

DEPARTMENT OF EDUCATION

SUBJECT: Physical Education Course Credit for Organized Physical Activity Courses

DESCRIPTION: The existing rule, last updated in 2005, must undergo substantial revisions, particularly due to passage of Act 1231 of 2011. The revisions are listed below:

Section 2.0: The definitions were revised to reflect current statutory language and to increase the flexibility of the rule in light of the forthcoming Common Core State Standards.

Sections 3.0, 4.0, 5.0, 6.0, and 7.0: These sections were amended to reflect Ark. Code Ann. § 6-16-137.

Section 8.0: This section was added to reflect Ark. Code Ann. § 6-16-141 (Act 1231 of 2011).

PUBLIC COMMENT: The public hearing was held on November 2, 2011. The public comment period ended on November 21, 2011. The following comments were submitted to the Department:

Barbara Kumpe, Government Relations Director, American Heart Association/Vice Chair, Child Health Advisory Committee

Comment:

- Section 3.01.2.1: We have some concerns with the use of the term “qualified” in this definition. We believe anyone teaching physical education should be a licensed physical education teacher for the recommended grade they are teaching, for both elementary and secondary grades. However, we are fine with a licensed JROTC instructor providing the instruction for JROTC. **RESPONSE:** Comment considered. The language in Section 3.01.2.1 is taken verbatim from Ark. Code Ann. § 6-16-137(b)(2)(A). We understand the position that everyone teaching physical education, even in elementary grades, should be a licensed physical education teacher for the recommended grade they are teaching. However, physical education requirements are set forth in Ark. Code Ann. § 6-16-132. Ark. Code Ann. § 6-16-132(e) states that “[n]othing in this section shall be construed to require any school or school district to hire personnel certified in physical education.”
- Section 7.0: Clarification is needed as to whether the phrase “organized physical activity” is inclusive of physical education. We would be very concerned about physical education being described as not a requirement for an adequate education or as not a core academic requirement. **RESPONSE:** Comment considered. The language in Section 7.0 is taken verbatim from Ark. Code Ann. §6-16-137(h). Physical activity is not the same as physical education.

The proposed effective date is tentatively set for thirty (30) days after review.

CONTROVERSY: This is not expected to be controversial.

FINANCIAL IMPACT: There is no financial impact.

LEGAL AUTHORIZATION: Arkansas Code Annotated §6-16-137 (i) states the Department may promulgate rules necessary to implement the physical education credit for physical activity courses program.

This rule has been promulgated to implement the changes in the law created by Act 1231 of 2011.

MNH 12-29-2011

ARKANSAS DEPARTMENT OF EDUCATION
RULES GOVERNING PHYSICAL EDUCATION COURSE CREDIT FOR
ORGANIZED PHYSICAL ACTIVITY COURSES
July 2005

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1.00 REGULATORY AUTHORITY

- 1.01 These ~~State Board of Education enacts these regulations~~ ~~rules are enacted~~ pursuant to its authority as set forth in Arkansas Code Annotated Ark. Code Ann. §§ 6-11-105, 6-16-137, 6-16-141, and 25-15-2041 et seq. and Act 660 of the 85th General Assembly.

2.00 DEFINITIONS

For purposes of these rules, the following terms shall mean:

- 2.01 “Content standards” means those curriculum course content standards identified and set out in the Department of Education Curriculum Frameworks. The term also includes any content standards developed under the Common Core State Standards and approved by the Department of Education.
- 2.02 “Curriculum frameworks” means those content-specific requirements identified and mandated pursuant to § 6-15-150+2 et seq. and the ~~Arkansas Standards of Accreditation~~ Standards for Accreditation of Arkansas Public Schools and School Districts. The term also includes any curriculum frameworks developed under the Common Core State Standards and approved by the Department of Education.
- 2.03 ~~“Declared school day and/or master schedule”~~ “Master schedule” means the official class schedule as required for students and staff in a specific Local Education Agency (LEA) location.
- 2.04 “Organized physical activity course” means a school course taught by an instructor ~~that~~ who is licensed or qualified in physical education pursuant to the rules of the State Board of Education and is a course that involves body movement produced by skeletal muscles resulting in energy expenditures through organized group or class activities.
- 2.05 “Qualified physical education instructor” means a person licensed to teach secondary physical education by the Arkansas Department of Education or those persons who hold the appropriate licensure to teach a Junior Reserve Officer Training Corps (JROTC) high school course as approved by the Arkansas Department of ~~Workforce~~ Career Education.

- 2.06 “Statement of assurance” means a written statement to be filed by the superintendent or chief academic officer by October 1 of each year with the Department of Education which ensures that the organized physical activity course is in compliance with the physical education course content standards and curriculum frameworks as required pursuant to § 6-15-1505 and the requirements of subdivision § 6-16-137(b)(2).

3.00 ELIGIBILITY

- 3.01 ~~Beginning in 2005-06 school year,~~ a A student in grades nine through twelve (9-12) who participates in and successfully completes a an organized physical activity course in his or her school shall be eligible to receive ~~the one-half (1/2) unit of course credit for~~ physical education credit required for graduation ~~provided if:~~

3.01.1 The organized physical activity course is aligned to the Department of Education’s physical education course content standards and curriculum frameworks; and

3.01.2 The organized physical activity course is verified by the superintendent of the school district or the chief administrative officer of an open-enrollment charter school who files a written statement of assurance with the Department of Education by October 1 of the school year as required by § 6-15-1505 stating that:

3.01.2.1 The instructor of the organized physical activity course is licensed or qualified in physical education pursuant to the rules of the State Board of Education;

3.01.2.2 The organized physical activity course is aligned to the Department of Education’s physical education course content standards and curriculum frameworks; and

3.01.2.3 The organized physical activity course is subject to the provisions of § 6-18-501 et seq.

- 3.02 The organized physical activity course shall take place during the regular school day to qualify for physical education credit, except for those organized physical activity courses outside the regular school day that are listed on the district’s master schedule.

- ~~a. The organized physical activity course is taught by a teacher currently employed by the school district who is licensed in physical education by the Arkansas Department of Education;~~
- ~~b. The organized physical activity course is aligned with the Department of Education's Physical Education course content standards and curriculum frameworks;~~
- ~~c. The superintendent of the school district or the chief administrative officer of the open enrollment charter school files a written statement of assurance with the Department of Education by October 1 of each school year certifying that the organized physical activity course meets all the requirements of law and this rule; and~~
- ~~d. The organized physical activity course shall take place during the declared school day or be listed on the school district's master schedule in order for the physical activity course to qualify for physical education credit.~~

4.00 GRADUATION CREDIT

- 4.01 A student is limited to only the one-half (1/2) ½ unit of physical education credit for graduation for the organized physical activity course, and cannot use this course for any other physical education credit toward graduation the student shall not be allowed any other credit toward graduation for that same course.
- 4.02 A student must complete the entire semester and ~~must receive a passing grade for~~ pass the physical activity course to receive the one-half (1/2) ½ unit of physical education credit required for graduation.

5.00 MONITORING

- 5.01 The Department of Education is authorized to monitor, review documentation, request information, or require additional reports from public schools, school districts, open-enrollment charter schools, or school personnel in order to enforce compliance with this rule.

6.00 SANCTIONS

- 6.01 If it is determined by the Department of Education that any organized physical activity course allowed to be used for physical education credit by a student does not meet the Department of Education's physical education course content standards and curriculum frameworks, the school district or open-enrollment charter school may be cited or placed in

probationary violation of the Standards for Accreditation of Arkansas Public Schools and School Districts.

~~Any organized physical activity course allowed to be used by a student that does not meet the Department of Education's physical education course content standards and curriculum frameworks may result in that school district or that open enrollment charter school's being cited or placed in probationary violation of the Standards for Accreditation of Arkansas Public Schools under the Quality Education Act of 2003, § 6-15-201 et seq.~~

- 6.02 If it is determined by the Department of Education that a superintendent or chief academic officer or any other certified personnel has knowingly provided false or misleading information in the statement of assurance required pursuant to § 6-16-137 and these rules, the State Board of Education may take appropriate action on the license of that individual pursuant to § 6-17-410. The Commissioner of Education, at his or her discretion, may also refer the superintendent or chief academic officer to the Professional Licensure Standards Board.

~~Any superintendent or chief academic officer or any other certified personnel that knowingly provides false or misleading information in the statement of assurance required under this rule may have appropriate action taken on the license of that individual pursuant to § 6-17-410.~~

7.00 PHYSICAL ACTIVITY COURSES NOT REQUIRED FOR ADEQUATE EDUCATION

Notwithstanding the provisions of these rules, it is recognized by the General Assembly and the State Board of Education that organized physical activity courses as set forth in these rules are not a requirement for an adequate education and shall not be construed a core academic requirement of the State of Arkansas or of public school districts.

8.00 CREDIT FOR COMPLETING JUNIOR RESERVE OFFICER TRAINING CORPS

A student who completes two (2) semesters of a Junior Reserve Officer Training Corps program shall receive credit for both of the following requirements for graduation from high school:

8.01 One-half (1/2) unit of physical education; and

8.02 One-half (1/2) unit of health and safety education.