

**REGULATION 6142.7: PHYSICAL EDUCATION AND ACTIVITY**

**Comparison Matrix**

Section: Instruction

**SUMMARY OF UPDATE**

**Summary of Update:** Regulation updated to reflect NEW LAW (SB 75, 2019) which extends the use of uniform complaint procedures (UCP) to include complaints alleging noncompliance with physical education instructional minutes in grades 7-12. The regulation also reflects U.S. Department of Health and Human Services recommendations for moderate to vigorous physical activity in children and expands the list of duties of the physical fitness test coordinator as described in state regulations.

| CURRENT VERSION |         |             | REVISED VERSION   | CSBA MODIFICATIONS<br>and/or NOTES  |  |
|-----------------|---------|-------------|-------------------|---|--|
| PARA            | Section | Sub-Section | November 15, 2004 |   | July 2020  |
|                 |         |             |                   | <b>Definitions</b>  | <b>New §</b>   |
|                 |         |             |                   | <i>Physical education is a sequential educational program that teaches students to understand and participate in regular physical activity that assists in developing and maintaining physical fitness throughout their lifetime, understand and improve their motor skills, enjoy using their skills and knowledge to establish a healthy lifestyle, and understand how their bodies work.</i> | CSBA NOTE: The following optional section reflects definitions provided in the California Department of Education's (CDE) 2009 Physical Education Framework for California Public Schools. |
|                 |         |             |                   | <i>Physical activity is bodily movement that is produced by the contraction of skeletal muscle and that substantially increases energy expenditure, including exercise, sport, dance, and other movement forms.</i>   |  |
|                 |         |             |                   | <i>Moderate physical activity is any activity which generally requires sustained, rhythmic movements and refers to a level of effort a healthy individual might expend while, for example, walking briskly, dancing, swimming, or bicycling on level terrain. A person should feel some exertion but should be able to carry</i>  |  |

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|  |  |  | <i>on a conversation comfortably during the activity.</i>  |   |
|  |  |  | <i>Vigorous physical activity is any activity which generally requires sustained, rhythmic movements and refers to a level of effort a healthy individual might expend while, for example, jogging, participating in high-impact aerobic dancing, swimming continuous laps, or bicycling uphill. Vigorous physical activity may be intense enough to result in a significant increase in heart and respiration rate.</i> |   |
|  |  |  | <b><i>Instructional Time</i></b>   | <b>New §</b>  |
|  |  | Instruction in physical education shall be provided for a <del>total period of time of not less than 200 minutes each 10 school days for students in grades 1 through 6 and not less than 400 minutes each 10 school days for students in grades 7 through 12.</del> | Instruction in physical education shall be provided for <i>at least the following minimum period of time:</i>  | <p>CSBA NOTE: The district should revise the following section to reflect the grade levels and grade configurations offered by the district. Education Code 51210 requires the adopted course of study for grades 1-6 to include instruction in physical education for at least 200 minutes each 10 school days, exclusive of recess and the lunch period. For grades 7-12, Education Code 51222 requires that all students, except students excused or exempted pursuant to Education Code 51241, attend courses of physical education for at least 400 minutes each 10 school days. However, pursuant to Education Code 51223, an elementary school maintaining grades 1-8 is required to provide instruction in physical education for students in grades 7-8 that matches the requirement for grades 1-6 of not less than 200 minutes each 10 school days, exclusive of recess and the lunch period.</p> <p>When determining the number of instructional minutes, it is recommended that districts exclude time spent walking to and from class or engaging in other physical</p> |

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|  |  |  |  |  | activity conducted outside the physical education instructional program, such as in regular classroom activities or before/after school programs.   |
|  |  |  |  | <i>1. For students in grades 1-6, 200 minutes each 10 school days, exclusive of recess and the lunch period</i>  |   |
|  |  |  |  | <i>2. For students in grades 7-8 attending an elementary school, 200 minutes each 10 school days, exclusive of recess and the lunch period</i>   |   |
|  |  |  |  | <i>3. For students in grades 7-8 attending a middle school or junior high school, 400 minutes each 10 school days</i>  |   |
|  |  |  |  | <i>4. For students in grades 9-12, 400 minutes each 10 school days</i>   |   |
|  |  |  |  | <i>If the instructional minute requirement cannot be met during any 10-day period due to inclement weather, a school assembly, field trip, student assessment, or other circumstance, the school shall make up those minutes on another day in order to satisfy the instructional minute requirement.</i>  | CSBA NOTE: Districts are cautioned to schedule physical education classes in a manner that takes into consideration circumstances that may occasionally interfere with the provision of physical education. Under a settlement reached in Cal200 et al. v. San Francisco Unified School District, schools that skip minutes of physical education instruction for any reason are required to make up those minutes on another day so that the instructional minutes requirement is satisfied. |
|  |  |  |  | <i>The Superintendent or designee shall determine a method to document compliance with the required number of instructional minutes. Such documentation may include, but not be limited to, a master schedule, bell schedule, weekly schedule for each teacher providing physical education instruction, district calendar, teacher roster, or log for</i> | CSBA NOTE: The following optional paragraph may be revised to reflect district practice. In order to demonstrate compliance with instructional minute requirements, it is recommended that the district determine the method(s) of documentation it will use and ensure consistent implementation. For examples of such methods, see CDE's FPM instrument, Physical Education Guidelines  |

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|  |  |   | <i>staff or students to record the number of physical education minutes completed.</i>  | Elementary Schools, and Physical Education Guidelines Middle and High School.  |
|  |  |   | <i>Any complaint alleging noncompliance with the instructional minute requirement may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures. A complainant not satisfied with the district's decision may appeal the decision to the California Department of Education (CDE). If the district or CDE finds merit in a complaint, the district shall provide a remedy to all affected students and parents/guardians.</i> | CSBA NOTE: Education Code 51210 and 51223 authorize the use of uniform complaint procedures (5 CCR 4600-4670) for any complaint that an elementary school has not complied with the physical education instructional minute requirement. Education Code 51222, as amended by SB 75 (Ch. 51, Statutes of 2019), extends such use of uniform complaint procedures to grades 7-12. See BP/AR 1312.3 - Uniform Complaint Procedures. |
|  |  | Students in grades 10-12 who are exempted from physical education pursuant to Education Code 51241(b)(1) or (c) 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. Students in a regional occupational program or center who are exempted from physical education pursuant to Education Code 52316 shall have a minimum school day of 180 minutes. | <b>Delete</b>   |  |
|  |  |   | <b><u>Monitoring Moderate to Vigorous Physical Activity</u></b>   | <b>New §</b>   |
|  |  |   | <i>To monitor the amount of time students are engaged in moderate to vigorous physical activity, the Superintendent or designee may:</i>  | CSBA NOTE: The following optional section may be revised to reflect district practice. See the accompanying Board policy for language establishing goals for moderate to vigorous physical activity in physical education classes.   |
|  |  |   | <i>1. Develop methods to estimate the amount of time students spend in moderate to vigorous physical activity and the amount of time students are inactive during physical education classes</i>  |  |

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|  |  |  |   | <p>2. Provide physical education teachers with staff development, self-monitoring tools, stopwatches, and/or heart rate monitors to assist them in planning and assessing the level of activity in their classes</p>   |   |
|  |  |  | <b>Physical Performance Testing</b>   | <b>Physical <i>Fitness</i> Testing</b>   |   |
|  |  |  | <p>During the month of February, <del>March, April or May</del>, students in grades 5, 7 and 9 shall <del>undergo the physical performance testing</del> designated by the State Board of Education. <del>Students with a physical disability and students who are physically unable to take all of the test shall undergo as much of the test as their physical condition will permit.</del></p> | <p>During <i>the annual assessment window between</i> the months of February <i>through</i> May, students in grades 5, 7, and 9 shall <i>be administered</i> the physical <i>fitness test</i> designated by the State Board of Education (<i>FITNESSGRAM</i>).</p>   | <p>CSBA NOTE: Education Code 60800 requires districts to administer a physical fitness test to students in grades 5, 7, and 9. The State Board of Education has designated FITNESSGRAM as the required physical fitness test. Pursuant to 5 CCR 1041, this requirement also applies to students who attend schools that are on a block schedule and students who may not be enrolled in physical education classes during the annual assessment window.</p> <p>The following paragraph should be modified to reflect grade levels offered by the district. In addition, if the district has chosen to administer the test in any of grades 10-12 (see accompanying Board policy), the following paragraph should be modified accordingly.</p> |
|  |  |  |   | <p><i>The Superintendent or designee may provide a make-up date for students who are unable to take the test based on absence or temporary physical restriction or limitations, such as students recovering from illness or injury.</i></p>  | <b>New ¶</b>  |
|  |  |  |   | <p><i>On or before November 1 of each school year, the Superintendent may designate an employee to serve as the district's physical fitness test coordinator and so notify the test contractor. The test coordinator shall serve as the liaison between the district and CDE for all matters related to the physical fitness test.</i></p> | <p><b>New ¶</b><br/>CSBA NOTE: The following paragraph is optional. 5 CCR 1043.4 authorizes, but does not require, the district to designate a physical fitness test coordinator. If the district chooses to designate a test coordinator, the duties must include those described in 5 CCR 1043.4.</p>   |

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|  |  |  |   | <i>The duties shall be those specified in 5 CCR 1043.4, including, but not limited to:</i>   |  |
|  |  |  |   | <i>1. Responding to correspondence and inquiries from the contractor in a timely manner and as provided in the contractor's instructions</i>   | <b>New §</b>   |
|  |  |  |   | <i>2. Determining district and school site test and test material needs</i>  |  |
|  |  |  |   | <i>3. Overseeing the administration of the physical fitness test to students</i>   |  |
|  |  |  |   | <i>4. Overseeing the collection and return of all test data to the contractor</i>  |  |
|  |  |  |   | <i>5. Ensuring that all test data are received from school test sites in sufficient time to satisfy the reporting requirements</i>   |  |
|  |  |  |   | <i>6. Ensuring that all test data are sent to the test contractor by June 30 of each year</i>  |  |
|  |  |  | Students shall be provided with their individual results after completing the <del>physical performance testing</del> . The test results may be provided orally as the student completes the testing. | Students shall be provided with their individual results after completing the <i>FITNESSGRAM</i> . The test results may be provided <i>in writing or</i> orally as the student completes the testing, <i>and shall be included in the student's cumulative record.</i> |  |
|  |  |  | <del>Each student's scores on the physical performance test shall be included in his/her cumulative record.</del>   | <b>Delete</b>  |  |
|  |  |  |   | <i>Each student's test results shall also be provided to the student's parents/guardians.</i>  | <b>New ¶</b><br>CSBA NOTE: The following paragraph is optional |
|  |  |  |   | <i>The Superintendent or designee shall report the aggregate results of the FITNESSGRAM in the annual school accountability report card required by Education Code 33126 and 35256.</i>  | <b>New ¶</b>   |
|  |  |  |   | <b><u>Testing Variations</u></b>   | <b>New sections and paragraphs added</b>                       |

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|  |  |  |  | <i>All students may be administered the FITNESSGRAM with the following test variations:</i>  |  |
|  |  |  |  | <i>1. Extra time within a testing day</i>  |  |
|  |  |  |  | <i>2. Test directions that are simplified or clarified</i>   |  |
|  |  |  |  | <i>All students may have the following test variations if they are regularly used in the classroom:</i>  |  |
|  |  |  |  | <i>1. Audio amplification equipment</i>  |  |
|  |  |  |  | <i>2. Separate testing for individual students provided that the student(s) are directly supervised by the test examiner</i>   |  |
|  |  |  |  | <i>3. Manually Coded English or American Sign Language to present directions for test administration</i>   |  |
|  |  |  |  | <i>Students with a physical disability and students who are physically unable to take all of the test shall undergo as much of the test as their physical condition will permit.</i> |  |
|  |  |  |  | <i>Students with disabilities may be provided the following accommodations if specified in their individualized education program (IEP) or Section 504 plan:</i>                     |  |
|  |  |  |  | <i>1. Administration of the test at the most beneficial time of day to the student after consultation with the test contractor</i>   |  |
|  |  |  |  | <i>2. Administration of the test by a test examiner to the student at home or in the hospital</i>  |  |
|  |  |  |  | <i>3. Any other accommodation specified in the student's IEP or Section 504 plan for the physical fitness test</i>   |  |

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|  |  |  |  | <i>Identified English learners may be allowed the following additional test variations if regularly used in the classroom:</i>  |  |
|  |  |  |  | <i>1. Separate testing with other English learners, provided that the student(s) are directly supervised by the test examiner</i>   |  |
|  |  |  |  | <i>2. Test directions translated into their primary language, and the opportunity to ask clarifying questions about the test directions in their primary language</i>   |  |
|  |  |  |  | <b><u>Additional Opportunities for Physical Activity</u></b>  |  |
|  |  |  |  | <i>The Superintendent or designee shall implement strategies for increasing opportunities for physical activity outside the physical education program, which may include, but not be limited to:</i>         | CSBA NOTE: The following optional section may be revised to reflect district practice. Item #1 below should be modified or deleted by districts that do not maintain elementary schools. |
|  |  |  |  | <i>1. Training recess, lunch, and before- and after-school supervisors on methods to engage students in moderate to vigorous physical activity</i>  |  |
|  |  |  |  | <i>2. Encouraging teachers to incorporate physical activity into the classroom</i>  |  |
|  |  |  |  | <i>3. Establishing extracurricular activities that promote physical activity, such as school clubs, intramural athletic programs, dance performances, community service, special events, and competitions</i> |  |
|  |  |  |  | <i>4. Incorporating opportunities for physical activity into before- or after-school programs and/or child care and development programs</i>  |  |
|  |  |  |  | <i>5. Exploring opportunities for joint use of facilities or grounds in order to provide adequate space for students and community members to engage in recreational activities</i>                           |  |



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|  |  |  |  | 6. <i>Developing business partnerships to maximize resources for physical activity equipment and programs</i>              |  |
|  |  |  |  | 7. <i>Developing programs to encourage and facilitate walking, bicycling, or other active transport to and from school</i> |  |

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