Laws, Regulations, and Resolutions Relating to Physical Education

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- Time Requirement for Grades K-8
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- Accountability Law
- Class Size
Alabama Administrative Code (AAC)

Physical Education Required
Every public school and private school, except church schools as defined in the Code of Alabama, 1975, §16-28-1, shall carry out a system of physical education, the character of which shall conform to the program or course outlined by the Alabama Department of Education (Code of Alabama, 1975, §16-40-1). Therefore, according to law the minimum required content found in the Alabama Course of Study: Physical Education must be taught in all public schools in Alabama.

Chapter 290-3-1

(a) Alabama High School Diploma
    Lifelong Individualized Fitness Education (LIFE).............................1

(c) Substitution Subjects for Physical Education in Grades 9-12. Until funding is obtained for K-8 physical education teachers, there will be no exception to the one required unit of physical education in Grades 9-12. Any Alabama public school system that has adequate certified physical education teachers in Grades K-8 may request of the State Superintendent of Education that the exemptions of the one credit of physical education in Grades 9-12 be applied as listed below:

1. May substitute physical activity-based subjects (e.g., marching band, and athletics) and other subject areas under exceptional circumstances for physical education under the following conditions:
   (i) A detailed plan (except JROTC) which reflects collaboration with the physical education teacher at the school must be developed and submitted to the State Superintendent of Education to ensure that students will master the required content standards and benchmarks as outlined in the Alabama Course of Study: Physical Education.
   (ii) The Alabama Physical Fitness Assessment must be administered to Grade 2-12 students, including students who receive exemptions from the State Superintendent of Education. Fitness data must be reported to the State Department of Education (SDE).
   (iii) Such other conditions as prescribed by local boards of education. This subsection (c) becomes effective with the class entering the ninth grade in the fall of 2006.

2 No other substitutions are authorized unless written authorization for such substitutions is secured from the State Superintendent of Education.

(15) Physical Education.

(a) Pursuant to Code of Ala. 1975, §16-40-1, each school shall carry out a system of physical education which includes: Chapter 290-3-1 Education
1. Planning a program to meet the needs of all students. A modified program shall be provided for those unable to take the regular program.

2. Providing a properly certified physical education teacher as specified in the certification Subject and Personnel Codes.

3. Scheduling classes which meet or exceed the minimum requirements of the Alabama Course of Study: Physical Education.

4. Assigning students by grades if possible. If grouping is necessary, consideration should be given to primary grades, and Grades 4-5, 6-7, 7-8, 9-10, and 11-12.

5. Limiting the number of students enrolled in a physical education program to the number prescribed by the Southern Association of Colleges and Schools.

6. Providing for physical education through the regular school budget.
Athletics

(a) Definitions.

1. Extracurricular activities associated with athletics are defined as those recognized and sanctioned by the Alabama High School Athletic Association, and other extracurricular activities are defined as those that are sanctioned by a public school which are not related to a student's academic requirements or success in a course(s).

2. Regular curricular activities are defined as those that are required for satisfactory course completion.

(b) Eligibility Requirements.

1. Students entering Grades 10-12 must, for the last two semesters of attendance and summer school, if applicable, have a passing grade and earn the appropriate number of credits in each of six (6) subjects that total six (6) Carnegie units of credit, including four (4) credits from the four (4) core subjects composed of English, science, social studies, and mathematics with a composite numerical average of 70. Students entering Grades 8 and 9 must, for the last two semesters of attendance and summer school, if applicable, have a passing grade in five (5) subjects with a composite numerical average of 70 with all other rules applying the same as to students in Grades 9-12. Students promoted to the seventh grade for the first time are eligible. (A semester is defined as one-half of a school year as defined by the local board of education adopted school year calendar.)

2. Physical education may count as only one (1) unit per year.

3. No more than two (2) Carnegie units may be earned during summer school. If a unit(s) or subject(s) is repeated in summer school, the higher numerical grade for the unit(s) or subject(s) may be used to compute the composite grade average.

4. A student who is eligible at the start of the academic year remains eligible for the entire academic year. Students deemed ineligible at the beginning of the school year by virtue of having failed to meet the requirements outlined in 2. (b). 1. above may regain their eligibility at the end of the first semester by meeting the requirements for eligibility in the two most recently completed semesters, including summer school. Eligibility restoration must be determined no later than five (5) school days after the beginning of the succeeding semester.*

5. An ineligible student may not become eligible after the fifth school day of each semester. Bona fide transfers may be dealt with according to rules of the Alabama High School Athletic Association for sports and rules to be developed by each local board of education as they pertain to other extracurricular activities.

6. Each eligible student entering Grades 10-12 must have a minimum composite numerical average of 70 and a minimum of six (6) Carnegie units from the preceding year, including summer school. Summer school work passed may substitute for regular school work repeated in computing the 70 average.

7. Each eligible student involved in athletics must meet the definition of a regular student as defined by the Alabama High School Athletic Association.

8. Any student who earns more than four (4) credits in the core curriculum in any given year or who accumulates a total in excess of the required four (4) per year may be exempt from earning the four (4) core courses in the succeeding year as long as that student remains on schedule for graduation with his/her class by earning eight (8) core credits over any two-year span, including summer school.
(c) Participation Requirements.

1. School sponsors are required to submit a request for each curricular activity that occurs outside the regular school day and/or school to the principal, superintendent, and the local board of education for approval.

2. Each request for full participation by all students, regardless of academic standing, in a curricular activity shall be granted if the principal, superintendent, and the local board of education approve participation in the activity as an extension of a course(s) requirement(s) and it is an event sanctioned by a state/national subject matter association.

3. Notwithstanding anything to the contrary in this regulation, activities offered by the school through math, science, band, choral music, and other courses at events such as athletic events (pregame, game, halftime, or other breaks), club conventions, parades, amusement park trips and competitions, trips by tour companies, performances at various meetings, etc., are extracurricular, and students academically ineligible under this policy shall not be allowed to participate.

4. Decisions on a student's participation in extracurricular activities should be developed and reached on a local school/system level consistent with the requirements found in the Individuals with Disabilities Education Act (1997) and its implementing regulations, both federal and state, as well as Section 504 of the Rehabilitation Act of 1973 if the student is identified as eligible under these statutes, rules, and regulations, and such participation is determined to be appropriate.

*Note: Unit calculations for regaining eligibility at the end of the first semester may not coincide exactly with units for graduation for students in schools on six- or seven-period days.
**Time Requirements for Grades K-8**

Daily physical education is required in Grades K-8: No exceptions, no substitutions. Recess or lunch time activities should not be substituted for the physical education program .... A minimum daily instructional period of at least 30 minutes in elementary physical education is required. (2009 *Alabama Course of Study: Physical Education*)

**Certified Physical Education Teacher Required**

Daily physical education classes for all students in Grades K-8 must be taught or supervised by teachers certified in physical education (Alabama State Board of Education Resolution F-17, February 1984). All elementary physical education classes must be taught by or under the supervision of one of the following certified personnel:

1. A certified physical education teacher employed to teach physical education,
2. An aide employed to provide instruction in physical education while under the supervision of a certified physical education teacher, or
3. A classroom teacher certified to teach physical education only to their own students.

**Options for Middle School Physical Education Programs**

In those schools where Grades 7 and 8 are housed with other elementary grades, the school may follow the time requirement listed for Grades 4-6 or the time requirement listed for Grades 7-12. Grades 7 and 8 may have a minimum of 30 minutes of physical education daily when these grades are housed with Grades 4-6. It is recommended, however, that students in Grades 7-8 receive a minimum of 50 minutes of physical education daily. (2009 *Alabama Course of Study: Physical Education*)

**No Exception to Required One-Credit Course in Grades 9-12**

Until funding is obtained for K-8 physical education teachers at every school within a school system, there will be no exception to the required one-credit course in Grades 9-12 (Alabama State Board of Education Resolution H-1, April 1985).

**Sex Discrimination Law**

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance (Public Law 92-318, Title IX).
Individuals with Disabilities Education Act (IDEA)

Each child with disabilities must be afforded the opportunity to participate in the regular physical education program available to nondisabled children unless the child is enrolled full time in a separate facility, or the child needs specially designed physical education instruction, as prescribed in the child’s individualized education program (Public Law 91-230, as amended). Every student with a disability shall receive appropriate daily physical education in his or her least restrictive environment through one of the following options:

1. Students may be included with regular physical education classes of like age or ability,
2. A teacher of adapted physical education may be employed to provide instruction,
3. Special education teachers may provide instruction in physical education for their own students, or
4. An outside agency may be contacted to provide instruction or therapy for severely handicapped students.

* Accountable Law

Nothing in this Act shall be construed to diminish the current requirements of the Alabama State Board of Education with respect to health and physical education instruction in Grades K-12 or to reduce the effect of Code of Alabama, 1975, §16-40-1, regarding Health and Physical Education (Code of Alabama, 1975, §16-6B-2(d)(f)).
State Board of Education of Resolutions

Class Size

APPROVED TEACHER/PUPIL RATIO RESOLUTION

APPROVED BY THE STATE BOARD OF EDUCATION AT ITS MEETING ON SEPTEMBER 11, 1997 AND AMENDED JANUARY 8, 1998

WHEREAS, the Alabama State Board of Education believes that small, manageable classes of students lead to improved instruction, especially in the early grades; and

WHEREAS, the Alabama State Board of Education supports the lowest attainable pupil-teacher ratios in all grades under the funding supplied by the enactment of the 1995 Foundation Program Plan; and

WHEREAS, the Alabama State Board of Education believes that SACS maximum pupil-teacher ratios designated to apply to eleven southern states are too large to facilitate quality education programs unique to Alabama; and

WHEREAS, the Alabama State Board of Education realizes and appreciates the unique situations present in each and every school regarding special populations of students, offering electives, and building a broad-based educational program on limited local tax funds, while also acknowledging that student migration varies greatly in Alabama and that some facilities are limited in additional space, to name only a few of the daily factors associated with managing a local school:

NOW, THEREFORE, BE IT RESOLVED, That the Alabama State Board of Education does hereby proclaim the following timetable for limiting class size in the classrooms of public schools in Alabama, and that exceptions to this timetable and class size limitations contained within can only be authorized by the State Superintendent of Education after a review of each request on a case-by-case basis:

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*Does not include physical education, musical performing groups, ROTC, or typing. The limit for these subjects is 1,000 student contacts per week. High schools (grades 9-12), junior high schools (grades 7-9), unit
schools (grades K-12), and area vocational centers shall also maintain the SACS standard of an overall student/total professional staff ratio of 21:1.

**Classes with aides will be reviewed as an exception by the State Superintendent of Education.

BE IT FURTHER RESOLVED, That the Alabama State Board of Education realizes that the adoption of this resolution is after the beginning of the 1997-98 school year and that for the most part class assignments and personnel decisions have been finalized in each local system, but the Alabama State Board of Education does recognize that with the third year of funding for the full phase-in of the Foundation Budget, schools should be able to implement these standards by January 1998 and the pupil-teacher ratios shall be in effect from that date forward, and

BE IT FURTHER RESOLVED, That the State Superintendent of Education will review waiver requests from local school districts on a case-by-case basis as long as the waiver requests individually include a remedy plan for implementing the pupil-teacher ratios within the local school district in whichever schools they occur; and

BE IT FURTHER RESOLVED, That the State Superintendent of Education shall conduct a statewide survey of school districts and schools therein and present a report to the State Board of Education by April 1998 to ascertain the exceptions to the pupil-teacher ratios instituted with third year Foundation Program Funds and if the pupil-teacher ratios can continue to be implemented as described in this resolution or whether the State Superintendent of Education shall recommend to the State Board of Education a modification of these adopted ratios.

TO APPROVE RECOMMENDATIONS OF QUALITY PHYSICAL EDUCATION TASK

WHEREAS, the Alabama Department of Education continues to be vitally concerned about the academic and physical fitness of all students attending public schools in the state of Alabama; and

WHEREAS, evidence shows that physical fitness activity can assist in improving academic achievement and positively impact cognitive skills, attitudes, concentration, attention, and classroom behavior; and

WHEREAS, the current state physical fitness assessment, the President's Physical Fitness Challenge, is a norm-referenced test based on 1984 data, and a test based on recent data is needed; and

WHEREAS, a physical education task force was appointed to develop a state physical fitness assessment, an essential component to a quality Alabama physical education program; and

WHEREAS, the Alabama Physical Fitness Assessment has been developed using criterion-referenced measures to comprehensively assess the health and physical fitness of all Alabama students, to target achieving and maintaining a healthy level of fitness:

NOW, THEREFORE, BE IT RESOLVED, That the attached Alabama Physical Fitness Assessment be adopted by the Alabama State Board of Education.

Done this 10th day of November 2011