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**PHYSICAL EDUCATION AND EQUAL JUSTICE IN PUBLIC SCHOOLS:
California Working Families Policy Summit
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California is dropping the ball on providing physical education in public schools, and students – especially those who are low income or of color – are paying the price. School districts can comply voluntarily with physical education laws – or advocates can enforce the law through the courts. Parents, teachers, students and public officials can take action to ensure students move more, eat well, stay healthy, and do their best in school and in life.

Of nearly 1,000 school districts in California, 188 were audited from 2004-2009, and exactly half were not enforcing physical education minutes requirements, according to public records obtained from the Department of Education by The City Project, a nonprofit legal and policy advocacy organization working to enforce physical education laws throughout the state.

The California Court of Appeal ruled in November 2010 that public schools must provide physical education to comply with state law that requires at least 200 minutes every ten days, an average of 20 minutes per day in elementary school. (The amount rises to at least 40 minutes on average per day in middle and high school.)

The appellate court overturned a decision of the trial court which held that state law set *goals* but not legally enforceable *requirements*, and that private parties like parents do not have the right to enforce the law. The Court of Appeal disagreed. “We conclude that [the law] means what it says and that, while individual school districts may have discretion as to how to administer their physical education programs, those programs must satisfy the 200-minute-per-10 school day minimum. . . . [The legislature’s] ultimate goal was obviously to improve the health and well-being of elementary school students through a minimum level of physical education.”

Plaintiffs, a third grade student in the Albany Unified School District and his father, brought the action against the district, the school board, and the California Department of Education under California Education Code section 51210. The case now goes back to the trial court for further proceedings.

A voluntary way of promoting physical education for public schools is available. In December 2009, the Los Angeles Unified School District, the second largest district in the nation with over 600,000 students and 770 schools, voluntarily adopted a physical education implementation plan in response to an organizing campaign by The City Project working with diverse allies.

The school district is enforcing education and civil rights laws – without the need for litigation – to help promote academic performance and youth development and reduce obesity and diabetes. The plan will ensure that schools provide properly credentialed physical education teachers, meet the PE minute requirements, maintain reasonable class size averages, and provide quality facilities for PE. Schools can provide PE within existing budgets. The Los Angeles Unified School District is doing just that.

Why does physical education matter? Scientific evidence shows the lifelong benefits of quality physical education. Physically fit students tend to do better academically, and physical activity improves academic performance. Students who take part in physical activity, including team sports, tend to stay in school longer. Reducing or eliminating PE can hurt test results and graduation rates.

Social science studies have also demonstrated that students of color and low-income children are less likely to get adequate amounts or quality of PE in school. If they don't get PE at school, they are typically not physically active. Their communities lack sufficient parks and school facilities open after school. These students suffer from the highest levels of childhood obesity and diabetes, and are the most at risk for gang involvement, crime, drug abuse and violence. That is why enforcing physical education requirements is a civil rights issue.

“The physical education plan adopted by the Los Angeles Unified School District is a best practice example for districts across the state to provide a quality education for the children of California,” according to Dr. Robert Ross, President of The California Endowment. “Research tells us physically active and fit kids get better grades and have better overall health.”

The campaign in Los Angeles involved five elements: a public organizing campaign, administrative complaints filed by attorneys at The City Project (not litigation), a unanimous resolution by the school board, an implementation plan adopted by the district, and social science research supporting each step.

The campaign was led by United Teachers of Los Angeles (UTLA), Anahuak Youth Sports Association, Concerned Citizens of South Central Los Angeles, California Pan-Ethnic Health Network, Prevention Institute, and other parents and teachers working with The City Project.

Recommended Actions

1. Each school district in the State of California should immediately take steps to ensure that legally required physical education requirements are implemented on each campus for every child.
2. The State Superintendent of Public Instruction should send a letter to all district superintendents indicating his support for enforcing physical education requirements in every district for every child.
3. The California Parent-Teacher Association (PTA) and California School Boards Association should make enforcing physical education requirements a priority and organize an outreach and education campaign to educate school districts, local PTAs, and the public on (a) legal requirements for PE, (2) physical, academic and quality of life benefits of physical activity, and (3) the best practice example in Los Angeles implementing district-wide PE.
4. Federal officials, including the United States Department of Education and First Lady Michelle Obama's *Let's Move* campaign, should prioritize enforcing physical education and civil rights requirements in public schools as part of a quality education for all.
5. Foundations that seek to alleviate childhood obesity should prioritize projects that enforce physical education laws through voluntary compliance or access to justice through the courts.

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