Agenda Topic: Physical Education Waiver Policy

Materials: None

Staff Contact: Lee Patton

Purpose of Agenda Item

• To consider a proposed policy on physical education waiver and modification requests.

Expected Outcome(s) of Agenda Item

• Board action on the proposed policy.

Background Information

Physical education and health represent the second-most frequently requested waivers and modifications of state law and agency rules. As noted in earlier reports to the Board, the law provides districts with opportunities to excuse individual students in grades 9 through 12 from daily physical education in certain circumstances. An August 1999 report to the General Assembly regarding such exemptions (submitted in compliance with Section 2-3.97 of the School Code) indicated that 270 of the 352 districts that responded to the survey (out of 510 school districts serving grades 9 through 12) had adopted an exemption policy. These school districts granted 37,052 individual exemptions during the 1998-99 school year. This number represents seven percent of the 562,298 students enrolled in high school during this time period.

Waiver and modification requests go beyond these individual exemptions to propose the elimination or modification of physical education for a group of students — e.g., all those at one or more designated grade levels or those participating in certain activities or coursework. One-fifth of all Illinois districts have received an approval for a waiver or modification in this area. The number of students impacted by these approvals is not known.
Concern about the implications of these waiver and modification requests has been raised by the members of the State Board, the House Elementary and Secondary Education Committee, and many health and fitness organizations. All have questioned whether students will be able to meet the Illinois Learning Standards for Physical Development and Health if they do not have learning opportunities that are aligned with the Standards and/or if those learning opportunities are curtailed or eliminated as a result of an approved waiver or modification of the daily physical education requirement.

During the February Board meeting, the Board directed staff to take actions that will improve the quality of physical education programs in Illinois. Specifically, staff members were asked to: (1) work with a variety of interested stakeholder groups to support school districts’ abilities to provide learning opportunities that are aligned with the Physical Development and Health Standards, and (2) support improved assessment and reporting of student achievement in relation to the Physical Development and Health Standards.

The Board also asked staff to refine the proposed policy statement on physical education waiver requests so that it more accurately reflects the Board’s emphasis on the Illinois Learning Standards and to report on the implications of such a policy.

**Proposed Policy Statement**

_The State Board of Education is committed to ensuring that Illinois students are able to meet the Illinois Learning Standards for Physical Development and Health._

_Because requests to waive or modify the physical education requirements may curtail or eliminate students’ learning opportunities in relation to these Standards, the State Board expects that districts making such requests will provide documentation regarding their students’ achievement of the Learning Standards for Physical Development and Health._

_By a date certain, districts requesting a waiver from or modification to the physical education and health mandate will be asked to provide baseline data to show how well their students are meeting the Illinois Learning Standards in Physical Development and Health. Districts requesting a renewal of an approved physical education modification or waiver will be asked to document improved student achievement of the Illinois Learning Standards for Physical Development and Health in relation to the baseline data._

_State Board decisions to approve or deny requests to “modify” the physical education requirements, or to recommend that the General Assembly deny requests to “waive” the physical education requirements will be made on an individual basis, with consideration given to the_
evidence of student achievement, the implications of the specific waiver or modification proposal for student learning opportunities and future student achievement in physical development and health, whether the request meets any of the criteria for denial stated in the law - i.e., the request:

- is not based on sound educational practices;
- endangers the health or safety of the students or staff;
- compromises equal opportunities for learning;
- fails to demonstrate that the intent of the mandate can be met in a more effective, efficient, or economical manner; or
- does not have improved student performance as a primary goal.

Discussion and Implications

The Illinois Learning Standards were designed to identify the knowledge and skills Illinois students are expected to acquire or develop as a result of their schooling. A student’s ability to meet these Standards is closely linked to the opportunities he or she has to develop the target knowledge and skills.

Although these statements are true with respect to each of the six fundamental learning areas, physical development and health is unique in several ways. First, it is the only learning area for which a significant amount of instructional time is mandated in the law (i.e., daily instruction from kindergarten through the twelfth grade). Second, it is the only instructional requirement that a significant number of districts want to waive or modify for large number of students. Third, it is arguably the only instructional area for which the Standards require “maintenance” as well as “achievement” -- i.e., “achieve and maintain a health-enhancing level of physical fitness based upon continual self-assessment.” Finally, it is an area about which General Assembly action on the waiver requests has provided no clear direction regarding what is acceptable in terms of meeting the criteria specified in the waiver law (improvement of student performance or stimulation of innovation).

During the current waiver request period, the State Board has received 20 requests for to waive or modify the daily physical education requirement. (Requests to be included in the spring report must have been postmarked by March 9; all requests will be included in the report for the Board's consideration in April.)

These requests reflect the many challenges facing districts in our state: limited space (one gym/lunchroom for several hundred students), scheduling (use of block scheduling, number and length of class periods), finance (cost to provide daily physical education versus other needs, such as technology), greater emphasis on academic performance (improve test performance, preparation for college) and a desire to provide broader curriculum opportunities for students.
However, the requests also reflect two prevailing attitudes and perceptions about physical education.

- Activities such as cheerleading, pompons, swing choir and recess are considered sufficient to develop physical fitness; and
- Daily physical education is no more important for students, especially in high school, than other subject areas that are provided as electives -- e.g., technology, foreign languages and career preparation.

During the December Board meeting, health and physical education advocates provided persuasive evidence contradicting both of these perceptions. They emphasized that a focused health-based physical education program is necessary to protect the health and vigor of our young people and to ensure that students are able to meet all of the Illinois Learning Standards for Physical Development and Health.

The proposed policy would not prohibit school districts from submitting waiver or modification requests nor would it mean that such requests would not be approved. It would, however, focus local and state attention on the extent to which students are meeting all of the Illinois Learning Standards in Physical Development and Health. It would allow the State Board to make informed decisions about the impact of waiver or modification proposals on students’ ability to meet the Physical Development and Health Standards. Finally, it would provide a foundation for State Board exercise of the existing statutes to either deny requests that are modifications of the School Code or to recommend that the General Assembly deny those that are waivers of the School Code.

Implementation of the proposed policy will require that the State Board develop procedures and a timeline for the submission of information about student achievement of the Physical Development and Health Standards.

Consistent with discussion at the February Board meeting, staff will be encouraging all local districts to implement annual fitness testing and also encouraging the voluntary use of the State Board’s written physical development and health assessment for ninth- and/or tenth-grade students. Districts choosing to submit a waiver or modification request will be able to use data from such assessments as a part of their applications. The State Board will provide guidance to districts about a variety of appropriate instruments.

Although the focus of this discussion is the development of a policy regarding physical education and health waivers and modifications, the State Board should not ignore the concerns that prompt districts to request waivers. Thus, as part of its technical assistance to school districts (per Board direction in February), staff will give particular attention to helping districts address problems associated with physical facilities, scheduling, program options, etc.
The proposed policy may have implications beyond the physical education waiver issue. Demonstrated achievement against the Illinois Learning Standards is a criterion that the Board may find to be applicable to other types of waiver requests

**Superintendent’s Recommendation**

The proposed policy focuses on the Illinois Learning Standards for Physical Development and Health and establishes a framework for data-based decision making. It is consistent with the Board’s statutory authority and the statutory rationale for denying (or recommending denial) of waiver or modification requests. However, it allows the Board to respond to each waiver or modification request on its individual merits.

Subject to further clarification of the policy statement or implementation procedures, the Board should take action on the proposed policy statement regarding physical education waivers and modifications during this meeting.

**Next Steps**

Following Board adoption of a policy on physical education waivers, staff will inform districts about the Board’s expectations and engage appropriate stakeholders in developing procedures and timelines.

In the near future, the staff will send out the biennial survey of physical education exemption policies, as required by Section 2-3.97. This survey will request a copy of the policy or policies in use in each high school or unit district, as well as the number and grade levels of students affected. A report will be provided to the Board and the General Assembly in August or September.

A progress report on physical education program improvement and assessment/reporting activities will also be provided at that time.