**California Department of Education**

# Report to the Governor, Legislature, and the Legislative Analyst’s Office: Program Monitoring of Physical Education



**Prepared by:**

**Educator Excellence and Equity Division**

**Instruction, Measurement, and Administration Branch**

September 2021

*Description*: Report of California State Physical Education Program Monitoring

*Authority*: California *Education Code* Section 33352(c)

*Recipient*: The Governor, the Legislature, and the Legislative Analyst’s Office

*Due Date*: Annually

**California Department of Education**

**Report to the Governor, Legislature, and the Legislative Analyst’s Office: Program Monitoring of Physical Education**

## Table of Contents

Executive Summary 2

Legislative Reporting Requirements 3

Physical Education Monitoring Instrument 3

Comparison of Monitoring Items to Required Areas of Report 5

Table 1: Comparison of California *Education Code* Section 33352(b) to Physical Education Monitoring Items 5

Table 2: Local Educational Agency Summary of Findings for Physical Education

2020–21 Program Instrument Item 8

Monitoring During 2021–22 11

Funding 11

**California Department of Education**

**Report to the Governor, Legislature, and the Legislative Analyst’s Office:**

**Program Monitoring of Physical Education**

## Executive Summary

This report is required by California *Education Code* (*EC*) Section 33352(c), which

summarizes the data collected through compliance of the monitoring of physical education (PE) as described in *EC* Section 33352(b). The report indicates the extent to which each school within the jurisdiction of a school district or county office of education aligns to the nine areas of compliance, as applicable, to the school.

For the 2020–21 school year, 27 local educational agencies (LEAs) received telemonitoring via Zoom. This monitoring resulted in 23 findings of noncompliance among the LEAs that were selected for review. Five LEAs remain in the process of demonstrating compliance.

The PE programs at California LEAs were affected by the COVID-19 pandemic. Executive Order N-56-20 addresses minimum PE instructional minutes, PE course facilities, and physical fitness testing during the state of emergency that resulted from the pandemic response. Specifically, the Executive Order related to PE states:

1. The requirements specified in *Education Code* sections 51210(a)(7), 51220(d), 51222, and 51223, related to minimum instructional minutes in physical education for grades 1–12 are waived, and the requirements specified in *Education Code* section 51241(b)(2), related to providing adequate facilities for physical education courses, are waived.
2. *Education Code* Section 60800, requiring each LEA maintaining any of grades 5, 7, and 9 to administer a physical fitness performance test to each student in those grades, and *Education Code* sections 33352(b)(4) and (5), requiring the California Department of Education to collect data regarding the administration of the physical fitness test, are waived for the 2019–20 school year.

You can find this report on the California Department of Education PE web page at <https://www.cde.ca.gov/ci/pl/physicaleducation.asp>.

If you need a copy of this report or have any questions, please contact Linda Wilkinson, Education Programs Consultant, Educator Excellence and Equity Division, by phone at 916-323-5847 or by email at plsmo@cde.ca.gov.

## Legislative Reporting Requirements

October 14, 2007, Senate Bill 601 (Torlakson) was chaptered and placed in the California *Education Code* (*EC*), requiring an annual report to the Governor and Legislature summarizing data collected through categorical program monitoring.

The annual report addresses compliance of the monitored schools in the following nine subsections for physical education (PE) per *EC* Section 33352(b):

1. Provides instruction in PE for a total period of time of not less than 200 minutes each 10 school days to pupils in grades one to six, inclusive.
2. Provides instruction in PE for a total period of time of not less than 400 minutes every 10 school days to pupils in grades seven to twelve, inclusive.
3. Provides instruction in PE for a total period of time of not less than 200 minutes every 10 school days to pupils in an elementary school maintaining grades one to eight, inclusive.
4. Conducts physical fitness testing of pupils as required.
5. Includes the results of physical fitness testing of pupils in the School Accountability Report Card (SARC).
6. Offers pupils exempted from required attendance in PE courses a variety of elective PE courses of not less than 400 minutes every 10 school days.
7. Provides a course of study in PE to pupils in any of grades nine to twelve, inclusive, that includes a developmentally appropriate sequence of instruction, including 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.
8. Provides instruction in PE to pupils that provides equal opportunities for participation, regardless of gender.
9. Provides instruction in PE to pupils in grades one to twelve, inclusive, by PE teachers who hold appropriate teaching credentials issued by the Commission on Teacher Credentialing (CTC).

## Physical Education Monitoring Instrument

The 2020–21 instrument used for monitoring compliance with PE requirements consisted of the following nine items:

**Item 01.** Provides instruction to pupils in grades one to six, inclusive, in PE for a total period of time of not less than 200 minutes every 10 school days exclusive of recesses and the lunch period.

**Item 02**. Provides instruction in PE for a total period of time of not less than 400 minutes every 10 school days to pupils in grades seven to twelve, inclusive.

**Item 03.** Provides instruction in PE for a total period of time of not less than 200 minutes every 10 school days to pupils in an elementary school maintaining grades one to eight, inclusive.

**Item 04.** Each pupil participates in the California Physical Fitness Performance Testing Program by administering the California Physical Fitness Test (FITNESSGRAM) in grades five, seven, and nine during the months of February, March, April, or May of each school year.

**Item 05.** Local educational agencies (LEAs) are required to participate in the California Physical Fitness Performance Testing Program by administering and including the results of the FITNESSGRAM in the SARC.

**Item 06.** LEAs that maintain a high school and elect to exempt pupils from required attendance in PE have three distinct options: (1) Temporary Exemption, (2) Two-Year Exemption, or (3) Permanent Exemption. The Two-Year and the Permanent Exemptions from PE require the LEA to offer a variety of elective PE courses of not less than 400 minutes every 10 school days, taught by an appropriately credentialed teacher.

**Item 07.** LEAs that maintain a high school shall provide a course of study in PE to pupils in any of grades nine to twelve, inclusive, where instruction and evaluation of pupil progress is delivered in a developmentally appropriate sequence that includes 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.

**Item 08.** All PE classes shall be conducted in the coeducational, inclusive manner prescribed by law. LEAs must provide instruction in PE that provides equal access and equal opportunities for participation for all pupils in grades one to twelve, inclusive, regardless of gender or gender expression, sexual orientation, and mental or physical disability.

**Item 09.** LEAs must provide instruction in PE to pupils in grades one to twelve, inclusive, by PE teachers who hold appropriate teaching credentials issued by the CTC. Instructional aides, paraprofessionals, and volunteers may only assist the teacher.

## Comparison of Monitoring Items to Required Areas of Report

The following table identifies the PE monitoring item that addresses each of the nine areas required in statute.

### Table 1: Comparison of California Education Code Section 33352(b) to Physical Education Monitoring Items

| **Items Required by California *EC* Section33352(b)** | **PE Monitoring Instrument Items** |
| --- | --- |
| **Subsection (1)**Provides instruction in PE for a total period of time of not less than 200 minutes every 10 school days to pupils in grades one to six, inclusive. | **Item 01** Provides instruction to pupils in grades one to six, inclusive, in PE for a total period of time of not less than 200 minutes every 10 school days exclusive of recesses and the lunch period. |
| **Subsection (2)**Provides instruction in PE for a total period of time of not less than 400 minutes every 10 school days to pupils in grades seven to twelve, inclusive. | **Item 02**Provides instruction in PE for a total period of time of not less than 400 minutes every 10 school days to pupils in grades seven to twelve, inclusive. |
| **Subsection (3)**Provides instruction in PE for a total period of time of not less than 200 minutes every 10 school days to pupils in an elementary school maintaining grades one to eight, inclusive. | **Item 03**Provides instruction in PE for a total period of time of not less than 200 minutes every 10 school days to pupils in an elementary school maintaining grades one to eight, inclusive. |
| **Subsection (4)**Conducts physical fitness testing of pupils as required.  | **Item 04**Each pupil participates in the California Physical Fitness Performance Testing Program by administering the FITNESSGRAM in grades five, seven, and nine during the months of February, March, April, or May of each school year. |
| **Subsection (5)**Includes the results of physical fitness testing of pupils in the SARC. | **Item 05**LEAs are required to participate in the California Physical Fitness Performance Testing Program by administering and including the results of the FITNESSGRAM in the SARC. |
| **Subsection (6)**Offers pupils exempted from required attendance in PE courses a variety of elective PE courses of not less than 400 minutes every 10 school days. | **Item 06**LEAs that maintain a high school and elect to exempt pupils from required attendance in PE have three distinct options: (1) Temporary Exemption, (2) Two-Year Exemption, or (3) Permanent Exemption. The Two-Year and the Permanent Exemptions from PE require the LEA to offer a variety of elective PE courses of not less than 400 minutes every 10 school days, taught by an appropriately credentialed teacher. |
| **Subsection (7)**Provides a course of study in PE to pupils in any of grades nine to twelve, inclusive, that includes a developmentally appropriate sequence of instruction, including 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. | **Item 07**LEAs that maintain a high school shall provide a course of study in PE to pupils in any of grades nine to twelve, inclusive, where instruction and evaluation of pupil progress is delivered in a developmentally appropriate sequence that includes 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. |
| **Subsection (8)**Provides instruction in PE to pupils that provides equal opportunities for participation, regardless of gender.  | **Item 08**All PE classes shall be conducted in the coeducational, inclusive manner prescribed by law. LEAs must provide instruction in PE that provides equal access and equal opportunities for participation for all pupils in grades one to twelve, inclusive, regardless of gender or gender expression, sexual orientation, and mental or physical disability. |
| **Subsection (9)**Provides instruction in PE to pupils in any of grades one to twelve, inclusive, by PE teachers who hold appropriate teaching credentials issued by the CTC. | **Item 09**LEAs must provide instruction in PE to pupils in grades one to twelve, inclusive, by PE teachers who hold appropriate teaching credentials issued by the CTC. Instructional aides, paraprofessionals, and volunteers may only assist the teacher. |

###

### Table 2: Local Educational Agency Summary of Findings for Physical Education 2020–21 Program Instrument Item

The number of findings for each PE instrument item and each school district monitored are indicated below in the table. The abbreviation “NM” is used to indicate instrument items not monitored at a school district. “NMC” is used to indicate the instrument items that were not monitored due to the complications of COVID–19.

| **LEA** | **No. of Schools** |  **PE Item 01** |  **PE Item 02** |  **PE Item 03**  |  **PE Item 04** |  **PE Item 05** |  **PE Item 06** |  **PE Item 07** | **PE Item 08** |  **PE Item 09** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Bellevue Union (49706150000000) | 1 | NMC | NMC | NMC | NMC | NMC | NM | NM | 1 | 1 |
| Santa Rosa High (49709200000000) | 2 | NMC | NMC | NMC | NMC | NMC | 1 | 1 | 0 | 0 |
| Enterprise Elementary (45699710000000) | 2 | NMC | NMC | NMC | NMC | NMC | NM | NM | 0 | 0 |
| Folsom-Cordova Unified (34673300000000) | 3 | NMC | NMC | NMC | NMC | NMC | 1 | 0 | 0 | 0 |
| San Juan Unified (34674470000000) | 3 | NMC | NMC | NMC | NMC | NMC | 1 | 1 | 0 | 0 |
| Hayward Unified (01611920000000) | 3 | NMC | NMC | NMC | NMC | NMC | 1 | 1 | 0 | 1 |
| San Lorenzo Unified (01613090000000) | 2 | NMC | NMC | NMC | NMC | NMC | 1 | 0 | 0 | 1 |
| Vallejo City Unified (48705810000000) | 2 | NMC | NMC | NMC | NMC | NMC | NM | NM | 0 | 0 |
| Live Oak Elementary (44697650000000) | 1 | NMC | NMC | NMC | NMC | NMC | NM | NM | 0 | 0 |
| Bret Harte Union High (05615560000000) | 1 | NMC | NMC | NMC | NMC | NMC | 1 | 1 | 0 | 0 |
| Sonora Elementary (55723710000000) | 1 | NMC | NMC | NMC | NMC | NMC | NM | NM | 0 | 0 |
| Richgrove Elementary (54720820000000) | 1 | NMC | NMC | NMC | NMC | NMC | NM | NM | 0 | 0 |
| Paso Robles Joint Unified (40754570000000) | 2 | NMC | NMC | NMC | NMC | NMC | NM | NM | 0 | 0 |
| Rio Elementary (56725610000000) | 2 | NMC | NMC | NMC | NMC | NMC | NM | NM | 0 | 0 |
| Santa Paula Unified (56768280000000) | 2 | NMC | NMC | NMC | NMC | NMC | NM | NM | 0 | 0 |
| Ventura Unified (56726520000000) | 3 | NMC | NMC | NMC | NMC | NMC | NM | NM | 0 | 0 |
| La Habra City Elementary (30665630000000) | 2 | NMC | NMC | NMC | NMC | NMC | NM | NM | 0 | 0 |
| Santa Ana Unified (30666700000000) | 3 | NMC | NMC | NMC | NMC | NMC | 1 | 0 | 0 | 0 |
| Vista Unified (3768452000000) | 2 | NMC | NMC | NMC | NMC | NMC | 1 | 1 | 0 | 0 |
| Alvord Unified (33669770000000) | 3 | NMC | NMC | NMC | NMC | NMC | NM | NM | 0 | 0 |
| Barstow Unified (36676110000000) | 1 | NMC | NMC | NMC | NMC | NMC | NM | NM | 0 | 0 |
| Morongo Unified (36677770000000) | 3 | NMC | NMC | NMC | NMC | NMC | NM | NM | 0 | 0 |
| Alhambra Unified (19757130000000) | 3 | NMC | NMC | NMC | NMC | NMC | 0 | 0 | 0 | 0 |
| El Monte City (19645010000000) | 2 | NMC | NMC | NMC | NMC | NMC | NM | NM | 0 | 0 |
| El Monte Union High (19645190000000) | 2 | NMC | NMC | NMC | NMC | NMC | 1 | 1 | 0 | 0 |
| Los Angeles County Office of Education (19101990000000) | 2 | NMC | NMC | NMC | NMC | NMC | 0 | 1 | 0 | 1 |
| Los Angeles Unified (19101990000000) | 3 | NMC | NMC | NMC | NMC | NMC | 1 | 1 | 0 | 0 |

## Monitoring During 2021–22

CDE staff assigned to 2021–22 PE compliance monitoring are scheduled to review 27 LEAs, including 20 elementary schools, 5 kindergarten through grade eight schools,19 intermediate schools, and 20 high schools—a total of 64 schools. At a minimum, one LEA per CDE compliance monitoring region has been selected through a combination of online, telemonitoring, and onsite PE compliance monitoring.

## Funding

The CDE does not receive designated state or federal funding to monitor or provide technical assistance for PE. While state and federal funding are not available to the CDE for providing PE support, LEAs may designate allocated funds toward PE resources that support the needs of students.

This report is available on the CDE PE web page at <https://www.cde.ca.gov/ci/pl/physicaleducation.asp>. If you need a copy of this report, please contact Linda Wilkinson, Education Programs Consultant, Educator Excellence and Equity Division, by phone at 916-323-5798 or by email at plsmo@cde.ca.gov.