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Bill Analysis
Legislative Service Commission

S.B. 118

127th General Assembly
(As Introduced)

Sens. Gardner, Coughlin, D. Miller, Mumper, Bocchieri, Spada, Grendell

BILL SUMMARY

- Directs the State Board of Education, by July 1, 2007, to adopt the standards for physical education in grades K to 12 developed by the National Association for Sport and Physical Education or to adopt its own physical education standards in those grades.
- Eliminates the requirement that physical education standards and model curricula are subject to approval by concurrent resolution of both houses of the General Assembly.
- Requires school districts and community schools to provide daily physical education instruction in each of grades K to 6.
- Requires students in the Class of 2014 and later to complete one unit of physical education in any of grades 7 to 12 to graduate from a public or chartered nonpublic high school.
- Eliminates authority for a school district or chartered nonpublic school to excuse from physical education students who have participated in interscholastic athletics, marching band, or cheerleading for at least two full seasons.
- Requires each physical education teacher employed by a school district or community school to be licensed in physical education.
- Requires the Department of Education to employ a physical education coordinator.

CONTENT AND OPERATION

Physical education standards

(R.C. 3301.0718(B) and (C))

Background

In accordance with current law, the State Board of Education has adopted statewide academic standards and model curricula for each of grades K to 12 in the core subjects of reading, writing, math, science, and social studies.¹ Current law further directs the State Board to adopt academic standards and model curricula in computer literacy for grades 3 to 12 and in both fine arts and foreign languages for grades K to 12.² School districts may use any of the model curricula as an instructional tool, but they are not required to do so.

Although not mandatory under current law, the State Board is permitted to adopt academic standards or a model curriculum for health or physical education. However, if the State Board intends to adopt health or physical education standards or model curricula (or subsequently revise them), the standards or curricula must receive legislative approval through passage of a concurrent resolution. Neither chamber of the General Assembly may vote on a concurrent resolution approving health or physical education standards or curricula until its education committee holds at least one public hearing on the matter.

The bill

The bill requires the State Board either to adopt the most recent physical education standards for grades K to 12 developed by the National Association for Sport and Physical Education (NASPE) or to adopt its own physical education standards for those grades. NASPE is a nonprofit organization of physical education professionals and researchers that supports physical activity programs

¹ R.C. 3301.079(A) and (B), not in the bill. The State Board adopted academic standards for reading, writing, and math on December 11, 2001. Model curricula for those subjects were adopted July 15, 2003. Standards for science and social studies were adopted December 10, 2002. Model curricula for science and social studies were adopted March 9, 2004.

² R.C. 3301.0718(A). Standards for these subjects were adopted by the State Board at its December 2003 meeting and the model curricula were adopted in November 2004.

and promotes awareness of the importance of physical education for youth.³ The State Board must adopt physical education standards by July 1, 2007.⁴

The Department of Education must provide the standards to all school districts and community (charter) schools. It also must inform districts and community schools of revisions to the standards. If the State Board adopts the NAPSE standards, this provision appears to require the State Board to update the standards to reflect future changes by NAPSE. School districts and community schools are not required to utilize the physical education standards.

The bill also eliminates the provision in current law prohibiting the State Board from formally adopting or revising standards or model curricula for physical education unless the General Assembly approves them by concurrent resolution following at least one public hearing in each chamber. Health standards and model curricula, however, remain subject to legislative approval as in current law. The bill does not require the State Board to adopt a model curriculum for the physical education standards.

Physical education coordinator

(R.C. 3301.0718(B))

Under the bill, the Department of Education must employ a full-time physical education coordinator within its Office of Curriculum and Instruction to provide guidance and technical assistance to school districts and community schools that choose to implement the physical education standards adopted by the State Board. The coordinator must be qualified for the position in terms of education, licensure, and experience, as determined by the Superintendent of Public Instruction.

Daily physical education in grades K to 6

(R.C. 3313.60 and 3314.40)

Current law requires each school district to include physical education in its curriculum. However, except for the requirement for students to complete one-

³ See NASPE's web site at www.aahperd.org/naspe/ for more information.

⁴ Current law, not changed by the bill, prohibits the State Board from adopting a diagnostic assessment or achievement test for any subject other than reading, writing, math, science, and social studies (R.C. 3301.0718(D)). Therefore, no diagnostic assessment or achievement test could be developed based on physical education standards.

half unit of physical education in grades 9 to 12 for high school graduation,⁵ the law does not specify how much physical education districts must provide or in which grades. Community schools generally are not subject to any curriculum requirements until the 2010-2011 school year when they must begin complying with the Ohio Core curriculum, which includes one-half unit of physical education, for incoming high school students (see "*Background--Ohio Core curriculum*" below).⁶ Community schools, therefore, are not presently required to offer physical education in any grade.

The bill requires each school district and community school to include daily, "high-quality" instruction in physical education in its curriculum for each of grades K to 6. This instruction must involve a combination of physical activity and content instruction. By December 31, 2007, district boards of education (or educational service center governing boards on behalf of local school districts) and community school governing authorities must adopt policies to comply with the bill's requirement.

Physical education requirement for diploma

(R.C. 3313.603 and 3314.03(A)(11)(f))

Under the bill, students who are subject to the Ohio Core curriculum (the classes of 2014 and later) must complete one unit of physical education to graduate from a school district, community school, or chartered nonpublic school. Since the Ohio Core curriculum already includes one-half unit of physical education, students essentially must complete an additional one-half unit to satisfy the bill's requirement. However, the one unit of physical education may be completed in any of grades 7 to 12, so long as at least one-half unit qualifies for high school credit. The bill does not increase the 20 units currently required by the Ohio Core curriculum.

Generally, under current law, one unit of course instruction is a minimum of 120 hours of instruction and one-half unit is at least 60 instructional hours. However, continuing law defines one-half unit of physical education as at least 120 instructional hours. The bill doubles that number for one full unit of physical education. Consequently, under the bill, one unit of physical education is a minimum of 240 instructional hours, instead of the 120 instructional hours applicable to most other courses.

⁵ See R.C. 3313.603(B) and (C).

⁶ R.C. 3314.03(A)(11)(f).

The physical education requirement does not apply to students enrolled in dropout prevention and recovery programs who complete a competency-based instructional program instead of the Ohio Core curriculum.⁷ But it does apply to students in the four graduating classes of 2014 through 2017, who may opt out of Ohio Core with their parent's consent under certain conditions. (Students who opt out must still complete the current minimum high school curriculum, which also includes one-half unit of physical education.⁸)

The table below shows how students must meet the bill's requirement for one unit of physical education in grades 7 to 12.

Physical education coursework completed in 7th and 8th grade	Amount of coursework that qualifies for high school credit*	Physical education coursework to be completed in high school
1 unit	½ unit or more	0 units
1 unit	0 units	½ unit
½ unit	0 to ½ unit	½ unit
0 units	N/A	1 unit, which must be applied toward graduation requirements as follows: (1) ½ unit toward the required ½ unit of physical education and (2) ½ unit toward electives

* Under continuing law, high schools may count advanced coursework taken in middle school toward graduation if it was (1) taught by a teacher licensed to teach high school and (2) meets high school curriculum requirements, as determined by the school district or school. Coursework for which high school credit is awarded must be recorded on the student's high school transcript.

Background--Ohio Core curriculum

Under current law, students entering ninth grade in the 2010-2011 school year or later generally must complete the Ohio Core curriculum as one condition of earning a high school diploma from a public or chartered nonpublic high

⁷ See R.C. 3313.603(F).

⁸ See R.C. 3313.603(B) and (D).

school.⁹ (However, disabled students must complete their individualized education plans (IEPs) instead.) The Ohio Core consists of 20 units of study, as shown in the table.

SUBJECT	OHIO CORE CURRICULUM
English Lang. Arts	4 units (480 hours)
Math	4 units (480 hours), including 1 unit (120 hours) of algebra II or its equivalent
Science	3 units with inquiry-based laboratory experience,* including the following, or their equivalent: 1 unit physical sciences; 1 unit biology; 1 unit of advanced study in (a) chemistry, physics, or other physical science, (b) advanced biology or other life science, or (c) astronomy, physical geology, or other earth or space science.
Social Studies	3 units (360 hours), including ½ unit (60 hours) of American history and ½ unit of American government
Health	½ unit (60 hours)
Physical Education	½ unit (120 hours)
Electives	5 units (600 hours), which must consist of one or a combination of foreign language, fine arts, business, career-technical education, family and consumer sciences, technology, agricultural education, or English language arts, math, science, or social studies courses not otherwise required under the Ohio Core**
Total	20 units

* It is not clear whether science units with "laboratory experience" must consist of 150 hours of instruction (which is required for all "laboratory courses") instead of the usual 120 hours of classroom instruction.

** The bill allows one-half unit of physical education to count as an elective for students who do not complete any physical education in seventh and eighth grade, even though normally physical education cannot be used as an elective (R.C. 3313.603(L)(1)).

⁹ Students also must pass the Ohio Graduation Tests (OGT) or meet alternative testing requirements for high school graduation (see R.C. 3313.61, 3313.612, and 3313.615, none in the bill).

Elimination of physical education substitutions

(R.C. 3313.603(L))

The bill eliminates a provision permitting a school district or chartered nonpublic school to adopt a policy under which it may excuse from the high school physical education requirement students who have participated in interscholastic athletics, marching band, or cheerleading for at least two full seasons. Currently, if the district or school adopts such a policy, it may not require the student to complete any physical education course as a condition to graduate from high school. However, the student must complete one-half unit of at least 60 hours of instruction in another course of study.

Qualifications of physical education teachers

(R.C. 3314.03(A)(10)(b) and 3319.076)

The bill prohibits a school district or community school from employing a person to teach physical education who is not licensed in that subject area. The State Board of Education issues a multi-age license in physical education, valid for teaching in grades pre-K to 12. To obtain this license, a person must have an academic major, or the equivalent, in the teaching area and sufficient advanced coursework approved by the Department of Education.¹⁰

HISTORY

ACTION	DATE
Introduced	03-20-07

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¹⁰ Ohio Administrative Code 3301-24-05(D).

