
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

Bill No: SB 138
Author: Fuller
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Urgency: No
Consultant: Lynn Lorber
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Fiscal: No

Subject: Physical education: exemption: high school rodeo

SUMMARY

This bill authorizes school districts to exempt high school students from physical education courses if the student is engaged in high school rodeo.

BACKGROUND

Current law:

1. Requires students to complete two courses in physical education as a condition of graduation, unless otherwise exempted. (Education Code § 51225.3)
2. Requires students in grades 7-12, except those exempted, to attend courses of physical education for not less than 400 minutes each 10 schooldays. (EC § 51222)
3. Authorizes school districts and county offices of education to grant exemptions, as follows:
 - A. A temporary exemption may be granted to a student who is either:
 - (1) Ill or injured and a modified program to meet the needs of the student cannot be provided.
 - (2) The student is enrolled for one-half, or less, of the work normally required of full-time students. (EC § 51241)
 - B. A two-year exemption anytime during grades 10-12, if the student has satisfactorily met at least five of the six standards of the physical performance test. (EC § 51241)
 - C. A permanent exemption if the student complies with any of the following:
 - (1) Is 16 years of age or older and has been enrolled in the grade 10 for one academic year or longer.
 - (2) Is enrolled as a postgraduate student.

- (3) Is enrolled in a juvenile home, ranch, camp, or forestry camp school where students are scheduled for recreation and exercise. (EC § 51241)
 - D. A student who is engaged in a regular school-sponsored interscholastic athletic program carried on wholly or partially after regular school hours. (EC § 51242)
4. Requires the California Department of Education (CDE) to exercise general supervision over the courses of physical education in schools, advise schools in the development and improvement of their physical education and activity programs, and investigate the work in physical education in public schools. The CDE is required to ensure that the data collected through the categorical program monitoring indicates the extent to which schools, among other things:
 - A. Provides instruction in physical education for a total period of time of not less than 400 minutes each 10 schooldays to students in grades 7-12.
 - B. Conducts physical fitness testing.
 - C. Provides a course of study in physical education to high school students that includes a developmentally appropriate sequence of instruction, including the effects of physical activity upon dynamic health, the mechanics of body movement, aquatics, gymnastics and tumbling, individual and dual sports, rhythms and dance, team sports, and combatives. (EC § 33352)

ANALYSIS

This bill authorizes school districts to exempt high school students from physical education courses if the student is engaged in high school rodeo. Specifically, this bill:

1. Authorizes the governing board of a school district to exempt a four-year or senior high school student from attending physical education courses if the student is engaged in high school rodeo, wholly or partially after regular school hours.
2. Makes technical changes by including cross-references of other existing exemptions in provisions that require non-exempted students to attend physical education courses for at least 400 minutes each 10 schooldays.

STAFF COMMENTS

1. ***Need for the bill.*** According to the author, many schools choose to interpret the authority in current law to exempt from physical education only those students who play traditional sports. "Often times, the California High School Rodeo Association athletes are not included in this exemption."

2. ***Is this bill necessary?*** No. 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.

- A. Does the definition of “interscholastic athletics” imply that only CIF sports may be recognized for an exemption, while non-CIF sports do not?
- B. Do CIF sports provide more physical education (in addition to physical activity) than non-CIF sports such as rodeo?
3. ***Slippery slope?*** Does specifically authorizing participation in rodeo, and only rodeo, to qualify as an exemption from physical education set a precedent for adding one sport or activity at a time? Why not specify all of these sports and physical activities, such as marching band, ROTC, and cheerleading, that may qualify for exemption?

The author and this Committee may wish to consider addressing the larger policy issues:

- A. Which sports and physical activities should warrant an exemption from physical education courses?
- B. Should exemptions for participation in sports and physical activities meet standards for physical education courses, similar to the current requirement for granting physical education credit? California Code of Regulations § 10060 requires school districts to appraise the quality of a high school physical education program based upon whether or not the course of study provides for instruction in each of the following areas: effects of physical activity upon dynamic health, mechanics of body movement, aquatics, gymnastics and tumbling, individual and dual sports, rhythms and dance, team sports, and combatives.
4. ***Related and prior legislation.***

RELATED LEGISLATION

AB 319 (Rodriguez, 2015) requires high schools to provide instruction in performing cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED) as part of a physical education course or another course required for graduation. AB 319 is pending in the Assembly Education Committee.

PRIOR LEGISLATION

AB 223 (Ma, 2009) required the San Francisco Board of Education to make Junior Reserve Officers' Training Corps courses available to pupils under its jurisdiction in grades 9 to 12. AB 223 was amended to relate to a different subject matter.

AB 351 (Salas, 2009) authorized a school district that provides the following courses or programs to exempt any student participating in such a course or program from attending courses of physical education and from the physical education high school graduation requirement:

- A. California Cadet Corps.
- B. Cheer team or Dance team.
- C. Color guard or Drill team.
- D. Junior Reserve Officer Training Corps.
- E. Marching band.

AB 351 was passed by the Assembly Education Committee, amended on the Assembly Floor, and re-referred to the Assembly Education Committee where it was held.

SUPPORT

California Circuit Finals Rodeo
California High School Rodeo Association
California Horse Council
Professional Rodeo Cowboys Association
Rodeo Club Advisor, Oakdale High School

OPPOSITION

California Association for Health, Physical Education, Recreation and Dance

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