

Date of Hearing: July 1, 2015

ASSEMBLY COMMITTEE ON EDUCATION

Patrick O'Donnell, Chair

SB 138 (Fuller) – As Amended March 18, 2015

SENATE VOTE: 36-0

SUBJECT: Physical education: exemption: high school rodeo.

SUMMARY: Authorizes the governing board of a school district to exempt a four-year or senior high school pupil from attending courses of physical education if the pupil is engaged in high school rodeo carried on wholly or partially after regular school hours.

EXISTING LAW:

- 1) Requires, as a condition of graduation, pupils in grades 9 to 12 to complete two courses in physical education, unless otherwise exempted. (Education code section 51225.3)
- 2) Authorizes the governing board of a school district to exempt any four-year or senior high school pupil from attending courses of physical education, if the pupil is engaged in a regular school-sponsored interscholastic athletic program carried on wholly or partially after regular school hours. (Education code section 51242)
- 3) Requires pupils, except those exempted, to attend courses of physical education for not less than 400 minutes each 10 schooldays. Authorizes any pupil to be excused from physical education classes during one of grades 10, 11, or 12 for 24 hours in order to participate in automobile driver training, but specifies that pupil shall attend a minimum of 7,000 minutes of physical education instruction during such school year. (Education code section 51222)
- 4) Authorizes the governing board of a school district or the office of the county superintendent of schools to grant a temporary exemption to a pupil from courses in physical education, if the pupil is ill or injured and a modified program to meet the needs of the pupil cannot be provided; or, if the pupil is enrolled for one-half, or less, of the work normally required of full-time pupils. (Education code section 51241)
- 5) Authorizes the governing board of a school district or the office of the county superintendent of schools, with the consent of a pupil, to grant a pupil an exemption from courses in physical education for two years any time during grades 10 to 12, inclusive, if the pupil has met satisfactorily at least five of the six standards of the physical performance test administered in grade 9, 10, 11 or 12. (Education code section 51241)
- 6) Requires physical education to be offered to all pupils, and, therefore, schools are required to provide adequate facilities and instructional resources for that instruction. (Education code section 51241)
- 7) Authorizes the governing board of a school district or the office of the county superintendent to grant permanent exemption from courses in physical education if the pupil complies with any one of the following:

- a) Is 16 years of age or older and has been enrolled in the grade 10 for one academic year or longer.
- b) Is enrolled as a postgraduate pupil.
- c) Is enrolled in a juvenile home, ranch, camp, or forestry camp school where pupils are scheduled for recreation and exercise pursuant to the requirements of Section 4346 of Title 15 of the California Code of Regulations. (Education code section 51241)

FISCAL EFFECT: This bill is keyed non-fiscal.

COMMENTS: Existing law requires high school students to complete two courses in physical education (PE) as a state graduation requirement. Existing law also authorizes school governing boards to exempt students from this requirement in specific instances. This bill seeks to expand the ways that students can be exempted from PE by authorizing school governing boards to exempt students from PE for participating in private rodeo associations that are not school sponsored. The committee should consider whether the existing two course physical education requirement for high school graduation is important for all students and whether students should be exempted from PE for participation in private athletic organizations away from school.

According to the author, many schools choose to interpret section 51242 to exempt pupils who play “traditional sports” (i.e. football, soccer, volleyball, etc.) from required PE classes. Often times California High School Rodeo Association (CHSRA) athletes are not included in this exemption. SB 138 would simply make it clear that school boards may include high school rodeo athletes in the list of potentially exempted PE pupils, if that is a policy the school board chooses to implement.

What are school districts currently doing? There is not a definitive source of information regarding what school districts are currently doing with regard to granting students exemptions for the physical education graduation requirement. Anecdotal evidence suggests that some districts are granting PE exemptions to students participating in school sponsored athletics when that course is taught by a PE teacher; or, when that course is taught by a PE teacher through independent study. Anecdotal evidence also suggests that districts are exempting students from PE courses for their participation in other school sponsored interscholastic athletic activities that are not governed by CIF. It appears that some schools have created school sponsored Rodeo teams and are granting such exemptions under existing law. With that in mind, it is unclear why this bill is necessary.

Is this bill necessary? Current law authorizes schools to exempt from physical education courses students who participate in a “regular school-sponsored interscholastic athletic program.” Education Code § 35179 defines “interscholastic athletics” as policies, programs and activities that are formulated or executed in conjunction with, or in contemplation of, athletic contests between two or more schools, either public or private. The California Interscholastic Federation’s (CIF) website lists rodeo as a “non-CIF sport.” Standards, criteria, or guidance do not exist regarding which sports may qualify for an exemption. School districts have great discretion in determining which athletic programs qualify for an exemption.

Slippery slope? Does authorizing participation in a private rodeo association to qualify as an exemption from physical education set a precedent for adding other non-school sponsored sports? If participation in a private rodeo association qualifies for a PE exemption, should participation in private ballet lessons at a studio also qualify for such an exemption? The

committee should consider whether participation in other private athletic groups should qualify a student for such an exemption from PE, or whether PE is important for all students and exemptions should be narrowly crafted and limited to school sponsored sports.

What are Interscholastic Athletic Programs? According to the CIF, the following sports qualify as interscholastic athletic programs: basketball, cross country, football, golf, track and field, volleyball, wrestling, soccer, tennis, badminton, baseball, field hockey, gymnastics, lacrosse, skiing, snowboarding, softball, swimming and diving, and water polo.

Rodeo is not currently an interscholastic athletic program governed by the bylaws of the CIF. Therefore, the coaches and instructors for these programs are currently not required to complete the mandatory coaches training or fingerprinting requirements in existing state law. Anecdotal evidence suggests that schools can create a locally governed school-sponsored rodeo team and if they do so in the same manner as other interscholastic athletic teams, may exempt pupils from PE for participating in the rodeo team under the school sponsored interscholastic athletic program exemption.

Training for Interscholastic Athletic Coaches. Interscholastic athletic coaches are required to complete a mandatory training program under existing state law either offered by the school district or the CIF. Interscholastic athletic coaches are required to participate in the California High School Coaching Education and Training Program and the Legislature has expressed its intent that the program emphasize the following components:

- a) Development of coaching philosophies consistent with the goals of the school, school district, and school district governing board.
- b) Sport psychology.
- c) Sport pedagogy.
- d) Sport physiology including principles of training and the harmful effects associated with the use of steroids.
- e) Sport management.
- f) Training certification in CPR and first aid, including concussion training.
- g) Knowledge of and adherence to statewide rules and regulations, as well as school regulations including, but not necessarily limited to, eligibility, gender equity, and discrimination.
- h) Sound planning and goal setting. (EC 35179.1)

Currently CIF offers training programs to high school coaches who receive a certificate upon course completion (typically a six to eight hour class). To date more than 117,000 coaches have taken the training, which costs approximately \$50 per person. Some school districts pay for the program while others require the coach to pay for it. The completed certificate is transferable between school districts.

It is unclear if rodeo coaches are uniformly hired by school districts like other coaches. If coaches for these programs are not hired by the district, they may not be required to demonstrate their qualifications or be subject to the requirements listed above. The committee should consider what qualifications these coaches should have if students will be given an exemption from PE coursework requirements in exchange for their participation in these programs.

Liability Concerns: If school districts begin to grant exemptions from PE courses for participation in private rodeo associations, will school districts be accepting the liability of

student injury during those activities? For instance, if a student takes riding lessons at a barn 10 miles from school, and earns an exemption from PE for that activity, will the district be liable when a student is thrown from a horse during that activity? Likewise, if a student rides their horse at their house after school unsupervised, should that qualify for an exemption from PE, and would the district be open to liability if the student is hurt since they are being exempt from PE for that activity?

Existing Exemptions. Current law authorizes school governing boards to exempt students from the required 400 minutes of physical education every 10 days, if they engage in regular school-sponsored interscholastic athletic programs. Both the 400 minute PE requirement and the exemption for athletic programs were added to the Education code on April 30, 1977. While other specific exemptions to the PE requirements have been added since 1977, none have specifically exempted a student from taking PE if they are participating in other ongoing physical activities away from school. Why is it important to exempt students from PE for participating in rodeo, especially when exemptions like this have not been added to the Education code in nearly 38 years?

Physical Education vs. Physical Activity. Is physical education the same as physical activity? Is physical activity the goal of physical education? According to the National Association for Sport and Physical Education, the unique goals of *physical education* are the development of physical competence (movement skills), health-related fitness, cognitive understanding (of the principles of physical activity), and a positive attitude toward physical activity. *Physical activity* is generally considered to be a broad term used to describe all forms of large muscle movements including sports, dance, games, work, lifestyle activities, and exercise for fitness. The committee should consider whether the goal of physical education is physical activity, or if the goal of physical education is broader.

Why is Physical Education important? According to a letter authored by Superintendent O'Connell and State Board President Johnson included in the Physical Education Model Content Standards, "Physical education significantly contributes to students' well-being; therefore, it is an instructional priority for California schools and an integral part of our students' educational experience. High-quality physical education instruction contributes to good health, develops fundamental and advanced motor skills, improves students' self-confidence, and provides opportunities for increased levels of physical fitness that are associated with high academic achievement. The *Physical Education Model Content Standards for California Public Schools, Kindergarten Through Grade Twelve* affirms the standing of physical education; rigor is essential to achievement, and participation is not the same as education."

Arguments in Support. Oakdale High School supports the bill and states, "Oakdale High School has been recognizing Rodeo as a sport since 1994. It is my understanding that a great deal of time and research went into the implementation of establishing a rodeo team at Oakdale High. First, it is important to note that all student members of CHSRA are covered with medical insurance provided when annual membership dues are paid. Students are covered at sanctioned events through the State and National liability clauses at no cost to the school district. That seems to be one of the biggest concerns of a school district that may be considering recognizing rodeo as a school sport.

Oakdale High School has been effectively providing its rodeo athletes with the same scholastic privileges that other athletes get. For example, rodeo is considered a spring sport allowing

students to earn up to five credits of PE per year. Students may also earn the block letter after completing one year of rodeo. There are general team qualification guidelines that must be met in order for students to earn the credit and letter. Students must remain in good academic standing and compete at 80 percent of the sanctioned rodeos for the year."

Arguments in Opposition. The California Teachers Association (CTA) opposes the bill and states, "Rodeo is a supplementary extracurricular physical activity beyond the core standards-based physical education curriculum. Legislating exemptions from physical education for any specific physical activity, such as rodeo sets a significant precedent contributing to the erosion of the current state mandates for physical education and the comprehensive health of California's 6.2 million K-12 students. For the optimum health of our students, CTA opposes exempting high school students who participate in the extracurricular activity of rodeo from a school district's physical education curriculum standards and state mandates for physical education."

Committee Amendments: The committee should consider amending the bill to simply clarify existing law by deleting the contents of this bill and stating: "A pupil may be exempted from physical education pursuant to Section 51242, for participation in a locally developed school sponsored interscholastic athletic program, that is not administered by the California Interscholastic Federation, if that school sponsored interscholastic athletic program is in compliance with laws pertaining to athletic programs, including, but not limited to, coaches training and fingerprinting requirements for activity supervisors, pursuant to Sections 35179.1, 35179.7, 49020-49024, and 49032."

Related legislation: AB 351 (Salas) from 2009, which was re-referred and held in the Assembly Education Committee, would have authorized, as an urgency measure, the governing board of a school district that provides the following courses or programs to exempt any pupil participating in such a course or program from attending courses of physical education (PE) and from the physical education high school graduation requirement:

- 1) California Cadet Corps.
- 2) Cheer team or Dance Team.
- 3) Color guard or Drill Team.
- 4) Junior Reserve Officer Training Corps.
- 5) Marching band.

AB 533 (Hayashi) from 2009, which was held in the Assembly Appropriations Committee, would have added new requirements to the California High School Coaching Education and Training Program for training on recognizing and managing the signs and symptoms of potentially catastrophic injuries; emergency action planning; communicating effectively with 911 emergency services; and, required high school sports coaches to complete a coaching education program by December 31, 2010.

REGISTERED SUPPORT / OPPOSITION:

Support

California Circuit Finals Rodeo
California High School Rodeo Association
California Horse Council
Oakdale High School

Professional Rodeo Cowboys Association
Two Individuals

Opposition

American Heart Association
American Stroke Association
California Association for Health, Physical Education, Recreation and Dance
California Teachers Association
SHAPE America
Numerous Individuals

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