

# POLICY BRIEF: Improving compliance with physical education law in California elementary schools

## **PHYSICAL EDUCATION IN CALIFORNIA PUBLIC ELEMENTARY SCHOOLS**

The majority of California's elementary schools do not comply with a state law (Ed Code 51210) mandating that students receive an average of 20 minutes of physical education (PE) daily.

Over 80% of students, particularly students from families that are low-income or of color, do not receive the legally mandated amount of PE.



## **ACTION STEPS TO SUPPORT ELEMENTARY PE IN CALIFORNIA**

**Strategic Goal:** Support districts, schools, and teachers in providing the state-mandated 200 minutes of PE every 10 days for elementary students.

- 1. Provide financial support for PE, specifically for PE teachers, evidence-based curricula, and professional development for classroom teachers.*** Taking advantage of the new ability to allocate Title I and Title II federal funding for PE (through the federal Every Student Succeeds Act), would demonstrate commitment to student health at the state and federal levels.
- 2. Mandate the inclusion of PE tracking, reporting, and budgeting in districts' annual Local Control Accountability Plans (LCAPs).*** Because the new LCAPs must include plans for assessing outcomes, including PE in LCAPs would increase accountability, especially if PE non-compliance is tied to financial incentives or penalties, such as loss of district funding.
- 3. Provide support for districts and schools to track and report PE minutes,*** including trainings and technologies like smart phone apps to increase efficiency and accuracy.
- 4. The California Department of Education (CDE) should increase accountability for the PE law by investing in more meaningful PE audits.*** Committing CDE staff time to monitor PE minutes submitted by districts, and mandating PE be built into the accountability requirements for the new Local Control Funding Formula, would make PE a greater priority for districts and schools.
- 5. Increase awareness about PE's importance for health and academic outcomes among administrators, teachers, and parents.*** Schools still feel pressure to focus on academic subjects more than on PE. Ensuring that priority for, and implementation of, PE is on par with that of traditional academic subjects would improve student outcomes.

## THE 2013 CALIFORNIA PE LAWSUIT

A lawsuit was filed in 2013 against 37 school districts that were found to be non-compliant with the state PE law. The lawsuit settled in spring 2015, with teachers and school agreeing to: (1) teach the mandated PE minutes; (2) report minutes spent teaching PE; (3) publish PE schedules for the public; (4) subject teachers to spot checks from principals to assess compliance; (5) note the reason why any scheduled PE was missed and report when those minutes were made up; and (6) submit schedules to the local school board for review.



## ABOUT THE STUDY

UC Berkeley researchers conducted 97 interviews with district administrators, school principals, PE teachers, and 5<sup>th</sup> grade teachers in districts that were parties to the lawsuit and in control districts. The primary goal of this research was to try and understand if and how the lawsuit has increased compliance with the PE law in California elementary schools.

The 29 districts (and 39 schools) in the study were selected based on factors known to affect PE delivery: student enrollment and the percent of students who qualify for free or reduced price meals (a proxy for socio-economic status and race/ethnicity).

## PRINCIPAL STUDY FINDING

**Accountability for PE matters.** Interviewees reported that PE minutes increased in schools that were parties to the lawsuit, primarily due to lawsuit settlement requirements that mandated PE minute tracking and reporting, which increased accountability for PE.

## ADDITIONAL RESOURCES

- Read the [Synopsis of Results](#)
- Thompson, et al, Impact of litigation on compliance with California physical education law in elementary schools, Under Review

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