Physical Education Is A Right:  
The Los Angeles Unified School District  
Case Study

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I. Introduction

In California, public schools are required to provide physical education under laws requiring at least 20 minutes on average per day in elementary schools, and at least 40 minutes on average per day in middle and high schools. Physical education is good policy and good law: physical education gets students physically active; helps reduce obesity; promotes the sound development of the child; prepares students with the skills, knowledge and confidence to be physically active throughout their lives; and can contribute to academic performance and positive behavior in and out of school.¹

Yet of over 1,000 public school districts in the state, 188 were audited from 2004-09 and exactly half were not enforcing physical education minute requirements.²

Los Angeles Unified School District (LAUSD), the largest public school district in California and the second largest in the nation, was audited several times between 2004 and 2009, and each audit found that the district did not enforce physical education minute requirements. The district serves over 670,000 K-12 students in over 900 schools.³ 92% are students of color, and 74% are low income (qualify for free or reduced-price meals).⁴ Obesity rates in the district were persistently higher than the obesity rates of other districts within the county.⁵ 75% of district students failed to pass all six tests on the state Fitnessgram exam in the 2008/2009 school year.⁶ Physically fit students tend to do better academically. Some schools in the district such as Norwood Elementary have fully embraced

Obesity Prevalence Among School Children in Los Angeles County, 1999-2006

Rates of school child obesity in LAUSD were consistently higher than the county average.

Source: California Physical Fitness Testing Program, California Department of Education. Includes 5th, 7th, and 8th graders enrolled in Los Angeles County public schools.
quality physical education and have achieved higher Academic Performance Index scores.⁷

In 2007, a diverse coalition of teachers, parents, community activists, health advocates, attorneys and school officials united in a strategic campaign to improve the quantity and quality of physical education in the district and alleviate health disparities. The district ultimately adopted a physical education implementation plan (the "physical education plan” or “plan”) to enforce physical education and civil rights principles and laws, based in significant part on the social science research documenting the value of physical education, as well as health disparities.⁸

This policy report describes the strategic campaign, and evaluates the impact after the first year of the plan. Subsequent research will report on the impact of the plan over the course of several years.⁹

II. Study Methods and Design

With the physical education plan in place, Active Living Research, a national program office of the Robert Wood Johnson Foundation, funded a study to monitor its impact on students and on physical education. The City Project and Samuels & Associates are partnering to conduct the monitoring and produce the present report.

To capture the perspectives of the people involved in the physical education campaign, the research team conducted phone interviews with a range of stakeholders. The team interviewed a total of 18 individuals, including seven LAUSD elementary school principals and teachers; one parent; the district superintendent during the campaign; another district official; the school board president when the campaign started; a district physical education advisor; two representatives of The California Endowment; and four other key stakeholders from organizations in the campaign.

In addition to conducting those interviews, the study team visited a random sample of 34 elementary, middle and high schools in the district in the fall and winter of 2010/11 to observe a variety of physical education classes in each school. On-site assessments included interviews with teachers and administrators and direct observations of physical education classes. Data were collected on physical education quantity and quality, frequency, curriculum, teacher credentialing, and awareness of the plan. Assessors observed physical education class size, length of class, and class content.¹⁰ They also documented the size and condition of spaces and equipment available for physical activity and physical education.

III. The Physical Education Campaign

The physical education campaign consisted of five major components:

1. United Teachers of Los Angeles (UTLA), the teacher’s union in the district, worked with The City Project, a nonprofit legal and policy advocacy organization, and others to raise awareness among students, parents, teachers, principals, and district officials about the value of physical education, the lack of physical education in district schools, and the health disparities.
2. Parents, teachers, youth groups, and health advocacy organizations, in consultation with attorneys at The City Project, filed administrative complaints to require the district to provide quality physical education under education and civil rights laws.
3. In response to the campaign, the board of education unanimously passed a resolution to comply with physical education and civil rights requirements.
4. The district adopted the plan designed to ensure that schools meet the physical education minute requirements, provide properly credentialed physical education teachers, maintain reasonable class size averages, provide quality facilities for physical education and comply with education and civil rights laws and principles. 

5. Advocates presented evidence-based social science research documenting the value of physical education, and disparities in health and access to physical education based on race, color, national origin, income, and poverty, to support each of the other elements of the campaign.

The administrative complaints were a centerpiece of the advocacy, presenting the evidence and policy and legal analyses in the greatest detail. The 35 page complaints marshaled the social science evidence on health disparities, obesity in the district, and the value of physical education. The complaints mapped and analyzed access to places for physical activity in schools, parks and neighborhoods in the district using GIS (geographic information systems) mapping and census data. These analyses showed that within the district, children of color living in poverty with no access to a car have the worst access to schools with five acres or more of playing fields and to parks, and suffer from the highest levels of obesity. Additionally, the complaints analyzed the policies and laws requiring physical education under the education code, as well as the civil rights laws. One of the primary impacts of the complaints was educating school officials and the public. The complaints were used for leverage in negotiations with school officials. The complaints made clear that if the school district did not voluntarily comply with the education and civil rights laws, the complaining parties could seek access to justice in court.

A. Social Science Evidence on Physical Education and Health Disparities

The campaign relied on social science evidence to support compliance with education and civil rights laws. Key findings included:

- Physical education is deficient in grades K-12 in California schools, and the problems are most severe at the elementary level.
- Physical education is particularly deficient for less affluent students and racial and ethnic groups at high risk for overweight and obesity.
- Personnel and material resources are inadequate to support quality physical education in many schools, particularly in less affluent communities.
- Improving physical education programs is likely to improve the health and academic performance of students.
Research-based, activity-focused physical education programs for schools at all levels have been shown to improve physical activity and provide other benefits, such as improved concentration and decreased disruptive behavior.\textsuperscript{12}

\section*{B. Physical Education and Equal Justice}

Federal law – Title VI of the Civil Rights Act of 1964 and its regulations – prohibits both (1) unjustified discriminatory impacts for which there are less discriminatory alternatives, and (2) intentional discrimination, based on race, color, or national origin, by recipients of federal financial assistance, including the Los Angeles school district and most other districts.\textsuperscript{13} Many states, including California, have similar laws covering recipients of state financial assistance.\textsuperscript{14} The consequences for not complying with these laws include the potential loss of federal or state funding, as well as access to justice through the courts to enforce these laws.\textsuperscript{15}

Advocates cited evidence of both discriminatory impacts and intentional discrimination in the district’s failure to provide quality physical education in the campaign materials, particularly in the administrative complaints.

Children of color and children from low-income families make up a large percentage of California public school students. Unfortunately, many of these same children lack sufficient opportunities to be physically active in the neighborhoods in which they live. Not coincidentally, the prevalence of obesity is also higher among these children.\textsuperscript{16} For many of these students, physical education in school provides the best chance for regular physical activity. As a result, children of color are disproportionately impacted when schools fail to provide physical education. Tragically, there is a history of discrimination in public education in California, including Los Angeles, based on race, color or national origin.\textsuperscript{17}

There is no educational necessity to justify the failure to provide physical education, either. Indeed, an extensive body of research establishes that physical education helps promote academic performance.\textsuperscript{18}

The physical education plan explicitly recognizes the need to improve education for all students:

[Title VI of the] Civil Rights Act and California law prohibit intentional discrimination based on race, color or national origin and prohibit unjustified discriminatory impacts on minority students that attend schools that receive federal financial assistance. Students . . . can be “unintentionally” discriminated against if they do not receive quality physical education instruction. Physical education classes need to meet these guidelines by assuring that properly credentialed teachers are instructing physical education classes, assuring that schools are meeting the physical edu-
cation minute requirement, maintain reasonable class size averages . . . and pro-
vide quality facilities for physical education.

Research indicates that physical education quantity and quality are particularly de-
ficient for less affluent students, and those in racial and ethnic groups who are at
high risk for being overweight and/or obese. According to The California Endow-
ment . . . youth with the fewest resources are at the highest risk for health prob-
lems. Many students are not passing the state- required fitness test, and there are
large disparities by race and ethnicity. Compared to non-Hispanic white and Asian
girls, national data shows Black and Hispanic girls were less physically active. Less
than 30% of students met all six standards in Grades 5, 7, and 9. Racial and eth-
nic differences are consistent with the pattern of lower quantity and quality of
physical education in low resource schools serving mainly students of color. In
Grade 5, for example, 34% of non-Hispanic whites passed all six standards, com-
pared to 23% of Blacks and 20% of Latinos.19

C. Physical Education Requirements Are Enforceable

The physical education campaign emphasized that public school districts are responsible for volun-
tarily complying with physical education and civil rights laws. This position was most clearly and
thoroughly articulated in the administrative complaints.

In a legal decision involving another school district handed down after the Los Angeles district
adopted the physical education plan, the California Court of Appeal held that elementary schools
are required to comply with the minutes requirements of the state physical education laws, and
that parents and students can sue to enforce the law. A third grade student and father brought
the suit against the Albany Unified School District and its school board, as well as the California
Department of Education, claiming the district was not complying with the minutes law. The Court
of Appeal held, “We conclude that [the law] means what it says and that . . . [school districts]
must satisfy the 200-minute-per-10 schoolday 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.” 20

The ruling from the California Court of Ap-
peal, coupled with the Los Angeles physical
education plan, provide a road map for
school districts throughout the state to
comply with physical education and civil
rights requirements. Districts can voluntar-
ily adopt physical education plans -- or face
legal action and loss of taxpayers' dollars.
A comparison of the case and the cam-
paign illustrates the pros and cons of ac-
cess to justice through the courts, and
through broader organizing campaigns.
The case is the first judicial pronouncement that the physical education minutes requirements for elementary schools as enacted by the legislature are in fact requirements, and not just guidelines. In addition, the court held that the requirements are enforceable in court by students and parents. This holding is a judicial precedent that is binding on public school districts throughout California. Having an authoritative pronouncement on the law by an appellate court is itself a victory for democracy and the rule of law. People know the law means what it says, school districts know that they must comply with the law, and people know they can enforce the rights of students and parents if districts do not enforce the law.

Nevertheless, the case has limitations. First, there is no plan in place implementing physical education as a result of the appellate court decision. There has not even been a trial yet, or even a finding of non-compliance. Indeed, the Albany school district argued that it did in fact provide the required minutes of physical education. What will happen at trial, or in settlement discussions before trial, remains to be seen, and that could take years. (The matter reached the appellate court on a procedural motion to dismiss the case before trial.) Second, the court’s opinion rests on the words of the education code and its legislative history. The opinion does not address social science evidence on the value of physical education and on health disparities, or the civil rights laws. Third, there is no indication that the case arose as part of an organizing campaign to engage, educate and empower the community on the right to, and value of, physical education.

Notwithstanding these limitations, the case is an important step in achieving compliance with physical education and equal justice principles. The precedent will strengthen statewide efforts to achieve compliance in other districts.

IV. Perceptions of the Physical Education Campaign

Results from the stakeholder interviews reveal salient perceptions about the campaign.

A. Communicating the Value of Physical Education

According to stakeholder survey participants, among the most important outcomes of the campaign was the increase in awareness of the importance of physical education, and a greater understanding of the requirements of California's education and civil rights laws.

Community organizing and coalition building were critical to the success of the campaign. The campaign provided fliers, news articles, speakers, social media materials including YouTube videos and other messaging that mobilized the community to become involved. Alliances were built between parents, teachers, youth groups, health advocates and lawyers to strengthen the chances for providing physical education. Advocates relied heavily on evidence-based social science research to educate school board members and community members about the value of physical education.
education and health disparities, especially through the administrative complaints. Communicating the social science research findings in clear and accessible ways helped reach as wide an audience as possible. A physical activity advisor to the district contributed extensively by actively informing stakeholders on how to encourage optimal levels of physical activity within physical education classes.

The campaign itself, and the adoption of the physical education plan, built wider awareness of the law. Some stakeholders were familiar with California’s state physical education requirements prior to the campaign, while others became aware of the requirements as a result of the campaign. Some stakeholders were initially unaware of equal justice laws and principles that require equal access to public resources, including physical education. The campaign helped familiarize community members with these social justice and legal concerns and motivated them to get involved.

While awareness of the importance of physical education existed before, the campaign provided many stakeholders with a deeper understanding of the research demonstrating the positive benefits that physical education provides. One stakeholder noted, “The issue of obesity in our young children was evident. I think the board became more familiar with the obesity issue during the campaign and, thanks to the team that worked on this, they then made the link to the importance of PE in combating health problems.”

Adopting the board resolution and the physical education plan in itself sent a powerful message to school administrators. According to one stakeholder, “the actual act of passing the PE policy indicated to principals that PE was truly a priority in the district. We weren’t really aware of it before.”

B. Physical Education Quality

Physical education was generally perceived as inadequate and insufficient before the campaign. As one stakeholder stated, “There weren’t opportunities for exercise. Many schools left children without organized activities, there weren’t sports programs, nothing to play with your friends. As a result, there’s many overweight kids and illnesses related to that.”

Stakeholders uniformly stated that there were many barriers preventing students from getting the physical education they needed. There was a common perception that adequate space and equipment are necessary for quality physical education, and that some schools have adequate space and facilities while others do not. Responses varied as to whether the barriers were disproportionately concentrated in low-income schools. Individuals at school sites, such as teachers and principals, varied in their opinions about disparities based on socioeconomic status. Stakeholders who were not at school sites believed that students of a lower socioeconomic status received lower quality physical education.
C. Administrative Complaints

Stakeholders said that the administrative complaints were a powerful tool because they directly pointed out that inadequate and inequitable provision of physical education violates education and civil rights law, and action was required to correct these deficiencies. As one stakeholder remarked, “The administrative complaints were hugely important. The message you send to the public and parents if you don’t enforce the law is that children don’t matter. Standing up for children by actively enforcing the law on their behalf was crucial.” The attorneys played a critical role in translating the concerns of the community into policy and legal terms that required the school district to act.

D. School Board Resolution

Campaign advocates met with each member of the school board individually over the course of many months to educate them on quality physical education and health disparities, learn which members were most supportive, and note what motivated each one to consider physical education important. Approximately 70 people attended the meeting at which the board adopted the physical education resolution. Speakers at the meeting included representatives from the teachers’ union, a parent, a student, a teacher, a lawyer, and two doctors. The board unanimously adopted the resolution to enforce physical education requirements. As one stakeholder stated, “the presentation was crafted with so many reasons quality PE is important, that it seemed like if you didn’t vote for it, you disliked kids.” Arguably, the board resolution was redundant since the law already requires physical education. On the other hand, directly engaging board members and the resolution itself built public support for the district to develop, adopt and implement the physical education plan.

E. Physical Education Plan

School officials, attorneys and teachers worked together for eighteen months to draft a plan to enforce physical education and civil rights requirements after the board passed its resolution directing staff to provide physical education. The final plan is intended to ensure that schools meet the physical education minute requirements, provide properly credentialed physical education teachers, maintain reasonable class size averages, and provide quality facilities for physical education for all.

The plan adopted in December 2009 was brought to the attention of teachers and principals through e-mail notifications and physical education training sessions. The plan is widely seen by stakeholders as the best strategy for improving physical education in the district, and generally has been positively received.

However, one key stakeholder believed that the plan might have been better if it required physical education to be fully integrated into the academic curriculum by linking physical education to math, science and other “classroom subjects.” “If I would have had my desire, I would have rather had a reform that included PE as an integral part of the whole day, not just mandating minutes that should be spent outside. I do recognize that would have been asking a lot, though.”
V. Successes and Challenges

Stakeholders felt the campaign was ultimately successful, with advocates overcoming significant challenges.

Stakeholders reported that many teachers have begun providing more physical education to their students as a result of training sessions provided under the plan. “It’s a joy to see kids be out doing different things like learning rules for foursquare, hopscotch and doing different relays at basketball. I love seeing the variety that teachers are now using from the PE sessions we did at staff meetings.”

A. Challenges

Stakeholders discussed a range of challenges encountered during the campaign, including the following concerns:

- Creating awareness of the value of physical education on a broad scale to mobilize the community to support systemic change.
- Lack of awareness, especially among parents, that the district was not providing physical education. Parents simply did not know schools were not teaching physical education, and that they had a right to demand that physical education be taught.
- Many teachers were more concerned with math and reading scores than physical activity and education. Getting teachers to prioritize physical education required a great deal of education on the far-reaching benefits of physical education, including better academic performance and youth development.
- Explaining social science research in easily understandable terms to the community presented a communications challenge.
- Coordinating campaign logistics such as meetings and gaining consensus among stakeholders was at times difficult but in the end fruitful.
- Keeping stakeholders engaged for the length of the three year campaign was a challenge.

There were also challenges obtaining information from the district in order to understand the accurate picture of physical education. “It was really hard getting the district to share the information such as who is staffing classes, their credentials, etc. You can have a school with a perfect PE program on paper, but in practice nothing is going on.” The attorneys sent public record act requests, reviewed the documents that were provided, tenaciously sought documents that were not initially disclosed, and met with school officials to obtain all necessary information.

B. Challenges Still Remain

Even after the physical education plan was adopted, there was dispute over what should count as physical education. According to the plan, extra-curricular activities such as Reserve Officer Training Classes (ROTC) and band do not count toward physical education minutes because they do not provide structured education about physical activity and its value. Some parents and children who participate in these activities resisted this perspective.

Since the district adopted the plan, new challenges have arisen. “Unfortunately, when this was ready to roll out, we hit the economic downturn which has had a huge impact on the school situation.” Budget cuts have significantly impacted schools. Despite budgetary constraints, some schools, such as Norwood Elementary, have fully embraced quality physical education.
less, some schools report that they have been unable to hire qualified physical education teachers or purchase equipment due to financial restrictions. Some teachers have not received the training or skills to teach physical education.

Lack of adequate space for physical activity continues to be an issue. However, the district has raised over $27 billion in local bond measures and matching funds over the past decade to build new schools and modernize existing schools. Places for physical education should be prioritized. One practical solution to “the lack of PE space in LAUSD schools is the shared use of schools and parks, which would be optimal use of taxpayer dollars,” as one stakeholder noted.

C. Successes Achieved

The campaign has achieved notable successes, despite these challenges. Throughout the campaign, members of the community were actively empowered to take on the leadership of this issue. Parents and teachers are ultimately the stakeholders who have the most direct contact with students and are best able to impact their education and well-being. A campaign to enforce physical education in the school district cannot readily be sustained without stakeholders with direct involvement with the students.

The success of the campaign was amplified by its alignment with other school-based health initiatives taking place during the same time period, such as removing soda and junk food from school campuses. One stakeholder also felt that former Governor Arnold Schwarzenegger lent support and recognition of the district’s efforts to improve physical education and this, in and of itself, was an indicator of success.

VI. Measuring Implementation: Results from On-Site Observations

In addition to assessing the impact of the campaign through the stakeholder interviews, trained observers visited 34 randomly selected elementary, middle, and high schools throughout the district, to evaluate the direct effects of the physical education plan on the quantity and quality of physical education students receive. The evaluation included interviews with the principal and physical education teachers at each school visited, as well as eye witness observations and reports on actual physical education classes. Evaluation results, thus far, generally confirm some of the successes reported by the stakeholders, but also show remaining challenges.

Approximately one out of every four schools visited reported making changes to their physical education program after learning of the implementation plan, according to teacher and principal interviews. These changes included reducing class sizes, increasing the number of physical education instructors, and generally reviewing the physical education standards in an attempt to include more active time in physical education classes.

The frequency and length of physical education classes varied widely at the schools visited, according to teachers and principals interviewed. This was particularly true in elementary schools, where there is not a set bell schedule delineating time for physical education, and physical education is often taught by multi-subject classroom teachers, as opposed to teachers with a specialized teaching credential for physical education. The table below shows the average reported frequency of physical education classes and the average number of minutes that students spend in physical education every ten school days. The average number of minutes per day reported remains slightly below the re-
quired 20 minutes in elementary schools – 17.4, and above the required 40 minutes in middle (51.6) and high (58.4) schools. A more detailed analysis shows that 45% of LAUSD schools are still not in compliance with the minutes requirements. Additional monitoring will be conducted to evaluate whether some below average schools are complying with the minutes requirements.

Table 1. Average Frequency and Time Spent in Physical Education (Reported by Teachers and Principals)

<table>
<thead>
<tr>
<th>School Type</th>
<th>Frequency of P.E. Classes Every 10 School Days</th>
<th>Average Number of P.E. Minutes Every 10 School Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary</td>
<td>4</td>
<td>174</td>
</tr>
<tr>
<td>Middle</td>
<td>10</td>
<td>516</td>
</tr>
<tr>
<td>High</td>
<td>8</td>
<td>584</td>
</tr>
</tbody>
</table>

Teachers and principals reported considerable differences in the number of students in each physical education class at the various schools. Reported class sizes ranged from as few as 23 students in an average class to as many as 110. The average physical education class size based on the teacher and principal interviews was 37 in elementary schools, 49 in middle schools and 47 in high schools.

Actual observations of student-teacher ratios in physical education classes ranged from 11:1 to 93:1. The average observed student-teacher ratio in elementary schools was 30 students, 45 in middle schools and 40 in high schools (See Table 2 below). Student-teacher ratios exceeded 55:1 in 11.4% of observed elementary school P.E. classes, 18.0% of middle school P.E. classes and 12.2% of high school P.E. classes.

Table 2. Physical Education Class Size

<table>
<thead>
<tr>
<th>School Type</th>
<th>Average Class Size Reported by Teachers and Principals</th>
<th>Average Student-Teacher Ratio Based on Observations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary</td>
<td>37</td>
<td>30:1</td>
</tr>
<tr>
<td>Middle</td>
<td>49</td>
<td>45:1</td>
</tr>
<tr>
<td>High</td>
<td>47</td>
<td>40:1</td>
</tr>
</tbody>
</table>

A majority of principals (63%) and slightly more than half the teachers (56%) interviewed were aware of the physical education plan. Those that were aware reported learning about it through memos or bulletins from the district or from administrators in their school, through emails and the district website, or by attending meetings and trainings.

VII. Implications

The physical education campaign in the Los Angeles Unified School District serves as a best practice example for districts throughout California to provide quality physical education for all students. The physical education plan has significant implications not only for the students in the district, but for
every public school student in the state. The anticipated long term outcomes are myriad: the quantity and quality of physical activity will increase; students will learn lifelong lessons on the importance of physical activity; students’ health and academic performance will improve; the district will be responsive to the demands of the community; the district will comply with the law. Some of these outcomes are already apparent. According to one stakeholder, “Our newest test scores are outstanding. I believe the implementation of this resolution in the majority of elementary schools influenced our current academic achievement. I believe and the research shows that a physically healthy body has a brain to work better.”

Preliminary observations indicate that progress is being made in LAUSD toward improving physical education, but there is room for significant improvement. Approximately 45% of district schools are not yet in compliance with the minutes requirements. The middle and high schools visited on average are providing the required minutes, but elementary schools have more to go. Average class sizes are lower than stakeholders reported prior to the plan. Elementary schools specifically could use additional support to improve the quality and quantity of physical education, such as funding for a physical education specialist, or providing classroom teachers with improved skills to run an effective, engaging physical education class. The study team is conducting further monitoring and analysis that will measure the amount of physical education time spent in moderate to vigorous physical activity, and whether there is an increase in the physical education frequency and quality one to two years after the plan was adopted.

The percentage of principals (63%) and teachers (56%) that reported being aware of the plan is similar to the percentage of schools in full or partial compliance with the minutes requirements (55%). This suggests that when school personnel are aware of the plan, the quantity and quality of physical education have improved. However, it also suggests that the plan has not been disseminated as widely or effectively as necessary. The plan is a valuable tool and the district will be well served to focus on ensuring the plan is communicated to and implemented by all appropriate personnel.

The study team will continue monitoring implementation. Directly observing physical education quantity and quality throughout the district has helped to determine whether lessons are implemented, teachers trained, and class sizes reduced, and to identify strategies for increasing levels of physical activity. By observing measurable outcomes, the investigators will be able to report on whether or not the plan results in higher quantity and quality of physical education.

VIII. Conclusion

Failure to enforce physical education laws is a common practice by school districts in California and across the nation. Evidence-based research documents disparities in physical education and health
based on race, color, national origin and income. Education and civil rights laws can be combined with that evidence to require school districts to enforce physical education requirements to improve the health and quality of life for all students.

The key lessons learned from the physical education campaign are the following:

- Gaining the support and buy-in from the community through concerted organizing efforts results in sustained engagement and captures the attention of policy makers and leaders.
- Using social science evidence builds the case for improving physical education.
- Legal strategies help convince policy makers and leaders to take action.
- Adopting a plan that is enforceable and requires minimal additional resources is effective.
- Monitoring implementation of the plan is important to verify adherence and to build the evidence supporting the value of physical education.

This case study provides lessons for others. Social scientists and attorneys must collaborate to connect the dots between physical education, student achievement and human health, racial and ethnic disparities, and education and civil rights laws. Creating positive change in students’ lives by getting them more physically active requires a combination of strategies. Funding is necessary to support each of these strategies, including access to justice through the courts to achieve compliance with the law.

The physical education campaign and plan in LAUSD, including a strategic campaign consisting of coalition building, multidisciplinary research, media, policy and legal advocacy outside the courts, and the possibility of access to justice through the courts, are replicable in other school districts throughout the state and nation. While the specific circumstances in other districts may vary, the lessons learned in Los Angeles through the process of campaign, complaint, resolution, plan and implementation are broadly applicable.

Citations


Cover photo Photo by Tim Wagner for Partnership for the Public's Health.

1San Diego State University, Physical Education Matters: A Full Report From the California Endowment (California Endowment January 2008); UCLA Center to Eliminate Health Disparities and Samuels & Associates, Failing Fitness: Physical Activity and Physical Education in Schools (California Endowment Policy Brief 2007).

2Data obtained by The City Project from the California Department of Education under the California Public Records Act, February 18, 2010.


5Id. at S27.


Related work of The City Project is funded in part by The California Endowment, The Rosalinde and Arthur Gilbert Foundation, and The Kresge Foundation.

The study team also observed the amount of time spent in moderate to vigorous physical activity using a modified System for Observation of Fitness Instruction (SOFIT) tool. Findings from those observations will be reported in future reports.

The complaining parties included parents Ike and Irene Kaludi; physical education teacher Cathy Figel; youth groups Anahuak Youth Soccer Association, Concerned Citizens of South Central Los Angeles, and Antes Columbus Football Club; and health advocates California Pan Ethnic Health Network (CPEHN) and Prevention Institute with The City Project. The administrative complaint filed Sept. 22, 2008, is available on the web at www.cityprojectca.org/blog/wp-content/uploads/2010/02/LAUSD-civil-rights-complaint-20080922.pdf.

San Diego State University, Physical Education Matters: A Full Report From the California Endowment (California Endowment January 2008); UCLA Center to Eliminate Health Disparities and Samuels & Associates, Failing Fitness: Physical Activity and Physical Education in Schools (California Endowment Policy Brief 2007).

42 U.S.C. § 2000d (2004); 334 C.F.R. 100.3(b)(2) (Title VI regulations from the United States Department of Education). The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and parallel state laws also prohibit intentional discrimination. See, e.g., Cal. Const., Art. I § 7. See also Section 1983 of the Civil Rights Act of 1871. Recipients of federal funding are obligated to comply with Title VI regulations, even though the regulations are no longer privately enforceable in court. Alexander v. Sandoval, 532 U.S. 275, 293 (2001).


See, e.g., Larry P. v. Riles, 793 F.2d 969, 981-83 (9th Cir. 1984) (IQ tests not validated for purpose used had discriminatory impact on black school children placed in classes for the educable mentally retarded and were not justified by “educational necessity”).

San Diego State University, Physical Education Matters: A Full Report From the California Endowment (California Endowment January 2008); UCLA Center to Eliminate Health Disparities and Samuels & Associates, Failing Fitness: Physical Activity and Physical Education in Schools (California Endowment Policy Brief 2007).


All statements, quotes, and opinions attributed to stakeholders throughout this policy report are from the “Memo by Mariah Lafleur re: LAUSD Stakeholder Interviews Physical Education Implementation Plan, Aug. 12, 2011,” on file with The City Project.

ABOUT SAMUELS & ASSOCIATES

Samuels & Associates uses research and evaluation to inform policy and programs so that people can make healthier choices. Working with foundations, health departments, school districts, and other clients, we help communities and policymakers understand and respond to the causes of poor health. Our work has resulted in legislation, policy changes and programs that have reshaped the environment, creating opportunities for healthier choices.

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ABOUT THE CITY PROJECT

The mission of The City Project is to achieve equal justice, democracy and livability for all.

The City Project, a non-profit policy and legal advocacy organization, carries out its mission by influencing the investment of public resources to achieve results that are equitable, enhance human health and the environment, and promote economic vitality for all communities. Focusing on parks and recreation, playgrounds, schools, health, and transit, we help bring people together to define the kind of community where they want to live and raise children. The City Project works with diverse coalitions in strategic campaigns to shape public policy and law, and to serve the needs of the community as defined by the community.

The City Project
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