

CSBA Sample Board Policy

Instruction

BP 6142.7(a)

PHYSICAL EDUCATION

Note: The following **optional** policy may be revised to reflect district practice.

The federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 (42 USC 1751 Note) mandates each district participating in federal meals programs to adopt a districtwide student wellness policy, including goals for physical activity. See BP 5030 - Student Wellness for language fulfilling this mandate.

Education Code 33352 requires the California Department of Education (CDE) to monitor districts' compliance with state physical education requirements as part of the Categorical Program Monitoring (CPM) process. As amended by SB 601 (Ch. 720, Statutes of 2007), Education Code 33352 requires the CDE to monitor compliance with requirements related to the minimum number of instructional minutes in physical education, physical fitness testing, inclusion of physical fitness test results in the school accountability report card, the offering of elective physical education courses to students exempted from physical education under specified circumstances, inclusion of specified components in the district's physical education program for grades 9-12, equal opportunities for participation in physical education regardless of gender, and possession of appropriate credentials by physical education teachers. These requirements are reflected in the following policy and the accompanying administrative regulation.

The Governing Board recognizes the positive benefits of physical activity on student health and academic achievement. The Board desires to provide a physical education program that supports the district's coordinated student wellness program, provides an adequate amount of moderate to vigorous physical activity, builds interest and proficiency in movement skills, and encourages students' lifelong fitness through physical activity. Besides promoting high levels of personal achievement and a positive self-image, physical education activities should teach students how to cooperate in the achievement of common goals.

(cf. 5030 - Student Wellness)

(cf. 5121 - Grades/Evaluation of Student Achievement)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6145.2 - Athletic Competition)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.11 - Alternative Credits Toward Graduation)

Note: The CDE's Physical Education Framework describes components of a comprehensive physical education program based on state model content standards. The following paragraph reflects content areas that should be included at appropriate times during grades K-12 in accordance with the state framework and that are required for grades 9-12 in accordance with 5 CCR 10060. Pursuant to Education Code 33352, as amended by SB 601 (Ch. 720, Statutes of 2007), the CDE will check during the CPM process to determine whether the district's program in grades 9-12 contains all of these content areas.

An Attorney General opinion (53 Ops.Cal.Atty.Gen. 230 (1970)) allows marching band classes to be included as part of the physical education program provided that the entire program substantially meets the objectives and criteria of Education Code 51220, adequately prepares students for state physical fitness performance tests, and is taught by a teacher holding a physical education credential. However, the CDE

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cautions that it is difficult to meet state content standards for physical education through a marching band class. If the district classifies marching band or similar activities as part of the physical education program, the Governing Board should ensure that the program in its entirety meets legally required objectives and state content standards for physical education.

The Board shall approve the components of the physical education program. The district's program shall be aligned with state model content standards and curriculum frameworks for physical education and shall provide a developmentally appropriate sequence of instruction including, at appropriate grade levels, the effects of physical activity upon dynamic health, the mechanics of body movement, aquatics, gymnastics and tumbling, individual and dual sports, rhythms and dance, team sports, and combatives such as self-defense and fencing.

(cf. 6011 - Academic Standards)
(cf. 6143 - Courses of Study)

The district's program shall provide equal opportunities for participation in physical education instruction regardless of gender.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Note: Districts have the authority to grant exemptions from physical education classes under the conditions described in the sections below. The following **optional** paragraph provides that students with disabilities may instead be granted an exemption on a case-by-case basis in accordance with their individualized education program or Section 504 accommodation plan.

An appropriate alternative activity or exemption from the physical education class shall be provided for a student with disabilities in accordance with his/her individualized education program or Section 504 accommodation plan.

(cf. 6159 - Individualized Education Program)
(cf. 6164.6 - Identification and Education Under Section 504)

Physical education staff shall appropriately adjust the amount or type of physical exercise required of students during air pollution episodes, hot weather, or other inclement conditions or as needed to accommodate individual student health needs.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

The district's physical education program shall be provided by appropriately credentialed teachers. Continuing professional development shall be offered to physical education teachers and to classroom teachers serving as instructors of physical education in order to enhance the quality of instruction and the variety of activities offered.

(cf. 4112.2 - Certification)
(cf. 4131 - Staff Development)

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(cf. 4222 - Teacher Aides/Paraprofessionals)

Note: The following paragraph may be revised to reflect grade levels offered by the district. Education Code 60800 requires districts to administer a physical fitness test to students in grades 5, 7, and 9. The State Board of Education (SBE) has designated FITNESSGRAM^R as the required physical fitness test. See the accompanying administrative regulation for testing requirements.

The Superintendent or designee shall annually administer the physical fitness test designated by the State Board of Education to students in grades 5, 7, and 9. (Education Code 60800)

Note: Pursuant to 5 CCR 1043, the Board may set the date by which district staff shall report the results of physical fitness testing to the Board. The following **optional** paragraph should be revised to reflect district practice.

The Superintendent or designee shall annually report to the Board the results of the physical fitness testing for each school and applicable grade level. He/she shall also report to the Board regarding the number of instructional minutes offered in physical education for each grade level, the number of two-year and permanent exemptions granted pursuant to Education Code 51241 as described below, and any other data agreed upon by the Board and the Superintendent or designee to evaluate program quality and the effectiveness of the district's program in meeting goals for physical activity.

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

The Superintendent or designee shall report the aggregate results of the physical fitness testing in the annual school accountability report card required by Education Code 33126 and 35256. (Education Code 60800)

(cf. 0510 - School Accountability Report Card)

Temporary Exemptions

Note: The following section is **optional**. Education Code 51241 authorizes, but does not require, districts to grant temporary exemptions from physical education under the conditions described in items #1-2 below.

The Superintendent or designee may grant a temporary exemption from physical education under either of the following conditions: (Education Code 51241)

1. The student is ill or injured and a modified program to meet his/her needs cannot be provided.
2. The student is enrolled for one-half time or less.

PHYSICAL EDUCATION (continued)**Two-Year Exemptions**

Note: Education Code 51241 authorizes, but does not require, districts to grant a two-year exemption from physical education to students in grades 10-12. The following **optional** section is for use by districts that maintain grades 10-12 and should be deleted by districts that do not grant two-year exemptions.

Pursuant to Education Code 51241, as amended by SB 601 (Ch. 720, Statutes of 2007), in order to be eligible for the two-year exemption, students are required to "satisfactorily" meet any five of the six standards of the state's physical fitness test in grade 9. The six fitness areas measured by FITNESSGRAM^R are aerobic capacity, body composition, abdominal strength and endurance, trunk extensor strength and flexibility, upper body strength and endurance, and flexibility. Student performance in each area is classified as being in the "healthy fitness zone" or "needs improvement."

With a student's consent, the Superintendent or designee may exempt the student from any two years of physical education courses during grades 10-12 provided that the student has satisfactorily met any five of the six standards of the state's physical fitness test in grade 9. (Education Code 51241)

Note: In addition to administering the physical fitness test to students in grade 9, Education Code 51241 authorizes districts to administer the test to students in grades 10-12 so that such students may qualify for the two-year exemption. The following paragraph is **optional**.

Upon request by students and/or their parents/guardians, the Superintendent or designee may administer the physical fitness test to students in grades 10-12 who need to pass the test in order to qualify for a two-year exemption from physical education courses.

Permanent Exemptions

Note: The following section is **optional**. Education Code 51241 authorizes, but does not require, the district to grant permanent exemptions from physical education under the conditions described in items #1-3 below. The Board should delete any categories of exemptions that it does not wish to allow.

The Superintendent or designee may grant a permanent exemption from physical education to a student under any of the following conditions: (Education Code 51241)

1. The student is age 16 years or older and has been enrolled in grade 10 for one or more academic years.
2. The student is enrolled as a postgraduate student.
3. The student is enrolled in a juvenile home, ranch, camp, or forestry camp school with scheduled recreation and exercise.

PHYSICAL EDUCATION (continued)**Other Exemptions**

Note: The following **optional** section is for use by districts that maintain high schools. Education Code 51222, 51242, and 52316 authorize, but do not require, the following exemptions from physical education. The Board should select the items that reflect the types of exemptions that it wishes to allow.

The Superintendent or designee may grant an exemption from physical education under the following special circumstances:

1. The student in grades 10-12 is excused for up to 24 clock hours in order to participate in automobile driver training. (Education Code 51222)
2. The student in grades 10-12 attends a regional occupational center or program and attendance in physical education courses results in hardship because of the travel time involved. (Education Code 52316)
3. The student is in high school and is engaged in a regular school-sponsored interscholastic athletic program carried on wholly or partially after regular school hours. (Education Code 51242)

(cf. 6145.2 - Athletic Competition)

*Legal Reference:*EDUCATION CODE

33126 School accountability report card

33350-33354 CDE responsibilities re: physical education

35256 School accountability report card

49066 Grades; physical education class

51210 Course of study, grades 1-6

51220 Course of study, grades 7-12

51222 Physical education

51223 Physical education, elementary schools

51241 Temporary or permanent exemption from physical education

51242 Exemption from physical education for athletic program participants

52316 Excuse from attending physical education classes

60800 Physical performance test

CODE OF REGULATIONS, TITLE 5

1040-1048 Physical performance test

3051.5 Adapted physical education for individuals with exceptional needs

10060 Criteria for high school physical education programs

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

1751 Note Local wellness policy

Legal Reference continued: (see next page)

PHYSICAL EDUCATION (continued)

Legal Reference: (continued)

ATTORNEY GENERAL OPINIONS
53 Ops.Cal.Atty.Gen. 230 (1970)

Management Resources:

CSBA PUBLICATIONS

Physical Education and California Schools, Policy Brief, rev. October 2007

Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006

CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES

0418.89 Physical Education, April 18, 1989

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Physical Education Model Content Standards for California Public Schools: Kindergarten Through Grade 12, January 2005

Physical Education Framework for California Public Schools: Kindergarten Through Grade 12, 1996

CALIFORNIA DEPARTMENT OF HEALTH SERVICES PUBLICATIONS

School Idea and Resource Mini Kit, 2000

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide for Elementary and Middle/High Schools, 2000

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS

Fit, Healthy and Ready to Learn, 2000

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Physical Fitness Testing: <http://www.cde.ca.gov/ta/tg/pf>

California Department of Health Services, School Health Connections:

<http://www.dhs.ca.gov/ps/cdic/shc/default.htm>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Educational Data System, California physical fitness: <http://www.eddata.com/projects/current/cpf>

FITNESSGRAM[®], Cooper Institute: <http://www.fitnessgram.net>

Healthy People 2010: <http://www.healthypeople.gov>

National Association for Sports and Physical Education: <http://www.aahperd.org/naspe>

National Association of State Boards of Education (NASBE): <http://www.nasbe.org>

National School Boards Association: <http://www.nsba.org>

The California Endowment: <http://www.calendow.org>

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Policy Reference UPDATE Service

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