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*Bill Analysis*  
Legislative Service Commission

## **S.B. 131**

127th General Assembly  
(As Introduced)

**Sens. Fedor, Roberts, D. Miller, R. Miller, Cafaro, Kearney, Mason, Morano, Sawyer, Wilson**

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### **BILL SUMMARY**

- Requires the State Board of Education to adopt instructional standards for nutrition and dental care in grades K to 12 by December 31, 2008.
- Requires school districts and community schools to comply with the State Board's physical education, nutrition, and dental care standards beginning in the 2009-2010 school year.
- Requires school districts and community schools, beginning in the 2009-2010 school year, to provide daily physical education instruction in each of grades K to 6 and a total of one-half unit of such instruction in grades 7 and 8.
- Eliminates authority for a school district or chartered nonpublic school to excuse high school students from physical education if they 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.

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### **CONTENT AND OPERATION**

#### **Physical education standards**

(R.C. 3301.0718(B) and (C) and 3314.03(A)(11)(d))

#### **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.<sup>1</sup> 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.<sup>2</sup> School districts may use any of the model curricula as an instructional tool, but they are not required to do so.

Am. Sub. H.B. 119 of the 127th General Assembly (the main operating budget) eliminated a provision of prior law that prohibited the State Board from adopting or revising standards or model curricula for physical education unless the General Assembly approved them by concurrent resolution following at least one public hearing in each chamber. Instead, that act required the State Board, by December 31, 2007, to adopt the most recent standards for physical education in grades K to 12 developed by the National Association for Sport and Physical Education (NASPE) or to adopt its own physical education standards in those grades. NASPE is a nonprofit organization of physical education professionals and researchers that supports physical activity programs and promotes awareness of the importance of physical education for youth.<sup>3</sup> The State Board adopted the NASPE standards at its December 2007 meeting.<sup>4</sup> Under current law, school districts and community (charter) schools may utilize the physical education standards, but none is required to use them.

### **The bill**

The bill, introduced before H.B. 119 became law, includes language that also requires the State Board to adopt NASPE's most recent physical education standards for grades K to 12 by December 31, 2008. The bill explicitly requires the Department of Education to transmit the NASPE standards to school districts and community schools in electronic form. If the standards cannot be transmitted electronically, the Department must use the least expensive means to make the

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<sup>1</sup> R.C. 3301.079(A) and (B), not in the bill. The State Board adopted academic standards for reading, writing, and math in 2001 and model curricula for those subjects in 2003. Standards for science and social studies were adopted in 2002, and model curricula for science and social studies were adopted in 2004.

<sup>2</sup> 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.

<sup>3</sup> See NASPE's web site at [www.aahperd.org/naspe/](http://www.aahperd.org/naspe/) for more information.

<sup>4</sup> Continuing law 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 the physical education standards.

standards available. The bill also requires the Department to inform districts and schools of revisions to the standards. This provision appears to require the State Board to update the physical education standards to reflect future changes by NASPE. School districts and community schools must adopt the NASPE standards by July 1, 2009, and begin complying with them in the 2009-2010 school year.<sup>5</sup>

As discussed above, the State Board has already adopted the NASPE physical education standards in accordance with current law. However, unlike the bill, current law does not require school districts and community schools to adopt the standards or to comply with them.

The bill also includes the provision enacted by H.B. 119 to eliminate the prohibition on the State Board adopting or revising standards or model curricula for physical education unless the General Assembly approves them by concurrent resolution. Neither the bill nor H.B. 119 requires the State Board to adopt a model curriculum for the physical education standards. Both the bill and H.B. 119 retain current law subjecting health standards and model curricula to legislative approval by concurrent resolution.

### **Physical education coordinator**

(R.C. 3301.0718(B))

Under the bill, the Superintendent of Public Instruction must appoint a physical education coordinator within the Department of Education to provide guidance and oversight to school districts and community schools in following the NASPE standards and to perform other duties assigned by the Superintendent. The physical education coordinator must be qualified for the position in terms of education, licensure, and experience, as determined by the Superintendent. The physical education coordinator's salary and other costs associated with the position must be paid from the Department's existing appropriations.

A similar provision was enacted by H.B. 119. That act required the Department to employ a full-time physical education coordinator by October 31, 2007, to provide guidance and assistance to school districts and community schools in implementing the physical education standards adopted by the State Board. It further directed the Superintendent of Public Instruction to determine

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<sup>5</sup> The bill does not apply the requirement to comply with the physical education standards to science, technology, engineering, and math (STEM) schools. The legislation authorizing STEM schools became law after this bill was introduced.

that the person employed as the coordinator possesses the adequate combination of education, licensure, and experience to be qualified for the position.

**Physical education curriculum requirements**

(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-half unit (120 hours) of physical education in grades 9 to 12 for high school graduation,<sup>6</sup> 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.<sup>7</sup> Community schools, therefore, are not presently required to offer physical education in any grade.

Under the bill, beginning in the 2009-2010 school year, each school district and community school must include daily 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 July 1, 2009, 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 this requirement.

The bill further requires districts and community schools to provide a total of one-half unit (120 hours) of physical education instruction in grades 7 and 8, starting in the 2009-2010 school year. The bill does not affect the high school physical education curriculum requirements, so generally students enrolled in school districts, and community school students who enroll in ninth grade in the 2010-2011 school year or later, must complete one-half unit (120 hours) of physical education in grades 9 to 12.<sup>8</sup>

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<sup>6</sup> See R.C. 3313.603(B) and (C). One-half unit of course instruction is typically a minimum of 60 hours, but continuing law explicitly states that for physical education courses, one-half unit is at least 120 instructional hours (R.C. 3313.603(A)).

<sup>7</sup> R.C. 3314.03(A)(11)(f). Beginning with the Class of 2014, students generally must complete the 20 units of study specified in the Ohio Core curriculum to graduate from a public or chartered nonpublic high school (see R.C. 3313.603(C)).

<sup>8</sup> Under continuing law, students enrolled in dropout prevention and recovery programs may complete a competency-based instructional program instead of the Ohio Core

### **Elimination of physical education substitutions**

(R.C. 3313.603(L))

The bill repeals 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 (see "**Physical education curriculum requirements**" above) 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, the State Board's rules require that a person have an academic major, or the equivalent, in the teaching area and sufficient advanced coursework approved by the Department of Education.<sup>9</sup>

### **Nutrition and dental care standards**

(R.C. 3301.0719 and 3314.03(A)(11)(d))

Under the bill, the State Board of Education must adopt instructional standards for nutrition and dental care in grades K to 12. These standards must be adopted by December 31, 2008. The Department of Education must transmit the standards (and subsequent revisions) to school districts and community schools electronically or, if that is not possible, in the least expensive alternative manner. Districts and community schools must adopt the nutrition and dental care

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curriculum (R.C. 3313.603(F)). Therefore, those students are not required to complete any physical education in grades 9 to 12.

<sup>9</sup> Ohio Administrative Code 3301-24-05(D).

standards by July 1, 2009, and start complying with them in the 2009-2010 school year.<sup>10</sup>

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## HISTORY

ACTION	DATE
Introduced	03-27-07

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<sup>10</sup> School districts, but not community schools, currently must include nutrition instruction as part of their health curriculum. The instruction must address the nutritive value of foods, the relation of nutrition to health, and the use and effects of food additives. (R.C. 3313.60(A)(5)(a).)