Instruction

PHYSICAL EDUCATION AND ACTIVITY

The County Superintendent and County Board recognize the positive benefits of physical activity on student health, well-being, and academic achievement. The County Superintendent 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 County Superintendent/County Board physical education and activity programs shall support the County Superintendent/County Board coordinated student wellness program and encourage students' lifelong fitness.

Physical education classes shall be conducted in the coeducational, inclusive manner prescribed by law. The County Superintendent 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, gender expression, 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)

The physical education program shall provide a developmentally appropriate sequence of instruction aligned with the state’s model content standards and curriculum framework.

The physical education program shall engage students in age-appropriate moderate to vigorous physical activity, as defined in administrative regulation, including aerobic, muscle-strengthening, and bone-strengthening activities. The County 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.

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

The County 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.

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

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

The County Superintendent 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.

Physical Fitness Testing

The County Superintendent or designee shall annually administer the physical fitness test designated by the State Board of Education (FITNESSGRAM) to students in grades 5, 7, and 9. (Education Code 60800; 5 CCR 1041)

Temporary Exemptions

The County Superintendent or designee may grant a student 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 the student's needs cannot be provided.
2. The student is enrolled for one-half time or less.

Two-Year Exemptions

With the student's consent, the County 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. (Education Code 51241)

Upon request by students and/or their parents/guardians, the County 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.

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 33352, 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)

Permanent Exemptions

The County 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.

Students who have been granted a permanent exemption shall be offered a variety of elective physical education courses of not less than 400 minutes each 10 school days. (Education Code 33352)

Other Exemptions

The County 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 education 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)

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)

Program Evaluation

County Superintendent staff shall annually report to the County Superintendent each school’s FITNESSGRAM results for each applicable grade level, 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 County Superintendent or designee and County Board to evaluate program quality and the effectiveness of the program in meeting goals for physical activity and student well-being.

Adopted: 10/20/2011
Amended: 11/19/2020
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, two-year 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**
1040-1044 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  
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**
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**
Court Decisions
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

Management Resources

CSBA Publicaitons
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 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

Centers for Disease Control and Prevention Publications
School Health Index (SHI):  A Self-Assessment and Planning Guide, Elementary School, 2017
School Health Index (SHI):  A Self-Assessment and Planning Guide, Middle/High School, 2017

Commission on Teacher Credentialing Publications
The Administrator's Assignment Manual, 2019

U.S. Department of Health and Human Services
Physical Activity Guidelines for Americans, 2nd Edition, 2018

Websites
CSBA:  http://www.csba.org
California Department of Education:  http://www.cde.ca.gov
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
Commission on Teacher Credentialing:  http://www.ctc.ca.gov
Healthy People 2010:  http://www.healthypeople.gov
President's Council on Sports, Fitness and Nutrition:  http://www.fitness.gov

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