

Subject: Resolution No.162-9A1

**Physical Education Requirements and Exemptions: Adoption of Board Policy 6142.7
(Physical Education and Activity) and Incorporation of Content from Board Policy 6105.6
(Physical Education Exemptions)**

- Commissioners Emily M. Murase and Jill Wynns

WHEREAS: Physical education is an integral part of the overall education of SFUSD students; and

WHEREAS: SFUSD and the Physical Education Department envisions all students will embrace lifelong fitness and learning through movement and, in order to reach this vision, the Physical Education Department has adopted the mission statement that all SFUSD students will become literate in 21st century physical education, life-long fitness and wellness and will develop positive social skills, learn to self-assess, learn to set personal goals and become informed consumers towards the ultimate goal is for students to embrace healthy lifestyles and become joyful learners through physical activity, and

WHEREAS: The landmark Public Education Enrichment Fund, supported by the voters of San Francisco, has provided funding for credentialed PE teachers to serve our students at all levels, including in elementary schools; and

WHEREAS: Over the past nine years the Board has adopted a series of resolutions and policies that address the physical education requirement in an ad-hoc manner, but that do not provide a full description of SFUSD policy and expectations related to PE; including adoption of an A-G Graduation Policy that specifies the state graduation requirement for PE, adoption of a Board Policy on PE Exemptions, and adoption of a series of resolutions related to PE credit for students in Junior Reserve Officers Training Courses (JROTC); and

WHEREAS: The Board of Education seeks to adopt Board Policy that clearly articulates San Francisco Unified School District policies and practices related to physical education and activity, including clear articulation of the permissible alternative means of meeting PE requirements; and

WHEREAS: The repeated amendments and reconsiderations of these resolutions has created confusion for staff and the larger school community, making compliance with requirements challenging; and

WHEREAS: The Board wishes to provide clarity regarding its physical education requirements and the various options for meeting those requirements; and

WHEREAS: The Board has developed a long-term vision for student success, called Vision 2025, which calls for a student-centered approach to education, one where individualized learning plans will enable students to find their “sparks” and their voice; and

WHEREAS: The Board wishes to offer students maximum flexibility to explore their personal interests while meeting graduation course requirements, and to this end seeks to broaden access to PE independent study to students in a range of alternative programs, and to adopt the PE exemption articulated in Education Code 51242, which allows exemption from PE for high school students who are engaged in a regular school-sponsored interscholastic athletic program carried on wholly or partially after regular school hours; and

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WHEREAS: The Board seeks to acknowledge the flexibility in credentialing that the California Commission on Teacher Credentialing approved in 2015, which allows a physical education authorization to the JROTC designated subjects credential which can authorize JROTC instructors to teach a JROTC course that provides PE credit; and

WHEREAS: The Board seeks to incorporate the provisions of AB 1391, adopted in October 2015, which authorizes the use of the Uniform Complaint process to address complaints related to the provision of the required instructional minutes for physical education.

THEREFORE BE IT RESOLVED: That the Board of Education hereby adopts Board Policy 6142.7 (Physical Education and Activity), which outlines the requirements for the SFUSD physical education program; authorizes the provision of PE credit for courses that meet specific identified criteria, including appropriate teacher certification, instructional minutes and course content; authorizes the use of independent study to meet the PE graduation requirement for students in specific alternative programs; and adopts the provisions of AB 1391, and

BE IT FURTHER RESOLVED: That the Board rescinds Board Policy 6105.6 (Physical Education Exemptions) and hereby incorporates the applicable PE exemptions from that policy into Board Policy 6142.7, as well as the athletics exemption authorized by Education Code 51242; and

FURTHER BE IT RESOLVED: That the Board rescinds any inconsistent previous resolutions, amendments, reconsiderations or provisions therein that conflict with the Physical Education Board Policy or this resolution; and

BE IT FURTHER RESOLVED: That the Board specifically rescinds previous resolution provisions that required JROTC instructors to obtain certification to provide general supervision of PE independent study, along with any deadlines or limitations associated with this requirement; and rescinds previous resolution provisions that imposed funding limitations on the JROTC program or compensation; and

FURTHER BE IT RESOLVED: That the Physical Education Policy shall continue to permit JROTC students to take PE through independent study, in conformance with Administrative Regulations adopted for this purpose or subsequent revisions of those regulations; and

BE IT FURTHER RESOLVED: That the school site principal shall have the discretion to determine which school certificated staff will supervise PE independent study for JROTC or other students based on legal and policy requirements, and the needs of the school site.

Please Note:

- Referred by order of the Chair on 2/9/16 to be taken up at a Committee of the Whole meeting.
- Taken up at the Committee of the Whole meeting of 2/16/16.
- Will be taken up by the Budget and Business Services Committee on 5/4/16.

2/9/16

5/10/16

San Francisco Unified School District

Board Policy

Physical Education and Activity

BP 6142.7 INSTRUCTION

The Governing Board recognizes the positive benefits of physical activity on student health and academic achievement. The district shall provide all students the opportunity to be physically active on a regular basis through high-quality physical education instruction 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. 6142.8 - Comprehensive Health Education)

The district's physical education program shall provide a developmentally appropriate sequence of instruction aligned with the state's model content standards and curriculum framework. The Superintendent or designee shall ensure that the district's program provides students with equal opportunities for instruction and participation regardless of gender in accordance with law.

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

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

Instructional Time

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 not less than 400 minutes each 10 school days for students in grades 7-12. (Education Code 51210, 51222)

Pursuant to the SFUSD PE Master Plan and related Board resolution, kindergarten students shall participate in 200 minutes of physical education each 10 school days, and students in grade six shall participate in 400 minutes of physical education each 10 school days.

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)

Course of Study

The overall course of study for grades 9-12 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)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.11 - Alternative Credits Toward Graduation)

Program Activity and Instruction

The district's physical education program shall engage students in moderate to vigorous physical activity, as defined in the accompanying administrative regulation, for at least 50 percent of class or session time.

Students with disabilities shall be provided instruction in physical education in accordance with their individualized education program or Section 504 accommodation plan.

(cf. 6159 - Individualized Education Program)

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

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. 5141.7 - Sun Safety)

Staffing

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. 4222 - Teacher Aides/Paraprofessionals)

The district shall provide physical education teachers with continuing professional development, including classroom management and instructional strategies designed to keep students engaged and active and to enhance the quality of physical education instruction and assessment.

(cf. 4131 - Staff Development)

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

Physical Fitness Testing

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; 5 CCR 1041)

Temporary Exemptions

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, of the work normally required of full-time pupils.

Two-Year Exemptions

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 state's physical fitness test (Fitnessgram). (Education Code 51241)

Permanent Exemptions

The Superintendent or designee may grant a permanent exemption from physical education to an individual 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 pursuant to Section 4346 of Title 15 of the California Code of Regulations.

Other Exemptions

1. 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)

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. If a pupil is excused from physical education classes pursuant to this exemption the minimum school day for the student in their regular high school is 180 minutes. (Education Code 52316)

3. The student is enrolled in his or her last semester of the 12th grade and is permitted under Education Code Section 46145 (medical prescription) or 46147 (work experience program) to attend school for less than 240 or 180 minutes per day. However, pupils may not be exempted under this section if such students would, after such exemption, attend school for 240 minutes or more per day.

The Superintendent will develop Administrative Regulations to administer these exemptions.

Physical Education Credit for JROTC or Marching Band

The Board authorizes the award of physical education credit for JROTC and/or Marching Band courses that are able to satisfy the following criteria:

1. The course must provide at least 400 minutes of physical education every 10 days as required by EC 51222, and will include outdoor physical activities and vigorous physical training; and
2. The course, as part of the overall course of study at the school, must substantially meet the objectives and criteria of EC Section 33352(b)(7)(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), but does not need to include all 8 areas of study; and
3. The JROTC or Marching Band instructor must possess a credential or authorization that permits instruction in physical education, including but not limited to a Single Subject Teaching Credential in Physical Education or a Special Teaching Authorization in Physical Education Designated Subjects Special Subjects (DSSS) in Reserve Officers Training Corps (ROTC) and Basic Military Drill (BMD); and
4. The physical fitness test designated by the State Board of Education shall be administered as required by law.

Alternative Means to Complete Physical Education

Independent study may be used to extend a student's educational opportunities in physical education. Students in the following programs are eligible to use independent study to complete physical education requirements:

1. Students enrolled in a JROTC course who are not receiving physical education credit for the JROTC course;
2. Students in a career pathway that requires a course sequence of 3 or more years;
3. Students enrolled in an alternative school of choice; and
4. Students enrolled in a continuation school or county schools program.

Students in independent study must adhere to the Administrative Regulation requirements for independent study.

Additional Opportunities for Physical Activity

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 Program)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.5 - Student Organizations and Equal Access)

Complaints

A complaint that the District has not complied with the physical education instructional minute requirements shall be filed with the District pursuant to the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.

A complainant not satisfied with the decision of the District may appeal the decision to CDE and shall receive a written appeal decision within 60 days of the department's receipt of the appeal.

If the District finds merit in a complaint, or CDE finds merit in an appeal, the school district shall provide a remedy to all affected pupils, parents, and guardians.

(cf. 1342 - Uniform Complaints)

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, two-year 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

1758b Local wellness policy

ATTORNEY GENERAL OPINIONS

53 Ops.Cal.Atty.Gen. 230 (1970)

Management Resources:

CSBA PUBLICATIONS

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, rev. 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

Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009

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 PUBLICATIONS

Physical Education Framework for California Public Schools: Kindergarten Through Grade 12, 2009

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

Adapted Physical Education Guidelines for California Schools, 2003

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

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

2008 Physical Activity Guidelines for Americans, October 2008

WEB SITES

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

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

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

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

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

President's Council on Physical Fitness and Sports: <http://www.fitness.gov>

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

U.S. Department of Health and Human Services: <http://www.health.gov>