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## Recommendations on Physical Activity in Schools

California Working Families Policy Summit  
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### INTRODUCTION

In the midst of California's growing childhood obesity crisis, ensuring that our children have physical education of sufficient quality and quantity in school must remain a top priority. While California schools are under enormous economic and performance pressure, physical education should never be seen as optional. Not only is physical activity (along with good nutrition) essential in the fight against childhood obesity, physical activity helps to keep the brain fit and strengthens a student's ability to learn.

Research shows that physical activity can improve executive functions, the ability to concentrate, memory, and intellectual performance.<sup>1</sup> Children given opportunities for physical activity are not only better able to concentrate, focus, and learn while in school, but they are provided with the opportunity to develop the skills, self-confidence, and enjoyment of physical activity that can foster a physically active lifestyle that will support their overall health throughout their lives.

Yet, an alarming number of children in California are inactive. Research based upon the California Health Interview Survey found that nearly one million California adolescents get either no physical activity or get less than recommended levels of physical activity.<sup>2</sup> Even lower rates of physical activity were found among low-income children and Latino and African American children. Among 7th and 9th grade students in 16 low-income California schools, only 30% reported getting 30 or more minutes of vigorous physical activity in a given day, and only 15% got 30 minutes or more of non-vigorous physical activity<sup>3</sup>.

With such startlingly high rates of inactivity among California children and given the important role that physical education can play in providing opportunities for regular physical activity and the skills to adopt a physically active, healthy lifestyle, it may come as no surprise that many California school districts are failing to meet the minimum statutory requirements for physical education. In the news recently, the Albany Unified School District, lost a case in the Third District Court of Appeals for failing to provide the number of physical education instructional minutes that are required to be provided to elementary students.<sup>4</sup> Additionally, the California Center for Public Health Advocacy, based on information collected through a Public Records Act request, found that more than half of California school districts assessed by the California Department of Education (CDE) failed to meet the mandated elementary school physical education requirement of 200 minutes every ten days.<sup>5</sup> Despite unprecedented levels of childhood overweight, the CDE records reveal a consistent lack of compliance throughout the state, regardless of the school district's economics or location.

Though there is a consistent lack of compliance throughout the state, the impact of schools failing to meet minimum statutory requirements for physical education is greater in low-income communities and communities of color. This is because there are fewer opportunities for low-income children and African American and Latino children to supplement school based physical activity with safe recreational activities in their local communities.<sup>6</sup> This results in more low-income children and more African American and Latino children having lower overall rates of physical activity than the general population. Due to these disparities in the impact of a school district failing to provide adequate physical education, a school district failing to comply with the statutory requirements to provide physical education to all students may also violate civil rights laws.<sup>7</sup>

School districts often cite a variety of reasons for neglecting to provide statutorily mandated physical education, including a lack of funds, inadequate facilities, and a lack of teacher training. Unfortunately, these funding-related challenges are also constraints upon other statutorily mandated instruction areas. Yet, no other statutorily mandated area of instruction faces such poor compliance. This lower prioritization of physical education instruction by many school district has been attributed to increasing pressure to improve standardized test scores in other subject areas in the context of diminishing resources. Yet, growing body of research demonstrates the link between physical activity and academic achievement.<sup>8</sup>

While identifying a funding source, such as a tax on sugar-sweetened beverages, to provide more resources for quality physical education should remain a top policy priority, it is likely, given the depth of the current fiscal crisis, that obtaining that funding will require a longer term advocacy effort. Yet, given the magnitude of the childhood obesity epidemic and the very serious health impacts of obesity<sup>9</sup> along with our constitutional mandate to provide equal educational opportunity, it is clear that the children of California cannot wait for the opportunity to have a quality physical education.

## **POLICY OBJECTIVE #1**

### **Consolidate and Clean-Up Education Code Physical Education Statutes**

#### ***Background***

Adding to the challenges associated with ensuring school districts comply with existing statutory requirements regarding physical education, the statutes themselves are a complex tangle of physical education policy. Developed over the years in a piecemeal approach, California's statutes on physical education instruction are sometimes inconsistent and lack a unified rationale and structure. Additionally, the language used in key statutes is sometimes archaic and in much need of modernization.

#### ***Recommended Actions***

- A. The Legislature should consolidate the physical education statutes in the Education Code and in the process modernize the language, address inconsistencies and look to opportunities to enhance the compliance and monitoring process.

## **POLICY OBJECTIVE #2**

### **CDE Should Provide Guidance to Schools on Physical Education Mandates.**

#### ***Background***

While the statutory requirements regarding instruction in physical education may be in need of clean-up and consolidation, the mandate to provide physical education instruction is clear. The Third District Appellate Court in *Doe v. Albany Unified School District*, concluded "Section 51210, subdivision (g), 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."<sup>10</sup>

### **Recommended Actions**

- A. The Superintendent of Public Instruction should provide guidance to local educational authorities about their obligations to provide physical education under current statute and offer to provide technical assistance to schools struggling to comply with these requirements under existing budgetary constraints.
- B. The Department of Education should monitor the compliance of local educational authorities with these physical education statutes and intervene when necessary to help schools come into compliance with statutory requirements.

## **POLICY OBJECTIVE #3**

### **Local School Districts Should Adopt Physical Education Policies**

#### **Background**

In 2009, the Los Angeles Unified School District (LAUSD), in response to a community campaign organized by the City Project and United Teachers Los Angeles, adopted a plan to implement and enforce physical education requirements requiring an average of 20 minutes of physical education in elementary schools every day and 40 minutes in middle and high schools.<sup>11</sup> Facing many of the same financial challenges of other school districts, LAUSD, the second largest school district in the nation, adopted a policy on physical education instruction that ensures LAUSD schools provide properly credentialed physical education teachers, meet the physical education minute requirements, maintain reasonable class size averages, and provide quality facilities for physical education.<sup>12</sup>

#### **Recommended Actions**

- A. School Boards should adopt resolutions and policies implementing current physical education requirements similar to those adopted by the LAUSD School Board in 2009.

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<sup>1</sup> "Physical Education Research for Kids (PERK) Report," January 2010. The California Task Force on Youth and Work Place Wellness. [http://www.wellnesstaskforce.org/media/cms/mediafiles/PERK\\_Report\\_web\\_final.pdf](http://www.wellnesstaskforce.org/media/cms/mediafiles/PERK_Report_web_final.pdf)

<sup>2</sup> "California Adolescents Increasingly Inactive," UCLA Center for Health Policy Research, 2005. [http://www.healthpolicy.ucla.edu/pubs/files/TeensInactive\\_PB\\_040105\\_.pdf](http://www.healthpolicy.ucla.edu/pubs/files/TeensInactive_PB_040105_.pdf)

<sup>3</sup> Preliminary analysis of baseline findings from the Healthy Eating Active Communities (HEAC) project. Center for Weight and Health, University of California, Berkeley and Samuels & Associates, 2009.

<sup>4</sup> Doe v. Albany Unified School District, C063271 (Super. Ct. No. 34200900033641CUCRGDS) [www.courtinfo.ca.gov/opinions/documents/C063271.DOC](http://www.courtinfo.ca.gov/opinions/documents/C063271.DOC)

<sup>5</sup> "Dropping the Ball," California Center for Public Health Advocacy, 2006. <http://www.publichealthadvocacy.org/droppingtheball.html>

<sup>6</sup> "Access to Safe Parks Helps Increase Physical Activity Among Teenagers" Susan H. Babey, E. Richard Brown, Theresa A. Hastert, 2005. <http://www.healthpolicy.ucla.edu/pubs/Publication.aspx?pubID=159>

<sup>7</sup> "Social Science, Equal Justice, and Public Health Policy: Lessons from Los Angeles," Robert Garcia and Chad Fenwick, Journal of Public Health Policy (2009) 30, S26–S32. doi:10.1057/jphp.2008.58. <http://www.palgrave-journals.com/jphp/journal/v30/nS1/full/jphp200858a.html>

<sup>8</sup> Active Education: Physical Education, Physical Activity and Academic Performance, Robert Wood Johnson Foundation, 2007. [http://www.activelivingresearch.org/files/Active\\_Ed.pdf](http://www.activelivingresearch.org/files/Active_Ed.pdf)

<sup>9</sup> "California's Childhood Obesity Epidemic" California Center for Public Health Advocacy, 2006. <http://www.publichealthadvocacy.org/PDFs/FactSheetEpidemic.pdf>

<sup>10</sup> Doe v. Albany Unified School District, 2.

<sup>11</sup> "Physical Education, Student Health and Civil Rights: LA Public Schools Adopt Implementation Plan," The City Project Blog, February 4, 2010. <http://www.cityprojectca.org/blog/archives/3341>

<sup>12</sup> Los Angeles Unified School District Policy Bulletin, BUL-2528.1, Office of Curriculum, Instruction and School Support, December 21, 2009. <http://www.cityprojectca.org/blog/wp-content/uploads/2010/02/lausd-phys-ed-civil-rights-plan.pdf>