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Legislative History: Physical Activity in Schools

California Working Families Policy Summit

January 12, 2011

The following legislative history offers a brief overview of some of the state legislation introduced over the last 10 years related to Physical Activity in Schools.

2009-2010 Legislative Session

AB 351 (Salas) – Physical education

Authorizes the governing board of a school district that provides California Cadet Corp.; cheer team; dance team; color guard; drill team; Junior Reserve Officer Training Corps; or marching band, as part of the regular course of study or as part of the regular school-sponsored extra curricular activities, to exempt a high school pupil who has completed such a course or program from attending physical education (PE) courses. Specifies that any course or program that qualifies high school pupils for the exemption to include not less than 400 minutes of the PE substitution each 10 school days, and to support a course of study that includes at least seven of the eight PE content areas: effects of physical activity upon dynamic health; mechanics of body movement; aquatics; gymnastics and tumbling; individual and dual sports; rhythms and dance; team sports; and, combatives. Requires any regular course of study for which a high school pupil receives course credit and which qualifies her or him for the exemption to be taught by a certificated employee. Requires any regular school-sponsored extracurricular activity that qualifies a high school pupil for the exemption to have a certificated employee of the school district serve as the sponsor of the activity at the school site. Requires a pupil to meet satisfactorily at least five of the six standards of the physical performance test administered in any of grades 9 to 10, inclusive, to continue to be eligible in grades 11 and 12 for an exemption.

Status: Failed Passage

AB 2298 (Torlakson) - Education: Physical Education

Require the Department of Education (CDE) to periodically update rules and regulations in physical education, compile a manual in physical education (PE) for distribution teachers that is consistent with statute and with the content standards adopted by the State Board of Education (SBE), and would also require high school PE instruction to be consistent with the PE model content standards.

Status: Failed Passage

AB 2705 (Hall) - Education: Physical Education

Requires a physical fitness element of the ASES program, by the beginning of the 2013-14 school year, to include at least 30 minutes per day of moderate to vigorous physical activity as defined in the PE Model Content Standards and PE Framework adopted by the State Board of Education (SBE). Authorizes an ASES program to utilize the California After School Physical Activity (CASPA) Guidelines to design the physical fitness element. Specifies an ASES program is not required to report to the State Department of Education (SDE) each pupil's participation in physical fitness. Requires 50% of PE instruction in grades 1-12 be spent in moderate to vigorous physical activity as defined in the PE content standards and framework adopted by SBE.

Status: Failed Passage

SB 1290 (Kehoe) - Physical Education: Self-Defense and Safety Instruction

Requires the State Board of Education and the Curriculum Development and Supplemental Materials Commission to include self-defense instruction, as defined, and safety instruction, as defined, in the next revision of the physical education framework for pupils in grades 7, 8, 9, 11, and 12.

Status: Chaptered by Secretary of State. Chapter 703, Statutes of 2010.

2007-2008 Legislative Session

AB 2072 (Hayashi) – Physical Education: Award Program

Requires the State Board of Education, to establish the Physical Education Award Program to provide awards to schools that conduct their physical education courses pursuant to the model content standards and demonstrate that increasing numbers of pupils meet minimum standards on the physical performance test. Requires that private funds be used to pay for all of the costs of implementing the program, and authorizes the Superintendent of Public Instruction to receive donations of private funds for purposes of implementing the program. Prohibits the State Board of Education from establishing the program unless and until the Department of Finance certifies to the Superintendent of Public Instruction that private donations received by the state are sufficient to implement the program.

Status: Failed Passage

SB 602 (Torlakson) – Physical education

Authorizes the governing board of a school district or the office of the county superintendent of schools, with the pupil's consent, to grant a pupil an exemption from courses in physical education for two years any time during grades 10 to 12, inclusive, if the pupil has met satisfactorily at least 5 of the 6 standards of the physical performance test in grade 9 or in any of grades 10 to 12.

Status: Chaptered by Secretary of State. Chapter 32, Statutes of 2008

2005-2006 Legislative Session

AB 322 (Oropeza) — Equity in Athletics

Requires that the State Department of Education and local education agencies ensure that female students are aware of the rights guaranteed to them under federal Title IX of the Education Amendments of 1972 law.

Status: Chaptered by Secretary of State. Chapter 386, Statutes of 2005.

AB 689 (Nava) — Nutrition and Physical Activity Curriculum

Requires the State Board of Education to incorporate physical activity and nutrition into the academic content standards for the health education curriculum.

Status: Chaptered by Secretary of State. Chapter 654, Statutes of 2005.

AB 1779 (Karnette) — Physical Education in Elementary School

Establishes minimum requirements stating that physical education in grades 1-8 must be provided each day for not less than 20 minutes exclusive of recess and the lunch period, provided that this is mutually agreed on through regular collective bargaining procedures that are not undertaken solely for the purpose of determining the manner in which pupils will be provided the minimum amount of physical education instruction. Alternatively requires physical education to be provided for not less than 200 minutes for every 10 school days for at least three days a week if the 20 minute per day requirement is not agreed on through regular collective bargaining procedures that are not undertaken solely for the purpose of determining the manner in which pupils will be provided the minimum amount of instruction in physical education.

Status: Failed Passage

AB 1845 (Chavez) — Physical Education

Eliminates the ability of the school district and the office of the County Superintendent of Schools to exempt students who have passed a physical performance test administered in the ninth grade from courses in physical education.

Status: Failed Passage

AB 2812 (Umberg) — Physical Education: Monetary Rewards

Establishes the Excellence in Physical Education Act of 2006, which requires the State Board of Education to establish a Physical Education Award Program to provide monetary and non-monetary awards to schools that conduct their physical education courses pursuant to the model content standards and demonstrate that increasing numbers of pupils enrolled in that school meet minimum standards on the physical performance test.

Status: Failed Passage

SB 559 (Torlakson) — Instruction in Physical Education

Reduced the ability of a school to excuse high school students from physical education courses.

Status: Gutted and Amended.

SB 638 (Torlakson) – After School Education & Safety – Guidelines for Physical Activity

Requires the State Department of Education to develop guidelines for physical activity programs for inclusion in the After School Education and Safety Program.

Status: Chaptered by Secretary of State. Chapter 380, Statutes of 2006.

SB 362 (Torlakson) — Physical Education

Adds components to the Categorical Program Monitoring process as it relates to Physical Education; establishes the Physical Education Incentive Grants Program; establishes the Physical Education Professional Development Program Program; and extends the date by which a pupil must pass the Fitnessgram in order to be exempt from PE for 2 years during grades 10 through 12, inclusive.

Status: Failed Passage

SB 562 (Torlakson) — Physical Education: California Interscholastic Federation.

Extends the sunset date from January 1, 2007, to January 1, 2012, for the California Interscholastic Federation; specifies certain reporting requirements and extends indefinitely provisions granting authority to the State Department of Education to supervise physical education courses, as specified.

Status: Statutes of 2005. Chapter 301, Statutes of 2006.

2003-2004 Legislative Session

AB 756 (Montanez)—Physical Education Requirements, Grades 1-6.

Requires a school district to certify annually in writing to parents and guardians of pupils in grades 1-6 that it has provided pupils with 200 minutes of physical education each ten days. Encourages each school district with pupils in grades 1-6 to designate a period of time during the school day sufficient for the physical education specialist to prepare lesson plans, operate an after-school physical education program, evaluate the physical education program annually and requires the physical education specialist to provide individual physical fitness and performance assessments to each pupil's parent or guardian.

Status: Failed Passage

AB 2327 (Chan)—Nutrition and Physical Activity Instruction.

Requires the State Department of Education to incorporate exercises and activities related to nutrition and physical activity into the reading, English language development, history/social science, science, and mathematics instructional materials criteria at their next revisions, and requires the State Board of Education, based on recommendations from the Superintendent of Public Instruction to adopt model content standards for health education by December 1, 2006.

Status: Failed Passage

SB 70 (Torlakson) – After School Programs: Physical Fitness.

Specifies that training and support provided by the State Department of Education include the development and distribution of voluntary guidelines for physical activity programs that expand the learning opportunities of the school day established as a component of the After School Education and Safety Program.

Status: Failed Passage

SB 78 (Torlakson) – Physical Education

Adds fitness programs and clubs to the physical education activities which K-12 districts are encouraged to offer and provides that physical education test results may be provided to pupils orally.

Status: Chaptered by Secretary of State. Chapter 459, Statutes of 2003

SB 1798 (Torlakson) – Physical Education.

Adds new physical education training requirements to the individual professional growth requirement a teacher must meet to renew his or her credential.

Status: Failed Passage

Statutes of 2001-2002

AB 1793 (Migden) – Physical Education

Requires the State Department of Education to monitor the number of hours of physical education instruction offered to pupils in grades 1 to 12, inclusive. It also requires the State Board of Education to adopt content standards for physical education.

Status: Chaptered by Secretary of State. Chapter 943, Statutes of 2002

SB 1868 (Torlakson) - Physical Education

Requires the Department of Education (SDE) to encourage school districts to provide quality physical education, to the extent that resources are available, that develops the knowledge, attitudes, skills, behavior, and motivation needed to be physically fit for life. Requires that a pupil pass the physical performance test required in 9th grade to be considered for exemption from physical education courses in grades 10 to 12. Also allows pupils in grades 10 to 12 to take the physical performance test. In addition, authorizes SDE to consider a school's performance on the physical performance tests of students when determining whether a school shall be classified as a distinguished school.

Status: Chaptered by Secretary of State, Chapter 1166, Statutes of 2002