

**Instruction**

**Physical Education and Activity**

**Definitions**

The following definitions are 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 for developing and maintaining physical fitness throughout their lifetimes, 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**

Minute Time Requirements for physical education are intended to ensure that physical education is an integral part of the educational program for all students.

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 recesses 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, elementary school districts maintaining grades 1-8 must 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 recesses and the lunch period.

## **AR 6142.7(b)**

When determining the number of instructional minutes, 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 school programs.

Instruction in physical education shall be provided for a total period of time of not less than 200 minutes each 10 school days for students in grades 1-6, and 400 minutes each 10 school days for students in grades 7-12. (Education Code 51210, 51222)

Students in grades 10-12 who have been granted a two-year exemption pursuant to Education Code 51241(b) shall be offered a variety of elective physical education courses of not less than 400 minutes each 10 school days. (Education Code 51222)

Students in grades 10-12 who have been granted a two-year or permanent exemption from physical education pursuant to Education Code 51241(b)(1) or (c) 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)

Students in a regional occupational program or center who are exempted from physical education pursuant to Education Code 52316 shall have a minimum school day of 180 minutes. (Education Code 52316)

### **Physical Education Course Requirements**

Students shall have physical education every year in grades 1-9, with one additional year required in high school for graduation (Education Code 51225.3). There are no waivers for Middle School Students per Education Code 51225.3. High schools must also provide opportunities for students to participate in elective physical education classes each year. (See High School Elective Physical Education Courses)

### **Teacher Credentialing**

#### **Elementary Physical Education Instruction**

To ensure that students have access to qualified teachers, only teachers with a Single Subject Credential in Physical Education or a Multiple Subject Credential may plan the physical education instructional program, deliver instruction, evaluate students, and assign grades in physical education. When one teacher provides physical instruction to more than one class of students throughout the school day the subject becomes departmentalized. When this occurs, the teacher must possess a Single-Subject Credential authorizing physical education instruction. When the regular elementary classroom teacher provides physical education instruction for only his or her individual class, the teacher is qualified to teach physical education if he or she possesses a Multiple Subject Teaching Credential (Education Code 44256). Instructional aides, paraprofessionals, and volunteers may not be used to provide physical education instruction or decrease the student/teacher ratio for physical education instruction (Education Code 45340-43567).

### **Special Skills Area Authorization**

Education Code 44258.7(c) allows a teacher who has special skills and preparation outside of his or her credential authorization, and with his or her consent, to be assigned to teach an elective course in the area of special skills or preparation. This is contingent upon the assignment being first approved by a committee on assignments appointed by the District, and shall include an Intermediate or High School Physical Education Department Chair as a member of such committee. An "elective course" is a course other than English, mathematics, science, social studies, and Physical Education Course One. Assignments approved by the committee shall be for a maximum of one school year, but may be extended by action of the committee upon application by the school site administrator and the affected teacher. All initial assignments or extensions are to be approved prior to the assignment or extension.

### **Gender Equity in Physical Education Programs**

Title IX of the Education Amendments of 1972 prohibits sex-based discrimination in education programs or activities receiving federal financial assistance. Specifically, it states: "No person in the United States shall, on the basis of sex be excluded from participating, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance..."

Current Title IX regulations generally prohibit single-sex classes or activities. The regulations state that schools must not provide any course or otherwise carry out any of its education programs or any activities separately on the basis of sex, or require or refuse participation by any of its students on such basis, including physical education classes.

Title IX regulations recognize two categorical exceptions for specific types of classes that may be segregated by sex. Those exceptions are:

1. Physical education classes during which the purpose or major activity involves bodily contact, and
2. Portions of classes in elementary and secondary schools that deal exclusively with human sexuality.

The current regulations also permit schools to group students in physical education classes and activity by ability as assessed by objective standards of individual performance developed and applied without regard to sex.

However, participation in a particular physical education activity or sport, if required of students of one sex, shall be available to students of each sex.

While instruction in all physical education classes is coeducational, there is no prohibition against the grouping of students by ability during physical education activities when students are assessed by objective standards of individual performance without regard to sex and all students are involved in the same physical activity or conceptual learning experience at the same time.

### **Monitoring Moderate to Vigorous Physical Activity**

To monitor whether students are engaged in moderate to vigorous physical activity for at least 50 percent of physical education class or session time, the Superintendent or designee may:

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

### **Physical Fitness Testing**

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.

During the annual assessment window, all students in grades 5, 7, and 9 shall be administered the physical fitness test designated by the State Board of Education. (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)

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, his/her 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 California Department of Education for all matters related to the physical fitness test. His/her duties shall be those specified in 5 CCR 1043.4, including, but not limited to, overseeing the administration of the test and the collection and return of all test data to the test contractor. (5 CCR 1043.4)

Students shall be provided with their individual results after completing the physical performance testing. The test results may be provided in writing or orally as the student completes the testing and shall be included in his/her cumulative record. (Education Code 60800; 5 CCR 1043.10, 1044) (cf. 5125 - Student Records)

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

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)

**Testing Variations**

All students may be administered the state's physical fitness test 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 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 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.
3. Any other accommodation specified in the student's IEP or Section 504 plan for the physical fitness test (cf. 6159 - Individualized Education Program) (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 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.

**Physical Education Class Size**

Schools should, wherever possible, limit the size of classes in physical education as follows:

1. Elementary classes: Maximum one regular class size
2. Secondary classes: Maximum 55 students

Principals, assistant principals, and physical education department chairpersons should work together toward reaching these goals.

\* Exceptions include, but are not limited to, such unique classes as Adapted Physical Education which is governed by other guidelines.

### **High School Physical Education Program Content**

Students in their high school physical education experience are to be exposed to a comprehensive and sequential physical education program. They are to be exposed to the eight core content areas that will provide them with a foundation of skills to experience several lifetime sports and physical activities they may be involved in for the rest of their lives. Students that experience the eight content areas meet the physical education goals and objectives as stated in the California Code of Regulations or the California Physical Education Framework. They would also be meeting all of the subject matter requirements of the state Physical Education Model Content Standards. The content areas for which each student must be evaluated on his or her progress are:

- 1) effects of physical activity upon dynamic health
- 2) mechanics of body movement
- 3) aquatics
- 4) gymnastics and tumbling
- 5) individual and dual sports
- 6) rhythms and dance
- 7) team sports, and
- 8) combatives

Note that content areas 1 and 2 are interwoven within the content areas taught in High School Physical Education Course One (1) and High School Physical Education Course Two (2). Students need to have instruction, appropriate practice opportunity and time to be fairly evaluated on their progress toward being competent or proficient in the state content standards for their grade level. They also need to be afforded the opportunity of enough time and quality of experience in these core areas to develop competent or proficient skills in these areas. Even though the first two content areas, effects of physical activity upon dynamic health and mechanics of body movement, are threaded throughout all of the other six content areas, the content areas are to be equally divided in duration throughout the two years of mandated physical education classes.

### **High School Physical Education Course One**

The Physical Education Model Content Standards for California Public Schools identifies this course as addressing the following content areas: Effects of physical activity upon dynamic health; mechanics of body movement; aquatics, dance/rhythms, individual activities, and dual activities.

### **High School Physical Education Course Two**

The Physical Education Model Content Standards for California Public Schools identifies this course as addressing the following content areas: Effects of physical activity upon dynamic health; mechanics of body movement; combatives, gymnastics/tumbling, and team activities.

### **High School Graduation Requirements**

Beginning with the 1988-89 school year, no pupil shall receive a diploma of graduation from high school who, while in grades 9 through 12, inclusive, has not completed two courses in physical education, unless the pupil has been exempted.

All 9th grade students are to be enrolled in Physical Education Course One. Students must take Physical Education Course Two in the 10th, 11th or 12th grade as identified in the California Code of Regulations, Title 5, 10060. In addition to Course Two, students may enroll in an elective Physical Education course during 10th, 11th or 12th grade. These electives may consist of weight training, dance, yoga, combative, or other courses as approved by the Governing Board.

California Education Code (EC 51241) requires all 9th grade students to take and pass the FITNESSGRAM®, the California physical performance test or lose the two-year physical education exemption. Starting on July 1, 2007, all 9th grade students have had to pass five out of six tests in the Healthy Fitness Zone (HFZ) of the FITNESSGRAM® or they have to take appropriate physical education courses each year until they pass five out of the six tests.

Students, to avoid repeating identical content courses, may enroll in physical education elective courses that will provide them with the opportunity to practice for, take and pass the FITNESSGRAM®. Elective physical education courses with appropriate identifying course numbers will be developed. Failure to pass the physical performance test does not alter a student's graduation status.

On-line courses will not be accepted for graduation requirements as they do not meet the stringent Physical Education Model Content Standards for California Public Schools, however, an approved on-line course may be taken for elective course credit, once the two year physical education requirement has been met.

### **High School Physical Education Elective Courses**

The Santa Ana Unified School District Board of Education opted to exempt students from two of the four years of physical education resulting in the mandate of students enrolling in both Course One and Course Two core content physical education classes. By exempting students from the additional two years of physical education classes, District high schools are to offer for those exempted students a variety of physical education elective courses once Course One and Course Two have been completed. (Education Code 51222(b)). These courses are offered to provide students with the opportunity to specialize in activities of their own choosing. Following a specific regimen and honing their skills, students are then able to develop a personalized plan to ensure a lifetime of fitness and physical activity. (Physical Education Framework for California Public Schools, Kindergarten through Grade Twelve, page 480).

### **Cheerleading, Drill Team, Dance, and Other Classes as Physical Education Single Subject Courses**

These classes, in addition to others such as Aerobics, Golf, Badminton, Tennis, Basketball, Soccer, Football, etc., are elective courses and shall meet the criteria in addressing the eight content areas to meet the Physical Education Course One and Physical Education Course Two, core curriculum components necessary to meet high school graduation requirements. To ensure that students have access to qualified teachers, only instructors with a Single Subject or Standards Secondary Credential in Physical Education may plan the physical education instructional program, deliver instruction, evaluate students, and assign grades in physical education elective courses (Education Code 44256).

### **Physical Education Credit for High School Marching Band**

In making the determination of whether to award PE credit for any given activity or class, EC Section 51220(d) and EC Section 33352(b) (7) together require that each local educational agency (LEA) offers a course of study in PE for grades 9 through 12, inclusive, that includes instruction in the eight required content areas over the span of the PE courses offered as part of the school's course of study. The law does not specify that every class must include instruction in all eight areas, but rather it speaks to a course of study over grades 9 through 12 that include all eight areas.

It is ultimately the obligation of each local educational agency to determine how each particular class, as conducted in its district, supports its course of study for grades 9 through 12. Whether Marching Band may be awarded PE credit is the decision of the local governing board. In making this decision, the local board may consider the district's course outline of the marching band, the visual and performing arts content standards and framework, the PE model content standards and framework, and the 2009 letter from the Superintendent of Public Instruction.

In addition, it is important to note that EC Section 33352(b) requires the LEA to meet additional responsibilities should the LEA decide to award PE credit for a particular course. These responsibilities include the provision of minimal instructional minutes, various reporting requirements, and the assignment of an appropriately credentialed teacher.



## **AR 6142.7(i)**

In order for physical education credit to be given for Marching Band, the course must satisfy the goals and objective identified in the California Code of Regulations, Title 5, Section 10060. Physical Education elective course credit shall be granted for Marching Band, when the following criteria are met: Instruction involves physical activities in the eight content areas for no less than 400 minutes each 10 school days, as specified by Education Code Sections 51220 and 51222.

### **Navy Junior Reserve Officer Training Corps (NJROTC)**

It is ultimately the obligation of each local educational agency to determine how each particular class, as conducted in its district, supports its course of study for grades 9 through 12. Whether NJROTC may be awarded PE credit is the decision of the local governing board. In making this decision, the local board may consider the district's course outline of the NJROTC, the PE model content standards and framework, and the 2009 letter from the Superintendent of Public Instruction.

In addition, it is important to note that EC Section 33352(b) requires the LEA to meet additional responsibilities should the LEA decide to award physical education credit for a particular course. These responsibilities include the provision of minimal instructional minutes, various reporting requirements, and the assignment of an appropriately credentialed teacher.

Physical Education elective course credit shall be granted for NJROTC, when the following criteria are met: Instruction involves physical activities in the eight content areas for no less than 400 minutes each 10 school days, as specified by Education Code Sections 51220 and 51222.

### **Online Physical Education and Independent Study**

Online Physical Education courses will be allowed for credit recovery after a student has two years of physical education. Independent study may be used to extend a student's education opportunities in physical education. Independent study may not be used as an alternative curriculum or as the exclusive means of course credit for the physical education graduation requirement as specified in the updated California Department of Education's Independent Study Operations Manual. Students in independent study high school programs must meet District proficiency standards for graduation and the time requirements are at least equal to those imposed in the regular program. Schools will collaborate with the District Physical Education Coordinator and/or Training Specialist in developing independent study activities.

### **Temporary or Permanent Physical Education Exemptions**

Temporary exemption - Temporary exemption from participating in a physical education course may be granted (Education Code 51241) to a pupil if the pupil is one of the following:

**AR 6142.7(j)**

1. Ill or injured and a modified program to meet the needs of the student cannot be provided.
2. Enrolled for one-half, or less, of the work normally required for fulltime pupils.

Permanent exemption - Permanent exemption from participation in a physical education course may be granted if the pupil complies with any one of the following:

1. Is 16 years of age or older and has been enrolled in the 10<sup>th</sup> grade for one academic year or longer and has passed both Course One and Course Two or if Course One and Course Two have been combined then two years of Physical Education;
2. Is enrolled as a postgraduate pupil;
3. Is enrolled in a juvenile home, ranch, camp, or forestry camp school where pupils are scheduled for recreation and exercise. This pertains to the time the student is enrolled in these programs.

Physical Education Exemption for Certain Pupils in Grades 12 - The provisions of Education Code 51246 indicate that the School Board may exempt any pupil enrolled in his or her last semester or quarter, as the case may be, of the 12th grade who, pursuant to Education Code 46145 (minimum required courses per semester or quarter and Education Code 46147 (exemption for certain 12th grade students to attend less than the minimum school day), is permitted to attend school less than 240 or 180 minutes per day, from attending courses of physical education. However, with the physical education exemption, a pupil may not attend school for more than 240 minutes per day to maintain the exemption.

**Physical Education and Athletics**

All high school student-athletes will attend two years of Physical Education class as set forth in the "High School Graduation Requirements." Special physical education classes may be setup to accommodate student-athlete's schedules that can and should include conditioning and training for the sport as well as the other content areas described in the California Education Code that is not included in their sport.

This special course can be provided for pupils who have been enrolled on an athletic team and who are actively engaged in competition. The course must be developed by the physical education teacher and a District High School Physical Education Department Chair and delivered by a currently assigned physical education teacher, and the evaluation of the student toward the goals of the lesson must be performed by the physical education teacher. This special physical education course offered in conjunction with the athletic program that is offered during the school day satisfies the physical Education course credit requirement for high school graduation. (Education Code 51242).

**Physical Education Service Delivery Options: Adapted and Related Physical Education Programs**

All children, unless specifically excused or exempt, are required to participate in a physical education program (Education Codes 51222 and 51241). The Individuals with Disabilities Education Improvement Act of 2004 (IDEA), and federal regulations define "special education" as specially designed instruction to meet the unique needs of a child with a disability, including instruction in the classroom and instruction in physical education (20 U.S.C. 1401 [29]; 34 C.F.R. 300.26). Like all special education, physical education should be provided in such a manner that promotes maximum interaction between children with disabilities and their non-disabled peers. California Code of Regulations, Title 5 section 3051.5, provides:

"Adapted Physical Education (APE) is for individuals with exceptional needs who require developmental or corrective instruction and who are precluded from participation in the activities of the general physical education program, modified general physical education program, or in a specially designed physical education program in a special class. Consultative services may be provided to pupils, parents, teachers, or other school personnel for the purpose of identifying supplementary aids and services or modifications necessary for successful participation in the regular physical education program or specially designed physical education programs."

The Physical Education Framework For California Public Schools, 2009 (pgs. 220-224); identifies the types of available physical education programs, the service delivery options available in physical education, the identification procedure for adapted physical education services, the criteria to consider for adapted physical education, the referral process, the assessment process and teacher credentialing authorizing the teaching of adapted physical education.

The following are the types of available physical education programs:

**General Physical Education:** Based on grade level physical education standards, District approved curriculum and instructional strategies, the general physical education program provides a full spectrum of movement activities, fitness, sports, and games that require no adaptation or modifications required for safe and successful participation. Many children with disabilities can participate in the general physical education program because their disability requires only minor adaptations, or does not affect their performance in physical education at all.

**Modified Physical Education:** Students with disabilities, which are temporary in nature, are not eligible for special education and/or related services as the disability will diminish significantly or will disappear over time. Some examples are broken bones, pulled ligaments and muscles, and infections. Since Adaptive Physical Education is a special education service, children with temporary disabilities are not eligible for APE services. However, some students with temporary disabilities may need modifications such as "no running," "no contact sports," or "use of crutches," as determined by a physician and in consultation with the parent and student to determine the extent to which a student may participate in the physical education program (5CCR 3051.5(a))

**Specially Designed Physical Education:** Specially designed physical education is an instructional program based on the District's Adapted Physical Education curriculum and designed for children with disabilities who are placed in a special day program and cannot benefit from participation in general physical education. Goals may or may not be identified for these students. An appropriately credentialed Adaptive Physical Education teacher and/or special day program teacher shall teach specially designed physical education for severely handicapped students. (5CCR 3051.5(a))

The general classroom teacher, general physical education teacher, or special day program teacher should be aware of the goal(s) stated on the IEP and should reinforce skills taught by the APE teacher. The Individualized Education Plan (IEP) team should indicate on the IEP how coordination would occur between school personnel. Adapted Physical Education is a physical education program for children with disabilities who have needs that cannot be solely met in general or specially designed physical education. It is taught by a credentialed adapted physical education teacher either independently, with or without aides, or in a team teaching situation with either a general or special educator. Frequency and duration of services, and goals and objectives/benchmarks, which are monitored by the APE teacher, are identified on the IEP.

#### **Adapted Physical Education Collaborative Consultation**

Collaborative consultation in and of itself is not a service. It is a process by which an Adapted Physical Education teacher works with other members of the IEP team to plan individualized instruction. Collaborative consultation results in a program that is consistent with the curriculum, setting, and needs of the student and is coordinated with other services and educational activities in which the student participates.

Adapted Physical Education Collaborative Consultation could be identified on the IEP as a service that is provided on behalf of the student assists the student in participating in the less restrictive settings of general or specially designed physical education.

#### **Additional Opportunities for Physical Activity**

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 and lunch supervisors on methods to engage students in moderate to vigorous physical activity (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, special events, and competitions (cf. 6145 - Extracurricular and Co-curricular Activities)(cf. 6145.5-Student Organizations and Equal Access).

**AR 6142.7(m)**

4. Incorporating opportunities for physical activity into before- or after-school programs and/or child care and development 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 - Use of School Facilities).
6. Developing business partnerships to maximize resources for physical activity equipment and programs.
7. Developing programs to encourage and facilitate walking, bicycling, or other active transport to and from school (cf. 5142.2 Crossing Guards).

Adopted: (9-76 12-01 03-13) 02-15