

AMENDED IN ASSEMBLY MARCH 24, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 351

Introduced by Assembly Member Salas *Members Salas and Ma*
(Coauthor: Assembly Member Duvall)

February 19, 2009

~~An act to amend Section 51222 of the Education Code, relating to physical education.~~ *An act to amend Section 51222 of, and to add Section 51242.1 to, the Education Code, relating to physical education, and declaring the urgency thereof, to take effect immediately*

LEGISLATIVE COUNSEL'S DIGEST

AB 351, as amended, Salas. Physical education.

Existing

(1) Existing law requires all pupils who are not otherwise exempt to attend courses in physical education for a total period of time of not less than 400 minutes each 10 schooldays.

~~This bill would require that specified programs and courses qualify toward meeting this requirement, including interscholastic athletic programs, marching band, drill team, and Junior Reserve Officer Training Corps:~~

This bill would authorize the governing board of a school district to exempt any pupil from courses in physical education if the pupil participates in California Cadet Corps, cheer team or dance team, color guard or drill team, Junior Reserve Officer Training Corps, or marching band. The bill would make other technical and clarifying changes.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

*Targeted for
Aggression*

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 51222 of the Education Code is amended*
2 *to read:*

3 51222. (a) All pupils, except pupils excused or exempted
4 pursuant to ~~Section~~ *Sections 51241, 51242, and 51242.1*, shall be
5 required to attend ~~upon the~~ *courses of* in physical education for a
6 total period of time of not less than 400 minutes each 10
7 schooldays. Any pupil may be excused from physical education
8 classes during one of grades 10, 11, or 12 for ~~not to exceed 24~~
9 ~~clock a time period less than 24~~ hours in order to participate in
10 automobile driver training. ~~Such A~~ *A* pupil who is excused from
11 physical education classes to enroll in driver training shall attend
12 ~~upon~~ a minimum of 7,000 minutes of physical education instruction
13 during ~~such~~ *that* school year.

14 (b) The governing board of each school district that maintains
15 a high school and that elects to exempt pupils from required
16 attendance in physical education courses pursuant to paragraph
17 (1) or (2) or both of subdivision (b) of Section 51241 shall offer
18 those *exempted* pupils ~~so exempted~~ a variety of elective physical
19 education courses of not less than 400 minutes each 10 schooldays.

20 *SEC. 2. Section 51242.1 is added to the Education Code, to*
21 *read:*

22 51242.1. *The governing board of a school district that provides*
23 *the following courses or programs may exempt any pupil*
24 *participating in such a course or program from courses in physical*
25 *education:*

- 26 (i) *California Cadet Corps.*
- 27 (ii) *Cheer team or dance team.*
- 28 (iii) *Color guard or drill team.*
- 29 (iv) *Junior Reserve Officer Training Corps.*
- 30 (v) *Marching band.*

31 *SEC. 3. This act is an urgency statute necessary for the*
32 *immediate preservation of the public peace, health, or safety within*
33 *the meaning of Article IV of the Constitution and shall go into*
34 *immediate effect. The facts constituting the necessity are:*

1 *In order for pupils to avail themselves of the physical education*
2 *exemptions specified in this act as soon as possible, it is necessary*
3 *that this act take effect immediately.*

4 SECTION 1. Section 51222 of the Education Code is amended
5 to read:

6 51222. (a) All pupils, ~~except pupils excused or exempted~~
7 ~~pursuant to Section 51241, shall be required to attend courses in~~
8 ~~physical education for a total period of time of not less than 400~~
9 ~~minutes each 10 schooldays. For purposes of this subdivision, the~~
10 ~~following courses and programs shall qualify toward meeting this~~
11 ~~requirement:~~

12 (1) ~~Interscholastic athletic programs.~~

13 (2) ~~Marching band.~~

14 (3) ~~Drill team.~~

15 (4) ~~Junior Reserve Officer Training Corps.~~

16 (b) ~~Any pupil may be excused from physical education classes~~
17 ~~during one of grades 10, 11, or 12 for a time period less than 24~~
18 ~~hours in order to participate in automobile driver training. A pupil~~
19 ~~who is excused from physical education classes to enroll in driver~~
20 ~~training shall attend a minimum of 7,000 minutes of physical~~
21 ~~education instruction during that school year.~~

22 (c) ~~The governing board of each school district that maintains~~
23 ~~a high school and that elects to exempt pupils from required~~
24 ~~attendance in physical education courses pursuant to paragraph~~
25 ~~(1) or (2) or both of subdivision (b) of Section 51241 shall offer~~
26 ~~those exempted pupils a variety of elective physical education~~
27 ~~courses of not less than 400 minutes each 10 schooldays.~~

From post 10/9/12

ORGANIZATIONAL LETTER IN SUPPORT OF AB NO. 351

From
Kwest
4/7/09

I'm writing on behalf of (Name, Chapter of Organization), requesting your support. Assembly member Mary Salas (79th District) recently introduced AB No. 351 - Physical Education. This bill would require that specified programs and courses, including the Reserve Officers' Training Corps (JROTC), qualify toward meeting the physical education requirement of the California Education Code.

Background. The state has historically voiced concerns about granting physical education credit to students enrolled in the JROTC program: *"The opinion of CDE is that marching band, drill team, cheerleading, ROTC and related activities do not meet the physical education goals and objectives, as stated in either the California Code of Regulation or the California Physical Education Framework; nor do these activities prepare students for the physical performance test."* In summary, the major concerns related to (1) activities not meeting the physical education goals and objectives, (2) activities not preparing students for the physical education performance test, and (3) lack of qualification of JROTC instructors based on not being fully credentialed to teach physical education.

Some of these concerns may have been valid prior to 1990; but since that time, and especially during the last five years, the JROTC curriculum has been significantly updated and improved. Today, JROTC is a multifaceted, dynamic, and challenging program that does meet the substantial requirements of the physical education code as well as effectively preparing students for the physical education performance test and current California State Fitness Gram test. Cadet Command has gone to great lengths to ensure that National Academic Standards are being met and exceeded in its Program of Instruction and curriculum. Additionally, although many JROTC instructors are not credentialed in the area of physical fitness, they are highly trained, experienced, and skilled teachers who have spent twenty years or more in a profession in which they developed, implemented, and supervised physical education programs and fitness on a daily basis.

Ultimately, local school boards are responsible for determining which courses will meet the graduation requirements in their districts. The San Diego Unified School District Board of Education agrees with this rationale and has resolved that, pursuant to its authority and obligations under the California Education Code, that the District will continue to grant physical education/graduation credit for high school students taking and passing JROTC.

The (Name of Your Organization) strongly supports AB No. 351 - Physical Education and believe that it supports the best interests of our children and the State of California. Please support this bill.

Sincerely,

Signature Block

To 1912

From
Kwint
4/1/09

INDIVIDUAL LETTER IN SUPPORT OF AB NO. 351

TYPE the name and address of your
Assembly person/State Senator/Elected official here

Dear Senator _____ or Assembly Member _____,

I support AB No. 351 - Physical Education, as proposed by Assembly member Mary Salas (79th District). This bill would require that specified programs and courses, including the Reserve Officers' Training Corps (JROTC), qualify toward meeting the physical education requirement of the California Education Code.

The California Department of Education (CDE) has historically voiced concerns about the longstanding practice of granting physical education credit to students enrolled in the JROTC program: *"The opinion of CDE is that marching band, drill team, cheerleading, ROTC and related activities do not meet the physical education goals and objectives, as stated in either the California Code of Regulation or the California Physical Education Framework; nor do these activities prepare students for the physical performance test."* I don't agree with the California Department of Education's opinion, nor do many of the parents and many others in our community.

Because of other graduation requirements and full schedules, many students would be effectively denied the opportunity to take JROTC if this worthwhile course does not continue to be granted PE credit.

Ultimately, local school boards are responsible for determining which courses will meet the graduation requirements in their districts. The San Diego Unified School District Board of Education and other school districts throughout the state agree with us and have resolved that, pursuant to their authority and obligations under the California Education Code, that they will continue to grant physical education/graduation credit for high school students taking and passing JROTC.

I strongly support AB No. 351 - Physical Education and believe that it supports the best interests of our children and the State of California. Please support this bill.

Sincerely,

Signature Block

To 512 From Kiden

MEMBERS OF CALIFORNIA EDUCATION COMMITTEE

All,

Here are the members on the CA Education Committee + their contact information. They need to hear from us also.

JRPTCA
Phy

Lobby the California State Assembly
Education Committee (916) 319-2087

Committee Members E-mail	District	Phone
Julia Brownleyr (Chair) Assemblymember.Brownley@assembly.ca.gov	Dem-41	(916) 319-2041
Brian Nestande (Vice-chair) Assemblymember.Nestande@assembly.ca.gov	Rep-64	(916) 319-2064
Tom Ammiano Assemblymember.Ammiano@assembly.ca.gov	Dem-13	(916) 319-2013
Juan Arambula Assemblymember.arambula@assembly.ca.gov	Dem-31	(916) 319-2031
Joan Buchanan Assemblymember.Buchanan@assembly.ca.gov	Dem-15	(916) 319-2015
Wilmer Amina Carter Assemblymember.Carter@assembly.ca.gov	Dem-62	(916) 319-2062
Mike Eng Assemblymember.Eng@asm.ca.gov	Dem-49	(916) 319-2049
Martin Garrick Assemblymember.Garrick@assembly.ca.gov	Rep-74	(916) 319-2074
Jeff Miller Assemblymember.Miller@assembly.ca.gov	Rep-71	(916) 319-2071
Jose Solorio Assemblymember.solorio@assembly.ca.gov	Dem-69	(916) 319-2069
Tom Torlakson Assemblymember.Torlakson@assembly.ca.gov	Dem-11	(916) 319-2011