

Date of Hearing: March 20, 2024

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 2073 (Quirk-Silva) – As Introduced February 5, 2024

SUBJECT: Physical education courses: alternate term schedules

SUMMARY: Permits secondary schools to meet the requirement that students be provided a minimum number of minutes of physical education through block schedules, as specified. Specifically, **this bill:**

- 1) Permits the governing board of a school district that maintains any of grades 6 to 12, inclusive, to adopt a policy providing for an alternate term schedule for physical education courses, which is deemed to satisfy the requirement that students be required to attend upon the courses of physical education for a total period of time of not less than 400 minutes every 10 schooldays, if all of the conditions are met:
 - a) Students receive daily periods of physical education of 70 to 90 minutes, inclusive, for at least one semester of not fewer than 17 weeks during the regular school year, for a total of 7,200 instructional minutes for the school year;
 - b) The physical education program is aligned with the physical education framework adopted by the State Board of Education (SBE) in that it provides a sequential, articulated, age-appropriate program;
 - c) The physical education program complies with the course of study requirements of high school physical education programs; and
 - d) Students are prepared for, and participate in, the physical performance testing required under current law.

EXISTING LAW:

- 1) Requires that all students in grades 7 to 12 attend courses of physical education for a total period of time of not less than 400 minutes every 10 schooldays. Authorizes students to be excused from physical education classes during one of grades 10, 11, or 12, not to exceed 24 hours, in order to participate in automobile driver training. Requires a student who is excused from physical education classes to enroll in driver training to attend a minimum of 7,000 minutes of physical education instruction during such school year. (Education Code (EC) 51222)
- 2) Requires that instruction in physical education in an elementary school maintaining any of grades 1 to 8, inclusive, be for a total period of time of not less than 200 minutes each 10 schooldays, exclusive of recesses and the lunch period. (EC 51223)
- 3) Establishes that, as part of the course of study for grades 1 to 6, includes physical education, with emphasis upon the physical activities for the students that may be conducive to health and vigor of body and mind, for a total period of time of not less than 200 minutes each 10 schooldays, excluding recesses and the lunch period. (EC 51210)

- 4) Authorizes the governing board of a school district that maintains a junior high school or high school to schedule classes so that each pupil attends classes for at least 1,200 minutes during any five-school days period or 2,400 minutes during any 10-school day period. (EC 46160)
- 5) Authorizes the governing board of a school district or a county board of education, on a districtwide or countywide basis or on behalf of one or more of its schools or programs, after a public hearing on the matter, to request the SBE to waive all or part of any section of the EC or any regulation adopted by the SBE that may be waived. Specifies sections of the EC which may not be waived. (EC 33050)
- 6) Authorizes the SBE to waive provisions of the EC, except specified provisions, and except in cases in which it specifically finds any of the following:
 - a) The educational needs of the students are not adequately addressed;
 - b) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request;
 - c) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees;
 - d) Pupil or school personnel protections are jeopardized;
 - e) Guarantees of parental involvement are jeopardized;
 - f) The request would substantially increase state costs; and
 - g) The exclusive representative of employees, if any, was not a participant in the development of the waiver. (EC 33051)

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. The author states, “As a teacher for over thirty years, I have witnessed firsthand the importance of physical education in shaping the lives of students. This legislation simplifies the process for schools to adopt alternative schedules for classes, ensuring that our young learners receive the physical activity they need without unnecessary obstacles. By promoting flexibility for school’s academic schedules, we can boost student success, improve teacher morale, and strengthen our educational system.”

Block schedules and physical education minutes. Current law requires all students to complete designated coursework requirements in physical education. In grades 7 to 12, students must attend no less than 400 minutes of physical education every ten schooldays, while grades one through six require no less than 200 minutes every ten schooldays.

According to the author, approximately one in three high schools in California currently operate some form of alternative term schedule. In the 4x4 schedule, students attend four courses for 80-

100 minutes every day over a 9-week (half-semester) term, then attend four additional courses for the second half of the semester. This schedule offers the opportunity to complete eight, rather than the more typical six, courses in a school year.

In order to avoid penalties from statutes that require P.E. every ten days, school districts that utilize a 4x4 schedule must apply for a waiver from the SBE every two years.

Waivers for block schedules have been approved for at least 40 years. According to the CDE, the SBE adopted a waiver guidelines policy in July, 1984 (amended February, 1990 and June, 1999) to allow local educational agencies to seek flexibility in these requirements to accommodate block schedules when necessary.

SBE Policy Number 99-03 created criteria for the consideration and granting of two-year waiver requests of the physical education requirements. The intent of the policy is to ensure that students engage in consistent physical activity as required by statute, despite the fact that their school schedule does not allow for that activity in an instructional setting.

The SBE's High School Waiver Criteria include the following requirements, several of which are included as requirements in this bill:

- 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 for 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; and 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.

The CDE provides technical assistance for schools that apply for and receive a waiver. A school granted a waiver of EC Section 51222 in order to implement a block schedule is selected to be monitored each cycle as a part of the district's Categorical Program Monitoring (CPM) process. The CDE also reviews California Physical Fitness Test data for school(s) which 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.

Block scheduling popular in high schools. According to research on the topic (Rickard, 2005), block scheduling began as a reform initiative began in the 1970s to redistribute the allocation of time in secondary schools:

This form of class scheduling in high schools, typically known as block scheduling, has been configured in different formats, including the 4 x 4 and AB formats. Under the AB format, students attend classes for approximately 95 minutes on alternate days, while on the 4 x 4 format students attend the same four blocked classes each day for 90 consecutive days once per year.

According to Rettig and Canady (1999), about one of three high schools have adopted some form of block scheduling, with certain states, such as North Carolina, having as many as 75% of its high schools using block scheduling (North Carolina Department of Public Instruction, 1999). Proponents of block scheduling claim benefits for students and teachers.

Can physical education be taught as effectively as on a block schedule? According to two studies provided by the author, with proper strategies, teachers using the longer periods block scheduling provides create greater opportunities in the learning and application of knowledge, development of physical body and neuromuscular skills, and the acquisition of attitudes, appreciation, and values (Trilling, 1997), and P.E. teachers report reduced stress levels, a decline in student absenteeism and tardiness, and reduced student behavior problems after changing to block scheduling from a traditional format (Rikard, 2024).

Recommended Committee amendments. *Staff recommends that this bill be amended* to align the minute requirements for 6th grade block schedules (which differ from the minute requirements for grades 7-12) with current minute requirements for that grade, by requiring that a student in 6th grade receive no less than 400 minutes of instruction every 10 days for a semester of not fewer than 18 weeks during the regular school year, for a total of 3,600 instructional minutes for the school year.

Arguments in support. The Los Angeles Unified School District writes, "Schools that operate alternative 'block' schedules, where students take fewer classes for longer periods of time each day for a quarter or a semester, are compelled to seek a state waiver from the requirement to offer PE regularly every ten days. Under these waivers, students attend the same number of annual minutes of PE as they would on a typical school schedule.

There are many benefits to block scheduling. The longer class periods allow for more in-depth learning in a single class period, and taking fewer classes at one time allows students to better focus on the coursework they are currently learning. Additionally, block scheduling allows students to pursue up to eight courses each year, instead of the six or seven courses that are common on a five-day school week schedule. This ability to take additional courses allows students greater flexibility to pursue electives and accelerate their learning.

Recognizing the benefits of block scheduling, districts across California have pursued and been granted State Board of Education waivers from the PE requirement on a regular basis since the 1980s. AB 2073 will allow schools to meet the annual required number of minutes of PE using a block schedule, while removing an unnecessary administrative burden.”

REGISTERED SUPPORT / OPPOSITION:**Support**

Fortuna Union High School District
Jefferson Union High School District
Los Angeles Unified School District

Opposition

None on file

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