Information Sheet – 11/10/2020 - Board of Trustees Meeting

TO: Board of Trustees Item: 8.2

FR: Celli Coeville

DATE: November 2,2020

RE: Revised Board Policy/ Administrative Regulation, BP/AR 6142.7, Physical Education and Activity, Consider for Adoption

Board Policy, BP 6142.7, has been updated to reflect CSBA's current board policy. The policy has also been updated to add a statement on equal access and equal opportunities for participation in physical education regardless of gender, gender expression, sexual orientation, and mental or physical disability, as included in CDE's Federal Program Monitoring instrument. The policy also reflects U.S. Department of Health and Human Services recommendations for moderate to vigorous physical activity in children, clarifies credential requirements for teachers of physical education, and reflects the requirement that students who have been granted a permanent exemption from physical education must still be offered physical education courses of at least 400 minutes each 10 school days.

Administrative Regulation, AR 6142.7, has been updated to reflect New Law (SB 75, 2019) which extends the use of uniform complaint procedures (UCP) to include complaints alleging noncompliance with physical education instructional minutes in grades 7-12. The regulation also reflects U.S. Department of Health and Human Services recommendations for moderate to vigorous physical activity in children and expands the list of duties of the physical test coordinator as described in state regulations.

I've highlighted the proposed changes and indicated the differences in red font.

Recommended Action: Approve Revised BP/AR 6142.7, Physical Education and Activity

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Note: The following policy may be revised to reflect district practice and the grade levels offered by the district. See the accompanying administrative regulation for definitions of "physical education" and "physical activity" based on the California Department of Education's (CDE) 2009 Physical Education Framework for California Public Schools.

42 USC 1758b 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. The following policy also incorporates goals for physical activity.

Education Code 33352 requires CDE, as part of the Federal Program Monitoring (FPM) process, to monitor districts' compliance with specified state physical education requirements which are reflected in the following policy and the accompanying administrative regulation. During the FPM process, CDE will request a link to this policy as evidence of specified components of compliance.

The Governing Board recognizes the positive benefits of physical activity ~~for~~ on student health, well-being, and academic achievement. ~~The Board desires to~~ The district shall provide ~~an activity-focused physical education program that supports the district's coordinated student wellness program, 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.~~ all students the opportunity to be physically active on a regular basis through high-quality physical education instructions and may provide additional opportunities for physical activity throughout the school day. The district's physical education and activity programs shall support the district's coordinated student wellness program and encourage students' lifelong fitness.

(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: During the FPM monitoring process, CDE will check the district's compliance with laws requiring that physical education classes be conducted in a coeducational, inclusive manner.

Physical education classes shall be conducted in the coeducational, inclusive manner prescribed by law. The district shall provide instruction in physical education that provides equal access and equal opportunities for participation for all students in grades 1-12 regardless of gender, sexual orientation, and mental or physical disability. (Education Code 220, 221.5, 33352, 5 CCR 4900, 4930, 4931, 4940, 4960; 34 CFR 106.33, 106.34, 300.108)

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

Note: Education Code 51210 and 51220 require the district's course of study for grades 1-12 to include physical education, with an emphasis on physical activities conducive to health and vigor of body and mind; see AR 6143 - Courses of Study. The state curriculum framework describes components of a comprehensive physical education program based on the voluntary Physical Education Model Content Standards adopted by the State Board of Education (SBE).

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~~The Board shall approve the components of the physical education program.~~ The district's physical education program shall provide a developmentally appropriate sequence of instruction ~~be~~ aligned with the state's model content standards and curriculum framework~~s for physical education and shall include a variety of kinesthetic activities, including team and individual sports, as well as aesthetic movement forms, such as dance.~~

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

Note: The following optional paragraph may be revised to reflect district practice. The U.S. Department of Health and Human Services' (HHS) Physical Activity Guidelines for Americans recommends that children and adolescents participate in at least 60 minutes of age-appropriate moderate to vigorous physical activity per day, which can be accrued in smaller increments throughout the day. It is recommended that the majority of the 60 minutes or more of daily physical activity be aerobic exercise, which includes vigorous physical activity at least three days a week, and that muscle and bone strengthening exercise be included at least three days a week. To help students reach these goals, the state curriculum framework recommends that students be engaged in moderate to vigorous physical activity for at least 50 percent of physical education class time. See the accompanying administrative regulation for definitions of "moderate physical activity" and "vigorous physical activity." Also see CSBA's Fact Sheet on Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic Outcomes.

The district's physical education program shall engage students in age-appropriate moderate to vigorous physical activity, as defined in the accompanying administrative regulation, including aerobic, muscle-strengthening, and bone-strengthening activities. The Superintendent or designee shall develop strategies to monitor the amount of moderate to vigorous physical activity that takes place in the physical education instructional program.

Note: The following two optional paragraphs are for use by districts that maintain high schools.

According to the state curriculum framework, it is the obligation of the Governing Board to determine whether to grant physical education credit for a particular course, including, but not limited to, junior ROTC, marching band, cheerleading, or drill team. In making this determination, the Board must determine how the particular course supports an overall course of study for grades 9-12 that includes the eight content areas specified in Education Code 33352 and 5 CCR 10060 for physical education programs. While it is not necessary that each individual course include all eight content areas, the course offerings must be structured so that all students receive opportunities for instruction in each of the eight areas across grades 9-12. CDE's Physical Education FAQs add that any course for which physical education credit is granted must also meet requirements in Education Code 33352 pertaining to minimum instructional minutes, various reporting requirements, and the assignment of an appropriately credentialed teacher.

For all grades 9-12, the overall course of study shall include 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. (Education Code 33352; 5 CCR 10060)

The Board shall approve the courses in grades 9-12 for which physical education credit may be granted.

(cf. 6146.1 – High School Graduation Requirements)
(cf. 6146.11 – Alternative Credits Toward Graduation)

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Note: The following paragraph is optional. See the accompanying administrative regulation for sample strategies for physical activity opportunities outside the physical education program. Also see CSBA's Fact Sheet on Maximizing Opportunities for Physical Activity During the School Day.

The Superintendent or designee shall develop strategies to supplement physical education instruction with additional opportunities for students to be physically active before, during, and after the school day.

(cf. 1330.1 - Joint Use Agreements)
(cf. 5142.2 - Safe Routes to School Program)
(cf. 5148 - Child Care and Development Program)
(cf. 5148.2 - Before/After School Programs)
(cf. 6145 - Extracurricular and Cocurricular Activities)

Students with disabilities ~~An appropriate alternative activity or exemption from the physical education class~~ shall be provided ~~for a student with disabilities~~ instruction in physical education in accordance with ~~his/her~~ their 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 limit the amount or type of physical exercise required of students during air pollution episodes, hot weather, or other inclement conditions.~~

During air pollution episodes, extreme weather, or other inclement conditions, physical education staff shall make appropriate adjustments to the program or shall seek alternative indoor space to enable students to participate in active physical education.

(cf. 3514 – Environmental Safety)
~~*(cf. 3516 – Emergencies and Disaster Preparedness Plan)*~~
(cf. 5141.7 – Sun Safety)
(cf. 5141.23 – Asthma Management)
(cf. 6145.2 – Athletic Competition)

Staffing

Note: A departmentalized class in physical education may be taught by a teacher with a single subject credential that authorizes instruction in physical education. Pursuant to Education Code 44256, the holder of a multiple subject credential may teach a departmentalized class in grades K-9 if the credential holder has completed 20 semester hours of coursework or 10 semester hours of upper division or graduate coursework in the subject to be taught. In addition, Education Code 44256 allows the Board by resolution to authorize a multiple subject credentialed teacher to teach a departmentalized class below grade 9 if the credential holder has completed at least 12 semester units or six upper division or graduate units of coursework in the subject to be taught. Education Code 44258.3 authorizes the Board to assign any credentialed teacher to a departmentalized class in grades K-12 if the teacher has adequate knowledge of the subject to be taught based on criteria specified in Education Code 44258.3 and district-adopted policies and procedures. Pursuant to 5 CCR 80046.1, a credentialed teacher may seek an added authorization to teach adapted physical education to students who are precluded from participating in a general education physical education program or a specially designed physical education program.

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CDE's Physical Education FAQs clarify that a teacher credentialed in a subject other than physical education may teach physical education if approved by the committee on assignments.

CDE's Physical Education FAQs also clarify that an instructional aide or noncredentialed volunteer may assist the credentialed teacher, but may not provide the physical education instruction.

For further information about staffing of physical education classes, see the CTC's web site and its Administrator's Assignment Manual.

Physical education instruction shall be delivered by appropriately credentialed teachers who may be assisted by instructional aides, paraprofessionals, and/or volunteers.

(cf. 1240 - Volunteer Assistance)
(cf. 4112.2 - Certification)
(cf. 4112.21 - Interns)
(cf. 4113 - Assignment)
(cf. 4222 - Teacher Aides/Paraprofessionals)

The district shall provide physical education teachers with ~~C~~continuing professional development, including classroom management and instructional strategies designed to keep students engaged and active and ~~shall be offered to physical education teachers and to classroom teachers serving as instructors of physical education in order~~ to enhance the quality of physical education instruction and ~~the variety of activities offered~~ assessment.

(cf. 4131 - Staff Development)
~~*(cf. 4222 - Teacher Aides/Paraprofessionals)*~~
(cf. 5121 – Grades/Evaluation of Student Achievement)

Physical Fitness Testing

Note: The following section 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 SBE has designated the FITNESSGRAM 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 (FITNESSGRAM) to students in grades 5, ~~and~~ 7, and 9. (Education Code 60800; 5 CCR 1041)

~~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 and any other data agreed upon by the Board and the Superintendent or designee to evaluate the effectiveness of the district's program in meeting goals for physical activity.~~

~~*(cf. 0500 - Accountability)*~~
~~*(cf. 6190 - Evaluation of the Instructional Program)*~~

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~~The Superintendent or designee shall report the aggregate results of the physical performance 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: Education Code 51241 authorizes, but does not require, the district to grant temporary exemptions from physical education under the conditions described in items #1-2 below. During the FPM process, the district may provide a link to the district's policy as evidence of any physical education exemptions offered by the district. The following section is optional and should be revised to reflect district practice.

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~~ the student's needs cannot be provided.

2. The student is enrolled for one-half time or less.

Two-Year Exemptions

Note: The following optional section is for use by districts that maintain grades 10-12. Education Code 51241 authorizes, but does not require, the district to grant a two-year exemption from physical education to eligible students in grades 10-12.

Pursuant to Education Code 51241, in order to be eligible for the two-year exemption, students are required to satisfactorily meet at least five of the six standards of the FITNESSGRAM administered in grade 9. Students are considered to have satisfactorily met a standard on the FITNESSGRAM if they score in the "healthy fitness zone" on that standard. The six fitness areas measured by FITNESSGRAM are aerobic capacity, body composition, abdominal strength and endurance, trunk extensor strength and flexibility, upper body strength and endurance, and flexibility.

With the student's consent, the Superintendent or designee may exempt a student from physical education courses for any two years during grades 10-12 provided that the student has satisfactorily met at least five of the six standards of the FITNESSGRAM in grade 9.

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 FITNESSGRAM 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.

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Students in grades 10-12 who have been granted a two-year exemption shall be offered a variety of elective physical education courses of not less than 400 minutes each 10 school days. (Education Code 51222)

Such students shall not be permitted to attend fewer total hours of courses and classes than they would have attended if enrolled in a physical education course. (Education Code 51241)

(cf. 6112 – School Day)

Permanent Exemptions

Note: The following section is optional and should be revised to reflect district practice. Education Code 51241 authorizes, but does not require, the district to grant permanent exemptions from physical education to an individual student under the conditions described in items #1-3 below.

The Superintendent or designee may grant a student a permanent exemption from physical education 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. However, such a student shall not be permitted to attend fewer total hours of courses and classes than the student would have attended if enrolled in a physical education course.
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.

Other Exemptions

Note: The following optional section is for use by districts that maintain high schools and should be revised to reflect district practice. Education Code 51222, 51242, and 52316 authorize, but do not require, the following exemptions from physical education courses.

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

1. When the student is in any of grades 10-12 and is excused for up to 24 clock hours in order to participate in automobile driver training. However, any such student shall attend a minimum of 7,000 minutes of physical instruction during the school year. (Education Code 51222)
2. When the student is in any of grades 10-12, attends a regional occupational center or program, and, because of the travel time involved, would experience hardship to attend physical education courses. Any such student shall have a minimum school day of 180 minutes. (Education Code 52316)

(cf. 6178.2 – Regional Occupational Center/Program)

3. When 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. 6178.2 – Regional Occupational Center/Program)

Program Evaluation

Note: The following optional section should be revised to reflect district practice. Districts that do not maintain high schools or do not offer any of the exemptions described in the sections above on "Two-Year Exemptions" or "Permanent Exemptions" should modify the following paragraph to delete reports of two-year and permanent exemptions.

The Superintendent or designee shall annually report to the Board each school's FITNESSGRAM results for each applicable grade level. The Superintendent or designee 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, 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 and student well-being.

(cf. 0500 – Accountability)

(cf. 6190 – Evaluation of the Instructional Program)

Legal Reference:

EDUCATION CODE
220 Prohibition of discrimination
221.5 Sex equity in education
33126 School accountability report card
33350-33354 CDE responsibilities re: physical education
35256 School accountability report card
44250-44277 Credential types
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; regional occupational center/program
60800 Physical performance test
CODE OF REGULATIONS, TITLE 5
1040-~~1048~~ 1044 Physical performance test
1047-1048 Testing variations and accommodations
3051.5 Adapted physical education for individuals with exceptional needs
4600-4670 Uniform Complaint Procedures
4900-4965 Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
10060 Criteria for high school physical education programs

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Legal Reference (continued):

80020 Additional assignment authorizations for specific credentials
80037 Designated subjects teaching credential; special teaching authorization in physical education
80046.1 Added authorization to teach adapted physical education
UNITED STATES CODE, TITLE 29
794 Rehabilitation Act of 1973, Section 504
UNITED STATES CODE, TITLE 42
~~*1751-1769 National School Lunch Program, especially:*~~
~~*1751 Note Local wellness policy*~~
1758b Local wellness policy
CODE OF FEDERAL REGULATIONS, TITLE 34
106.33 Nondiscrimination on the basis of sex; comparable facilities
106.34 Nondiscrimination on the basis of sex; access to classes and schools
300.108 Assistance to states for the education of children with disabilities; physical education
ATTORNEY GENERAL OPINIONS
53 Ops.Cal.Atty.Gen. 230 (1970)
Management Resources:
COURT DECISIONS
Doe v. Albany Unified School District (2010) 190 Cal.App.4th 668
Cal200 et al. v. San Francisco Unified School District et al. (2013), San Francisco Superior Court, Case No. CGC-13-534975
Cal200 et al. v. Oakland Unified School District et al. (San Francisco Superior Court, Case No. CPF-14-513959
~~*CSBA ADVISORIES*~~
~~*New Requirement for Physical Education Exemption, August 2007*~~
CSBA PUBLICATIONS
Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies ~~*Policy Implementation Monitoring Report and Guide, 2007*~~ *, 2012*
Physical Education and California Schools, ~~*Governance and Policy Services*~~ *Policy Brief, October* ~~*2006*~~ *2007*
Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. ~~*April 2006*~~ *2012*
Active Bodies, Active Minds: Physical Activity and Academic Achievement, Fact Sheet, February 2010
Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, February 2010
Maximizing Opportunities for Physical Activity During the School Day, Fact Sheet, November 2009
Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic Outcomes, Fact Sheet, November 2009
Physical Education and California Schools, Policy Brief, October 2007
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*~~ *2009*
~~*CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES*~~
~~*0418.89 Physical Education, April 18, 1989*~~
~~*CALIFORNIA DEPARTMENT OF HEALTH SERVICES PUBLICATIONS*~~
~~*School Idea and Resource Mini Kit, 2000*~~
~~*Playing the Policy Game, 1999*~~
~~*Jump Start Teens, 1997*~~
CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS
School Health Index (SHI): A Self-Assessment and Planning Guide, Elementary School, 2017
School Health Index (SHI) ~~*for Physical Activity and Healthy Eating*~~*: A Self-Assessment and Planning Guide for Elementary and Middle/High Schools,* ~~*2000*~~ *2017*

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Legal Reference (continued):

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS
The Administrator's Assignment Manual, 2019
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS
Physical Activity Guidelines for Americans, 2nd Edition, October 2018
~~*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.mch.dhs.ca.gov/programs/shc/shc.htm*~~
California Healthy Kids Resource Center: http://www.californiahealthykids.org
California Project LEAN (Leaders Encouraging Activity and Nutrition):
http://www.californiaprojectlean.org
Centers for Disease Control and Prevention :http://www.cdc.gov
~~*Educational Data Systems: http://www.eddataonline.com/fitness/2007*~~
~~*FITNESSGRAM(R), Cooper Institute: http://www.fitnessgram.net*~~
National Association for Sports and Physical Education~~*: http://www.aahperd.org/naspe*~~
https://www.pgpedia.com/n/national-association-sport-and-physical-education
President's Council on Sports, Fitness and Nutrition: http://www.fitness.gov
U.S. Department of Health and Human Services: http://www.health.gov
~~*National Association of State Boards of Education (NASBE): http://www.boards@nasbe.org*~~
~~*National School Boards Association: http://www.schoolhealth@nsba.org*~~
~~*The California Endowment: http://www.calendow.org*~~

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Definitions

Note: The following optional section reflects definitions provided in the California Department of Education's (CDE) 2009 Physical Education Framework for California Public Schools.

Physical education is a sequential educational program that teaches students to understand and participate in regular physical activity that assists in developing and maintaining physical fitness throughout their lifetime, understand and improve their motor skills, enjoy using their skills and knowledge to establish a healthy lifestyle, and understand how their bodies work.

Physical activity is bodily movement that is produced by the contraction of skeletal muscle and that substantially increases energy expenditure, including exercise, sport, dance, and other movement forms.

Moderate physical activity is any activity which generally requires sustained, rhythmic movements and refers to a level of effort a healthy individual might expend while, for example, walking briskly, dancing, swimming, or bicycling on level terrain. A person should feel some exertion but should be able to carry on a conversation comfortably during the activity.

Vigorous physical activity is any activity which generally requires sustained, rhythmic movements and refers to a level of effort a healthy individual might expend while, for example, jogging, participating in high-impact aerobic dancing, swimming continuous laps, or bicycling uphill. Vigorous physical activity may be intense enough to result in a significant increase in heart and respiration rate.

Instructional Time

Note: The district should revise the following section to reflect the grade levels and grade configurations offered by the district. Education Code 51210 requires the adopted course of study for grades 1-6 to include instruction in physical education for at least 200 minutes each 10 school days, exclusive of recess and the lunch period. For grades 7-12, Education Code 51222 requires that all students, except students excused or exempted pursuant to Education Code 51241, attend courses of physical education for at least 400 minutes each 10 school days. However, pursuant to Education Code 51223, an elementary school maintaining grades 1-8 is required to provide instruction in physical education for students in grades 7-8 that matches the requirement for grades 1-6 of not less than 200 minutes each 10 school days, exclusive of recess and the lunch period.

When determining the number of instructional minutes, it is recommended that districts exclude time spent walking to and from class or engaging in other physical activity conducted outside the physical education instructional program, such as in regular classroom activities or before/after

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school programs. CDE's Federal Program Monitoring (FPM) process reviews district compliance with legal requirements pertaining to minimum instructional minutes of physical education.

Instruction in physical education shall be provided for ~~a total~~ at least the following minimum period of time ~~of not less than 200 minutes each 10 school days.~~ :
(Education Code 51210, 51222, 51223)

1. For students in grades 1-6, 200 minutes each 10 school days, exclusive of recess and the lunch period

2. For students in grades 7-8 attending an elementary school, 200 minutes each 10 school days, exclusive of recess and the lunch period

3. For students in grades 7-8 attending a middle school or junior high school, 400 minutes each 10 school days

4. For students in grades 9-12, 400 minutes each 10 school days

Note: Districts are cautioned to schedule physical education classes in a manner that takes into consideration circumstances that may occasionally interfere with the provision of physical education. Under a settlement reached in Cal200 et al. v. San Francisco Unified School District, schools that skip minutes of physical education instruction for any reason are required to make up those minutes on another day so that the instructional minutes requirement is satisfied.

If the instructional minute requirement cannot be met during any 10-day period due to inclement weather, a school assembly, field trip, student assessment, or other circumstance, the school shall make up those minutes on another day in order to satisfy the instructional minute requirement.

Note: The following optional paragraph may be revised to reflect district practice. In order to demonstrate compliance with instructional minute requirements, it is recommended that the district determine the method(s) of documentation it will use and ensure consistent implementation. For examples of such methods, see CDE's FPM instrument, Physical Education Guidelines Elementary Schools, and Physical Education Guidelines Middle and High School.

The Superintendent or designee shall determine a method to document compliance with the required number of instructional minutes. Such documentation may include, but not be limited to, a master schedule, bell schedule, weekly schedule for each teacher providing physical education instruction, district calendar, teacher roster, or log for staff or students to record the number of physical education minutes completed.

Note: Education Code 51210 and 51223 authorize the use of uniform complaint procedures (5 CCR 4600- 4670) for any complaint that an elementary school has not complied with

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the physical education instructional minute requirement. Education Code 51222, as amended by SB 75 (Ch. 51, Statutes of 2019), extends such use of uniform complaint procedures to grades 7-12**.** See BP/AR 1312.3 - Uniform Complaint Procedures.

Any complaint alleging noncompliance with the instructional minute requirement may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures. A complainant not satisfied with the district's decision may appeal the decision to the California Department of Education (CDE). If the district or CDE finds merit in a complaint, the district shall provide a remedy to all affected students and parents/guardians. (Education Code 51210, 51222**,** 51223; 5 CCR 4600- 4670)

(cf. 1312.3 - Uniform Complaint Procedures)

Monitoring Moderate to Vigorous Physical Activity

Note: The following optional section may be revised to reflect district practice. See the accompanying Board policy for language establishing goals for moderate to vigorous physical activity in physical education classes**.**

To monitor the amount of time students are engaged in moderate to vigorous physical activity the Superintendent or designee may:

1. Develop methods to estimate the amount of time students spend in moderate to vigorous physical activity and the amount of time students are inactive during physical education classes

2. Provide physical education teachers with staff development, self-monitoring tools, stopwatches, and/or heart rate monitors to assist them in planning and assessing the level of activity in their classes

(cf. 4115 - Evaluation/Supervision)

Physical Fitness Testing

Note: Education Code 60800 requires districts to administer a physical fitness test to students in grades 5, 7, and 9. The State Board of Education has designated FITNESSGRAM as the required physical fitness test. Pursuant to 5 CCR 1041, this requirement also applies to students who attend schools that are on a block schedule and students who may not be enrolled in physical education classes during the annual assessment window.

The following paragraph should be modified to reflect grade levels offered by the district. In addition, if the district has chosen to administer the test in any of grades 10-12 (see accompanying Board policy), the following paragraph should be modified accordingly.

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During the annual assessment window between the months of February~~, March, April,~~ or through May, students in grades 5, ~~and~~ 7, and 9 shall be administered the physical fitness test designated by the State Board of Education (FITNESSGRAM). (Education Code 60800; 5 CCR 1041)

(*cf. 6162.5 – Student Assessment)*

The Superintendent or designee may provide a make-up date for students who are unable to take the test based on absence or temporary physical restriction or limitations, such as students recovering from illness or injury. (5 CCR 1043)

Note: The following paragraph is optional. 5 CCR 1043.4 authorizes, but does not require, the district to designate a physical fitness test coordinator. If the district chooses to designate a test coordinator, the duties must include those described in 5 CCR 1043.4.

On or before November 1 of each school year, the Superintendent may designate an employee to serve as the district's physical fitness test coordinator and so notify the test contractor. The test coordinator shall serve as the liaison between the district and CDE for all matters related to the physical fitness test. The duties shall be those specified in 5 CCR 1043.4, including, but not limited to**:** (5 CCR 1043.4)

1. Responding to correspondence and inquiries from the contractor in a timely manner and as provided in the contractor's instructions

2. Determining district and school site test and test material needs

3. Overseeing the administration of the physical fitness test to students

4. Overseeing the collection and return of all test data to the contractor

5. Ensuring that all test data are received from school test sites in sufficient time to satisfy the reporting requirements

6. Ensuring that all test data are sent to the test contractor by June 30 of each year

Students shall be provided with their individual results after completing the FITNESSGRAM. The test results may be provided in writing or orally as the student completes the testing and ~~Each student's scores on the physical performance test~~ shall be included in ~~his/her~~ the student's cumulative record. (Education Code 60800; 5 CCR 1043.10,1044)

(*cf. 5125 – Student Records)*

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Note: The following paragraph is optional.

Each student's test results shall also be provided to the student's parents/guardians.

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

(cf. 0510 - School Accountability Report Card)

Testing Variations

All students may be administered the ~~state's physical fitness test~~ FITNESSGRAM with the following test variations: (5 CCR 1047)

1. Extra time within a testing day

2. Test directions that are simplified or clarified

All students may have the following test variations if they are regularly used in the classroom: (5 CCR 1047)

1. Audio amplification equipment

2. Separate testing for individual students provided that ~~they~~ the student(s) are directly supervised by the test examiner

3. Manually Coded English or American Sign Language to present directions for test administration

Students with a physical disability and students who are physically unable to take all of the test shall undergo as much of the test as their physical condition will permit. (Education Code 60800; 5 CCR 1047)

Students with disabilities may be provided the following accommodations if specified in their individualized education program (IEP) or Section 504 plan; (5 CCR 1047)

1. Administration of the test at the most beneficial time of the day to the student after consultation with the test contractor

2. Administration of the test by a test examiner to the student at home or in the hospital

PHYSICAL EDUCATION AND ACTIVITY (continued)

3. Any other accommodation specified in the student's IEP or Section 504 plan for the physical fitness test

(*cf. 6159 – Individualized Education Plan)*
(cf. 6164.6 – Identification and Education Under Section 504)

Identified English learners may be allowed the following additional test variations if regularly used in the classroom: (5 CCR 1048)

1. Separate testing with other English learners, provided that ~~they~~ the student(s) are directly supervised by the test examiner

2. Test directions translated into their primary language, and the opportunity to ask clarifying questions about the test directions in their primary language

Additional Opportunities for Physical Activity

Note: The following optional section may be revised to reflect district practice. Item #1 below should be modified or deleted by districts that do not maintain elementary schools.

The Superintendent or designee shall implement strategies for increasing opportunities for physical activity outside the physical education program, which may include, but not be limited to:

1. Training recess, lunch, and before- and after-school supervisors on methods to engage students in moderate to vigorous physical activity

(cf. 1240 - Volunteer Assistance)
(cf. 4231 - Staff Development)
(cf. 5030 - Student Wellness)

2. Encouraging teachers to incorporate physical activity into the classroom

3. Establishing extracurricular activities that promote physical activity, such as school clubs, intramural athletic programs, dance performances, community service, special events, and competitions

(cf. 6142.4 - Service Learning/Community Service Classes)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.5 - Student Organizations and Equal Access)

4. Incorporating opportunities for physical activity into before- or after-school programs and/or child care and development programs

PHYSICAL EDUCATION AND ACTIVITY (continued)

(cf. 5148 - Child Care and Development)
(cf. 5148.2 - Before/After School Programs)

5. Exploring opportunities for joint use of facilities or grounds in order to provide adequate space for students and community members to engage in recreational activities

(cf. 1330.1 - Joint Use Agreements)

6. Developing business partnerships to maximize resources for physical activity equipment and programs

(cf. 1700 - Relations Between Private Industry and the Schools)

7. Developing programs to encourage and facilitate walking, bicycling, or other active transport to and from school
(cf. 5142.2 - Safe Routes to School Program)