



## Physical Education for All California Public School Students

By Ariel Collins and Robert García

There is overwhelming public support for physical education in public schools. State law requires that elementary students receive 200 minutes and secondary students 400 minutes of physical education every ten school days – an average of 20 and 40 minutes a day, respectively. The California Court of Appeal held in 2010 that physical education is a right in elementary schools, and that parents and students have the right to sue the school district for failure to comply with the minutes requirement. Failure to comply with physical education requirements is a civil rights issue because students of color and low-income students are disproportionately denied physical education. **Students throughout California are not receiving the physical education to which they are entitled. The health of our students is at stake, and we must make sure that physical education is a priority for all school districts.**

California voters are in “nearly unanimous agreement” (97%) that it is important for schools to encourage more physical activity during the school day, according to a 2012 Field poll. In addition, three in four (74%) think that providing kids with more physical activity during regular school hours will also have a positive effect on academic achievement. Large majorities believe public investments aimed at keeping people healthy pay for themselves in the long run by preventing disease and reducing health care costs (73%) and think that a comprehensive program to prevent childhood obesity would be worth it even if it increased government spending by billions of dollars (68%). **More Californians favor physical education in schools than any other obesity prevention policy, across most party and socioeconomic lines**, according to a 2011 Field poll. 89% support requiring physical education classes for four years in high school.



Physical education class. Photo by Tim Wagner for Partnership for the Public's Health.

The Los Angeles County Department of Public Health posts the California Physical Education MAP (Model Action Plan) and Self-Assessment Checklist. The checklist provides a compilation of California codes and regulations, national best practices, and local recommendations for physical education. Designed for school districts to conduct a comprehensive self-assessment, the checklist can help schools develop an action plan (MAP) to highlight strengths and address gaps. The tools are available at <http://publichealth.lacounty.gov/cardio/>.

The MAP and checklist are based in part on the physical education plan that LAUSD has adopted in response to a community and legal organizing campaign. **“The physical education plan adopted by the Los Angeles Unified School District is a best practice example for districts across the state to provide a quality education for the children of California,”** according to Dr. Robert Ross, President of the California Endowment. “Research tells us physically active and fit kids get better grades and have better overall health.” LAUSD demonstrates that quality physical education can be provided within existing budgets.

Physical education is especially important because it provides students the opportunity to learn the fundamental skills that are the foundation of a healthy, physically active lifestyle. In addition, evidence-based social science research documents that physical education helps reduce obesity and health disparities; promotes the sound development of the child; prepares students with the skills, knowledge and confidence to be physically active throughout their lives; can contribute to better academic performance; and can improve retention and graduation rates. The Institute of Medicine recommends ensuring physical education minutes, monitoring compliance, addressing disparities, improving teacher education, making physical education a core subject, and addressing physical activity in the whole school environment.

**Nevertheless, half the school districts audited by the California Department of Education did not comply with physical education requirements between 2005 and 2009, and recent audits show this problem continues.**

Elementary school students in districts that did not comply with minutes requirements were more likely to be Hispanic or black and less likely to be white or Asian, while schools in compliant districts included fewer low-income students, according to a peer-reviewed journal article. Failure to provide physical education raises the question of discrimination under Title VI of the Civil Rights Act of 1964 and its regulations, the Affordable Care Act section 1557, and parallel state laws. Discrimination includes intentional discrimination, as well as unjustified and unnecessary discriminatory

impacts. A thoughtless policy with unjustified and unnecessary discriminatory effects, such as failure to provide physical education, can be as unfair as, and functionally equivalent to, intentional discrimination. As a matter of common sense, discriminatory inaction should be avoided in favor of physical education compliance to serve students fairly, effectively, and without discrimination.

**Providing quality physical education can be done within existing budgets.**

**All California students deserve a quality physical education. Every public school in California can provide students the quality physical education to which they are entitled. Public officials, parents, students, and teachers can take action to help students move more, stay healthy, live longer, and do their best in school and in life through compliance with physical education and civil rights requirements and best practices:**

1. Physical education is good policy *and* required by law. Voluntary compliance is the preferred means of achieving the goals of physical education and civil rights laws. Compliance and enforcement can be achieved through contracts for federal funding and administrative complaints. Parents, students, and advocacy groups may also seek access to justice through the courts to enforce physical education and civil rights laws.
2. Public officials including the Governor, State Superintendent of Public Instruction, Attorney General, district superintendents, and school boards must send a clear message that physical education is required. The message sent to parents, children and the public if the law is not enforced is that children and their health don't matter.
3. Disparities in physical education and health for students of color and low-income students need to be addressed directly as civil rights concerns, as in the Physical Education MAP and the LAUSD policy. Both are available at the *Los Angeles County Department of Public Health Cardiovascular and School Health* website.
4. Schools need the resources to provide quality education including physical education. The people of California voted to tax themselves to preserve public education by passing Proposition 30 in 2012. The 20-point margin of victory was due to Latino, African American and Asian American voters, people who disproportionately have children in public schools.
5. Each district should provide qualified teachers with training focused on activity-based physical education that is aligned with Physical Education Model Content Standards for California Public Schools. Professional development should be one of the highest priorities because its effectiveness is supported by substantial evidence.
6. Effective monitoring is necessary to ensure districts comply with physical education requirements. Parents, students and teachers are in the best position to monitor physical education and should be educated, engaged and empowered to do so.
7. Moderate to vigorous physical activity (MVPA) should cover 50% or more of physical education class time. This can be accomplished through teacher training, by including this explicit requirement in district policy, by state law, and other means.
8. Physical education classes should have parity with other academic class sizes. Junior ROTC and basic military drill classes and instructors should meet physical education requirements and standards.
9. The shared use of schools, pools and parks can help provide facilities for physical education on school days, and physical activity after school and on weekends.
10. Federal education standards should include quality physical education. Physical education should be a core subject as part of a quality education for all. The US Department of Education should ensure physical education compliance as a condition of schools receiving federal funding.

*For references and authorities see Michael Rodriguez, MD, MPH; Marc Brenman; Marianne Engelman Lado, JD; and Robert García, JD, [Using Civil Rights Tools to Address Health Disparities](#) (The City Project Policy Report 2014), [www.cityprojectca.org/blog/archives/35158](http://www.cityprojectca.org/blog/archives/35158).*