



California State Board of Education Policy

POLICY #
99-03
DATE
July 13, 2006

WAIVER GUIDELINES

Physical Education Requirements for Block Schedules

REFERENCES:

Education Code (EC) Section 33050 et seq.

HISTORICAL NOTES:

Adopted July 1984, Amended February 1990, June 1999 and July 2006.

Statutory Provisions:

EC Section 51222(a) - All pupils, except pupils excused or exempted pursuant to Section 51241, shall be required to attend upon the courses of physical education for a total period of time of not less than 400 minutes each 10 schooldays.

Background:

The intent of these code sections, established decades ago, clearly requires physical education instruction for all students on a regular and consistent basis. Schools began implementing block schedules, sometimes with disregard for the statutory requirements for physical education instructional minutes, in the 1980s. Several types of these block schedules incorporate physical education instruction on a limited basis and do not meet the statutory requirement of 400 minutes every 10 school days. An exception is the daily alternating block schedule, often referred to as the A/B Block Schedule. Although the majority of block schedules are at the secondary level, some middle schools also have gone to this scheduling. Implementation of these schedules caused districts to be out of compliance with the physical education statute, so a waiver was necessary to allow the scheduling. To solve this dilemma, a committee including physical education experts, district staff, State Board of Education (SBE) members and California Department of Education (CDE) staff members came up with a recommendation for a waiver. This group did not feel that they could ask high schools in the state to stop doing block scheduling, so flexibility was sought.

The SBE adopted the waiver policy in July of 1984 (amended February 1990 and June 1999) to allow local educational agencies to seek flexibility in these requirements in order to accommodate block schedules, when necessary. SBE Policy Number 99-03 created criteria for the consideration and granting of waiver requests of the physical education requirements, which are found in the policy itself. The intent of the policy was to ensure that students engage in consistent physical activity as required by statute, despite the fact that their actual school schedule does not allow for that activity in an instructional setting.

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Middle/Junior High School Waiver Criteria (Block Schedule):

The SBE will consider waivers for those middle schools/junior high schools that share a campus and/or physical education facilities with a neighboring high school operating on a block schedule with the same daily bell schedule. Meeting all criteria (below) will be required for these waivers except number 5, which is specific to high schools.

High School Waiver Criteria:

1. The district provides evidence that the physical education instructional program at each school(s) requesting the waiver, complies with federal and state statutes and regulations related to physical education pertaining to the minutes requirement; provides instruction based on physical education content standards; and is aligned with the *Physical Education Framework* (sequential, articulated, age-appropriate instruction).
2. The district provides evidence that it has developed a physical education professional development plan for teachers who deliver instruction in physical education at that school(s).
3. The district provides evidence that students are enrolled in courses of physical education a minimum of 18 weeks in 80-90 minute daily class periods during the regular school year.
4. The district describes a method by which it will monitor students' maintenance of a personal physical activity program during the weeks the student is not participating in a physical education course at that school. The monitoring program shall include: student accountability for their participation in physical activity; guidance for students in using the principles of exercise to design and complete their physical activity program; specific information regarding the design and delivery of the monitoring program.
5. The district provides information that demonstrates the physical education program (in a senior or four-year high school) complies with *California Code of Regulations, Title 5, Article 3.1, Section 10060*.
6. The district provides information that demonstrates that all eligible students are prepared for and participate in the physical performance testing as specified in *EC Section 60800*.
7. The district provides evidence that alternate day scheduling for physical education rather than alternate term scheduling has been thoroughly investigated. Include reasons why alternate day block scheduling (A/B block schedule which meets the statute for physical education minutes) will not work.

Other Key Elements of the Waiver Process for Block Schedules



CDE will provide technical assistance for schools that apply for and receive a waiver. This assistance may be useful to districts before the actual submission of the paperwork to avoid delays caused by incomplete waiver requests.

A school granted a waiver of *EC* Section 51222 in order to implement a block schedule shall be selected to be monitored each cycle as a part of the district's Categorical Program Monitoring (CPM) process. This shall only occur when the district has been identified for a CPM visit by CDE.

The California Physical Fitness Test data will be reviewed for school(s) who request a waiver, initially and on request for renewal of the waiver to determine improvement or at minimum, maintenance of students levels of health-related fitness.

The SBE shall grant waivers of this type for two years less one day, which will require the district to reapply for the waiver every two years. In addition to the above, renewal will require an evaluation of the extent to which the needs of students are being met by the physical education program in place at that school(s).

In summary, waivers of these *Education Codes* must meet strict criteria in order to be recommended for approval by the California Department of Education (CDE). The intent of these waivers is to offer local flexibility to schools but still maintain the requirements of providing content based physical education programs to ensure that pupils attain the knowledge, skills and confidence to successfully maintain an active lifestyle, now and for the future.