level and organized by school district
  - Percent of classes taught by certified PE instructors
  - Degree to which schools in a district can add to or modify district PE requirements
- Fitness assessment programs—availability and ability to provide feedback on and encourage student fitness
- Parent feedback mechanisms—need for and methods of providing a student health report

In connection with the study, the DOE is charged with developing, by December 1, 2004, support materials for schools and districts interested in implementing fitness assessment programs or using student health reports. The PCS requires that the support materials include instructions, procedures, and forms necessary for starting and continuing both the fitness assessment program and the student health report. It is likely that school districts would have difficulty implementing either of these optional programs without technical assistance from the DOE.

The DOE shall report the results of the study to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2004. In addition to the study results, the report shall include any identified barriers to local action to improve student health and fitness and any recommendations based on the study requiring funding or statutory changes.

The DOE is also required to develop procedures and establish rules that will require school district personnel to evaluate on an annual basis each student's risk for being overweight. If a student is identified as being at risk for being overweight, the school shall:

- Notify the student's parent
- Request a meeting with the parents to discuss the evaluation
- Provide information about improving the student's health

The PCS specifically places the responsibility upon the parent to schedule the meeting with the school to discuss the evaluation and to improve the student's health. The 2001 Youth Risk Behavior Survey showed that 27.6 % of middle school students and 24.6% of high school students were either overweight or at risk for being overweight. With approximately 2.5 million students in Florida schools in 2002-2003<sup>8</sup> and an estimated 25% of students overweight or at risk of being overweight, there would need to be 2.5 million evaluations and approximately 612,500 meetings with parents. It is not clear

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<sup>8</sup> Source: Florida Department of Education.

that school districts currently have the personnel to administer these provisions. See the FISCAL COMMENTS section.

C. SECTION DIRECTORY:

Section 1: Provides a popular name.

Section 2: Amends s. 1001.42, F.S.; requires school improvement plans to address student health and fitness; encourages policies that increase school site decisionmaking in the implementation of student health and fitness standards.

Section 3: Amends s. 1001.43, F.S.; allows district school boards to adopt policies for management of indoor environmental quality.

Section 4: Amends s. 1001.452, F.S.; changes the composition of school advisory councils to include a member from a health related profession; includes input from health care related professional organizations on possible members for school advisory councils; requires school advisory councils to make recommendations each year to maintain or improve student health and fitness; requires a public meeting for parents to express ideas or concerns; provides for the distribution of school advisory council recommendations; requires district school boards to develop a districtwide plan to address student health and fitness and submit the plan to the department.

Section 5: Requires the Department of Education to conduct a study on student health and fitness and to develop support materials for use by local schools in improving student health and fitness; requires the department to develop a procedure school personnel could use to evaluate every student's risk for being overweight; requires school districts to develop policies to assess student's risk of being overweight; requires schools to assess students risk of being overweight and notify parents of the results; provides rulemaking authority to the Department of Education; requires the department to report its findings and recommendations to the Legislature by December 1, 2004.

Section 6: Provides an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The PCS does not appear to have a fiscal impact on state revenues.

2. Expenditures:

The PCS has an indeterminate fiscal impact on state expenditures. See FISCAL COMMENTS section.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The PCS does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

The PCS has an indeterminate effect on school district expenditures. There could be some fiscal impact based upon the districtwide student health and fitness plans and recommendations made by

SACs depending upon what is implemented and what local school districts decide to fund. Also, see the FISCAL COMMENTS section.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The PCS does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

The PCS requires the DOE to conduct a study, produce support materials, develop procedures for districts to evaluate a student's risk for being overweight, and make a report to the Legislature. To the extent additional personnel are needed to complete these requirements, there could be a small, indeterminate fiscal impact on state government.

The implementation of the provisions for the evaluation of a student's risk for being overweight will have a fiscal impact. The amount of the impact will vary depending on the procedures developed by the DOE and local school districts for implementing the evaluations. For example, requiring school nurses to perform the evaluations would be far more costly than allowing the evaluations to be completed by educational support employees. An additional cost would be incurred if personnel must be added to conduct the meetings required when a student is deemed overweight or at risk of becoming overweight. It is not clear if the funding for these provisions will come from school district or state funds.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The PCS does not require counties or municipalities to spend funds or take action requiring the expenditure of funds.

2. Other:

The PCS does not appear to violate any constitutional provisions.

B. RULE-MAKING AUTHORITY:

The bill provides rulemaking authority to the Department of Education, pursuant to ss. 120.536(1) and 120.54, F.S., relating to the development and implementation of procedures to evaluate each student's risk for being overweight.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES