

**C.L.A.S.S. Scoring Key & Variable**  
**Information: Physical Education Related School**  
**Policy Classification System (PERSPCS)**  
(updated: December 2021)

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## **C.L.A.S.S. PERSPCS (PE) Scoring Key & Variable Information**

The Classification of Laws Associated with School Students (C.L.A.S.S.) incorporates a policy classification system to score state-level codified laws for physical education (PE) and physical activity (PA) in schools. The scoring criteria for these systems are based on public health research and national standards for PE developed by the National Association for Sport and Physical Education (NASPE) and reflect the Centers for Disease Control and Prevention School Health Guidelines to promote healthy eating and physical activity:  
[http://www.cdc.gov/mmwr/preview/mmwrhtml/rr6005a1.htm?s\\_cid=rr6005a1\\_e&source=govdelivery](http://www.cdc.gov/mmwr/preview/mmwrhtml/rr6005a1.htm?s_cid=rr6005a1_e&source=govdelivery).

The PERSPCS Scoring Key and Variable Information document provides C.L.A.S.S. data users a quick reference to the criteria used to score state law for a specific policy area, and associated enhancing or inhibiting factors\* for a given policy area. This document complements the Data Set and Code Book, providing more detail on scoring criteria, and can be used in conjunction with both the EXCEL and SPSS PERSPCS data files.

### **Description of the C.L.A.S.S. Data Set and Related Documents**

#### **The Data Set includes:**

1. C.L.A.S.S. scores in EXCEL and SPSS formats, for each policy area organized by year (2003 -2008, 2010, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 2020) and grade level for each state.
2. Variables in the data set that are not part of the C.L.A.S.S. scoring system but provide contextual information (e.g., YEAR, State abbreviation, State FIPS code [STFIPS] the 5 digit Federal Information Processing Standard code which uniquely identifies counties and county equivalents).

#### **The Policy Citation File includes:**

1. Excel Worksheet indicating the citation for the relevant state statute or regulation used for coding.
3. Excel Worksheet denoting when a particular law will go into effect, if it did not go into effect the year it was created.

#### **The Scoring Key includes:**

1. Variable names for each policy area in the data set (noted in *italics* next to policy area and grade level).
2. Description of each variable and accompanying descriptions of each score.
3. Description of the enhancing or inhibiting factors associated with each policy area.

#### **The Code Book includes:**

1. The variable names and labels for each variable used in a C.L.A.S.S. scoring system (i.e. Nutrition & PE).
2. Variables in the data set that are not part of the C.L.A.S.S. scoring system, but provide contextual information (e.g., YEAR, State FIPS code [STFIPS], state abbreviation).

## **Notes on the C.L.A.S.S. Data Set and Related Documents:**

1. The C.L.A.S.S. data set is compiled using codified statutes and regulations in all 50 states and the District of Columbia. Non-codified board policies, education standards, and other related documents are not included here, except as specified below.

The PETIME variable coding is generated using codified statutes and regulations, as well as any physical education standards that are incorporated by reference into the law. Historical data was compiled by utilizing the Bridging the Gap data set, which tracks the amount of time required for PE through codified laws and embedded policies beginning in 2006. The amount of time for PE established in any standards prior to 2006 that were no longer available (Alabama) was verified using secondary sources.

2. Over time, new policy areas have been added to the C.L.A.S.S. scoring system. When a new variable has been added, scores are not available for prior years and noted in the Scoring Key.
3. In addition to the primary scores, there are features in the codified law that may enhance or inhibit the implementation of a law. These factors are listed for the policy area to which they apply.
4. Generally scores are provided for policy area variables by grade level (i.e., elementary, middle, and high school).

\*Enhancing and inhibiting factors are features in the codified law that may enhance or inhibit implementation of law. The enhancing and inhibiting factors are listed for the policy area to which it applies.

# C.L.A.S.S. PERSPCS SCORING KEY

## Physical Education (PE) Time Requirements

**Note:** The italicized text in parenthesis provides the variable names in the C.L.A.S.S. Data Set.

### Physical Education (PE) Time Requirements – Elementary School (ES)

*Variable name in data set: (TIMEES2)*

|                                       |  |
|---------------------------------------|--|
| <b>Score</b>                          | <b>Description:</b> The Physical Education (PE) Time Requirements score reflects the degree to which state law addresses the amount of PE instruction with respect to the National Association for Sport and Physical Education (NASPE) recommended standard at the ES grade level.  |
| 5                                     | State requires public school districts to provide PE for a minimum of 150 minutes per week (or the equivalent in credit(s) based on the Carnegie unit).*   |
| 4                                     | State requires public school districts to provide PE for a minimum of 90 minutes per week but less than 150 minutes per week (or the equivalent in credit(s) based on the Carnegie unit).*   |
| 3                                     | State requires public school districts to provide PE for a minimum 60 minutes per week but less than 90 minutes per week (or the equivalent in credit(s) based on the Carnegie unit).*   |
| 2                                     | State requires public school districts to provide PE for less than 60 minutes per week; or state requires PE without a specified time requirement.   |
| 1                                     | State only recommends a PE time requirement for public school districts; or state requirement for physical activity includes an option for PE.   |
| 0                                     | No PE time requirement or recommendation.  |
| <b>Enhancing / Inhibiting Factors</b> | <p><b>Description:</b> These are features in the codified law that may enhance or inhibit implementation of PE Time Requirement policies at the ES grade level, and are coded as:<br/> “1” in data set if the factor applies<br/> “0” if it does not apply<br/> “999” if it was not scored for that particular year</p> <p><u>Potential Enhancement factor (TimeBonusES):</u> Applies if state specifies <i>daily</i> participation in PE</p> <p><u>Potential Inhibiting factor (TimePenES):</u> Applies if state permits substitution for PE based on a course or activity; <i>or</i> if state specifies that PE instruction is not required for the full school year.</p> <p><u>Potential Inhibiting Factor (ComboPenES):</u> Applies if state allows for a combination of Physical Activity (PA) and PE to meet PE time requirement.</p> <p><u>Potential Inhibiting Factor (TimePenDisES):</u> Applies if state allows exemption from PE based on medical or disability</p> |

|  |
|--|
| Potential Inhibiting Factor ( <i>TimeSuspendES</i> ): Applies if state suspended PE time requirements at any time during the calendar year *new 2020 |
|--|

|   |
|---|
| <b>*FOR PE TIME REQUIREMENT VARIABLE (ALL GRADES):</b> If state does not specify the value of a credit, 1.0 credit unit of PE instruction is equivalent to 120 hour/year of PE instruction. |
|---|

*Decision rules:*

**Physical Activity v. Physical Education:** PE and PA time requirements should be coded individually.

**Combination Physical Activity/Physical Education Time Requirements:** Provisions that combine time requirements for PA and PE (e.g., Mississippi, Virginia, and Texas) are “weaker” than express time requirements for either PE or PA. The ComboPen PE time requirement inhibiting factor was created to distinguish this situation from a straight time requirement provision in order to allow qualification of combined PE and PA time requirement laws at the modeling and data analysis phase.

It is possible for a state to require PA as part of the PE time requirement. In these cases, both the PE and PA time requirements are coded separately, and the ComboPen is coded. (See, e.g., West's F.S.A. § 1003.455)

**Non-Conventional Time Requirements:** Provisions that specify a certain number of days a week that PE must meet are coded as a level 3 if the number of days is significant. Such provisions provide for greater specificity in the amount of time that PE will be held, without stating a determinable amount of minutes. Example: 8 NYCRR 135.4. All secondary pupils shall have the opportunity for regular physical education, but not less than three times per week in one semester and two times per week in the other semester. (3/24/2015)

**Substitutions:** Exemptions for medical or religious purposes will not be considered equivalent to a substitution.

A provision that allows for substitutions may include the following:

- Interscholastic, Olympic, or other competitive athletics
- Cheerleading
- Marching band
- Junior ROTC
- Commercially-sponsored physical activity programs
- Passing the physical fitness assessment and waiving the PE requirement

**Note on TimePen** (added April 2015):

Laws that allow waiver of *any* school board requirements (see IL example below), or else generally allow students to pass *any* course by demonstrating proficiency, are not included here. This inhibiting factor captures whether or not the state specifically allows for substitution of PE.

Example: 23 Ill. Adm. Code 5/2-3.25g: (b) Notwithstanding any other provisions of this School Code or any other law of this State to the contrary, eligible applicants may petition the State Board of Education for the waiver or modification of the mandates of this School Code or of the administrative rules and regulations promulgated by the State Board of Education.

**Timesuspend**

In response to COVID virtual learning, many states chose to suspend PE time and related PE requirements during the public health emergency. In order to provide the most accurate information, this data includes codified law, executive orders, and official department of education memos.

It's not enough for the governor to allow ANY agency to waive ANY item with a request. This is too generic and untraceable to code for this purpose.

Ex: MO Executive Order 20-04

10. Any executive agency, board, commission, or department, not specifically mentioned herein may submit a written request to the Office of the Governor to temporarily waive any statutory requirement or administrative rule under their purview in order to best serve public health and safety during the period of the emergency and subsequent recovery period. Such suspensions shall be effective upon written approval by the Office of the Governor.

However, if an executive order specifically allowed for the Department of Education to waive requirements, that language was coded based on what types of requirements could potentially be waived. Sometimes, these were written in terms of specific statutory chapters. Other times they were written based on instructional material.

Ex. NJ Executive Order 117- would be coded only for anything cited in Title 6A

1. Notwithstanding the provisions of any law to the contrary, the Commissioner of Education is authorized and empowered to waive, suspend, or modify any existing rules within Title 6A of the New Jersey Administrative Code, where the enforcement of which would be detrimental to the public welfare during this emergency, for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management and the Commissioner of the Department of Health. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

MS Executive Order 1460- would be coded for all suspension variables

That, pursuant to Miss. Code Ann. sec. 33-15-31, 33-15-11(b)(9) and 33-15-11(c)(1), the Mississippi State Board of Education is authorized and empowered to suspend the provisions of any regulatory statutes and to make, amend, and rescind such orders, rules and regulations that it deems necessary to assist Mississippi public schools to cope with the COVID-19 emergency including granting and implementing appropriate flexibility and waivers from mandatory testing and accountability necessary to achieve completion of essential grade-level instruction for the 2019-2020 school year.

**Note on waiver of number of school days:**

Every state has a minimum required number of school days. In many cases during COVID, this requirement was waived in some way, shape, or form. However, waiving the number of days does not necessarily equate to suspending PE policies. For example, if two days per week of PE are required, it does not necessarily follow that PE would be what was cut. In order to code a PE time suspension, either the DOE had to be given broad authority to waive any requirement OR PE would have to specifically be mentioned.

## Physical Education (PE) Time Requirements – Middle School (MS)

Variable name in data set: (TIMEMS2)

|                                       |   |
|---------------------------------------|---|
| <b>Score</b>                          | <b>Description:</b> The Physical Education (PE) Time Requirements score reflects the degree to which state law addresses the amount of PE instruction with respect to the National Association for Sport and Physical Education (NASPE) recommended standard at the MS grade level.   |
| 5                                     | State requires school districts to provide PE for a minimum of 225 minutes per week (or the equivalent in credit(s) based on the Carnegie unit).*   |
| 4                                     | State requires public school districts to provide PE for a minimum 150 minutes per week but less than 225 minutes per week (or the equivalent in credit(s) based on the Carnegie unit).*  |
| 3                                     | State requires public school districts to provide PE for a minimum of 90 minutes per week but less than 150 minutes per week (or the equivalent in credit(s) based on the Carnegie unit).*  |
| 2                                     | State requires public school districts to provide PE for less than 90 minutes per week; or state requires PE without a specified time requirement.  |
| 1                                     | State only recommends a PE time requirement for public school districts; or state requirement for physical activity includes an option for PE.  |
| 0                                     | No PE time requirement or recommendation.   |
| <b>Enhancing / Inhibiting Factors</b> | <p><b>Description:</b> These are features in the codified law that may enhance or inhibit implementation of PE Time Requirement policies at the MS grade level, and are coded as:<br/> “1” in data set if the factor applies<br/> “0” if it does not apply<br/> “999” if it was not scored for that particular year</p> <p><u>Potential Enhancement factor (TimeBonusMS):</u> Applies if state specifies <i>daily</i> participation in PE.</p> <p><u>Potential Inhibiting factor (TimePenMS):</u> Applies if state permits substitution for PE based on a course or activity; <i>or</i> if state specifies that PE instruction is not required for the full school year.</p> <p><u>Potential Inhibiting Factor (ComboPenMS):</u> Applies if state allows for a combination of Physical Activity (PA) and PE to meet PE time requirement.</p> <p><u>Potential Inhibiting Factor (TimePenDisMS):</u> Applies if state allows exemption from PE based on medical or disability</p> <p><u>Potential Inhibiting Factor (TimeSuspendMS):</u> Applies if state suspended PE time requirements at any time during the calendar year *new 2020</p> |

**\*FOR PE TIME REQUIREMENT VARIABLE (ALL GRADES):** If state does not specify the value of a credit, 1.0 credit unit of PE instruction is equivalent to 120 hour/year of PE instruction.

*Decision rules:*

**Physical Activity v. Physical Education:** PE and PA time requirements should be coded individually.



**Combination Physical Activity/Physical Education Time Requirements:** Provisions that combine time requirements for PA and PE (e.g., Mississippi, Virginia, and Texas) are “weaker” than express time requirements for either PE or PA. The ComboPen PE time requirement inhibiting factor was created to distinguish this situation from a straight time requirement provision in order to allow qualification of combined PE and PA time requirement laws at the modeling and data analysis phase.

It is possible for a state to require PA as part of the PE time requirement. In these cases, both the PE and PA time requirements are coded separately, and the ComboPen is coded. (See, e.g., West's F.S.A. § 1003.455)

**Non-Conventional Time Requirements:** Provisions that specify a certain number of days a week that PE must meet are coded as a level 3 if the number of days is significant. Such provisions provide for greater specificity in the amount of time that PE will be held, without stating a determinable amount of minutes. Example: 8 NYCRR 135.4. All secondary pupils shall have the opportunity for regular physical education, but not less than three times per week in one semester and two times per week in the other semester. (3/24/2015)

**Substitutions:** Exemptions for medical or religious purposes will not be considered equivalent to a substitution.

A provision that allows for substitutions may include the following:

- Interscholastic, Olympic, or other competitive athletics
- Cheerleading
- Marching band
- Junior ROTC
- Commercially-sponsored physical activity programs
- Passing the physical fitness assessment and waiving the PE requirement

**Note on TimePen** (added April 2015):

Laws that allow waiver of *any* school board requirements (see IL example below), or else generally allow students to pass *any* course by demonstrating proficiency, are not included here. This inhibiting factor captures whether or not the state specifically allows for substitution of PE.

Example: 23 Ill. Adm. Code 5/2-3.25g: (b) Notwithstanding any other provisions of this School Code or any other law of this State to the contrary, eligible applicants may petition the State Board of Education for the waiver or modification of the mandates of this School Code or of the administrative rules and regulations promulgated by the State Board of Education.

### **Timesuspend**

In response to COVID virtual learning, many states chose to suspend PE time and related PE requirements during the public health emergency. In order to provide the most accurate information, this data includes codified law, executive orders, and official department of education memos.

It's not enough for the governor to allow ANY agency to waive ANY item with a request. This is too generic and untraceable to code for this purpose.

Ex: MO Executive Order 20-04

10. Any executive agency, board, commission, or department, not specifically mentioned herein may submit a written request to the Office of the Governor to temporarily waive any statutory requirement or administrative rule under their purview in order to best serve public health and safety during the period of the emergency and subsequent recovery period. Such suspensions shall be effective upon written approval by the Office of the Governor.

However, if an executive order specifically allowed for the Department of Education to waive requirements, that language was coded based on what types of requirements could potentially be waived. Sometimes, these were written in terms of specific statutory chapters. Other times they were written based on instructional material.

Ex. NJ Executive Order 117- would be coded only for anything cited in Title 6A

1. Notwithstanding the provisions of any law to the contrary, the Commissioner of Education is authorized and empowered to waive, suspend, or modify any existing rules within Title 6A of the New Jersey Administrative Code, where the enforcement of which would be detrimental to the public welfare during this emergency, for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management and the Commissioner of the Department of Health. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

MS Executive Order 1460- would be coded for all suspension variables

That, pursuant to Miss. Code Ann. sec. 33–15–31, 33–15–11(b)(9) and 33–15–11(c)(1), the Mississippi State Board of Education is authorized and empowered to suspend the provisions of any regulatory statutes and to make, amend, and rescind such orders, rules and regulations that it deems necessary to assist Mississippi public schools to cope with the COVID-19 emergency including granting and implementing appropriate flexibility and waivers from mandatory testing and accountability necessary to achieve completion of essential grade-level instruction for the 2019–2020 school year.

**Note on waiver of number of school days:**

Every state has a minimum required number of school days. In many cases during COVID, this requirement was waived in some way, shape, or form. However, waiving the number of days does not necessarily equate to suspending PE policies. For example, if two days per week of PE are required, it does not necessarily follow that PE would be what was cut. In order to code a PE time suspension, either the DOE had to be given broad authority to waive any requirement OR PE would have to specifically be mentioned.

## Physical Education (PE) Time Requirements – High School (HS)

Variable name in data set: (TIMEHS2)

|                                       |   |
|---------------------------------------|---|
| <b>Score</b>                          | <b>Description:</b> The Physical Education (PE) Time Requirements score reflects the degree to which state law addresses the amount of PE instruction with respect to the National Association for Sport and Physical Education (NASPE) recommended standard at the HS grade level.   |
| 5                                     | State requires school districts to provide PE for a minimum of 225 minutes per week (or the equivalent in credit(s) based on the Carnegie unit).*   |
| 4                                     | State requires public school districts to provide PE for a minimum 150 minutes per week but less than 225 minutes per week (or the equivalent in credit(s) based on the Carnegie unit).*  |
| 3                                     | State requires public school districts to provide PE for a minimum of 90 minutes per week but less than 150 minutes per week (or the equivalent in credit(s) based on the Carnegie unit).*  |
| 2                                     | State requires public school districts to provide PE for less than 90 minutes per week; or state requires PE without a specified time requirement.  |
| 1                                     | State only recommends a PE time requirement for public school districts; or state requirement for physical activity includes an option for PE.  |
| 0                                     | No PE time requirement or recommendation.   |
| <b>Enhancing / Inhibiting Factors</b> | <p><b>Description:</b> These are features in the codified law that may enhance or inhibit implementation of PE Time Requirement policies at the HS grade level, and are coded as:<br/> “1” in data set if the factor applies<br/> “0” if it does not apply<br/> “999” if it was not scored for that particular year</p> <p><u>Potential Enhancement factor (TimeBonusHS):</u> Applies if state specifies <i>daily</i> participation in PE.</p> <p><u>Potential Inhibiting factor (TimePenHS):</u> Applies if state permits substitution for PE based on a course or activity; <i>or</i> if state specifies that PE instruction is not required for the full school year.</p> <p><u>Potential Inhibiting Factor (ComboPenHS):</u> Applies if state allows for a combination of Physical Activity (PA) and PE to meet PE time requirement.</p> <p><u>Potential Inhibiting Factor (TimePenDisHS):</u> Applies if state allows exemption from PE based on medical or disability</p> <p><u>Potential Inhibiting Factor (TimeSuspendHS):</u> Applies if state suspended PE time requirements at any time during the calendar year *new 2020</p> |

**\*FOR PE TIME REQUIREMENT VARIABLE (ALL GRADES):** If state does not specify the value of a credit, 1.0 credit unit of PE instruction is equivalent to 120 hour/year of PE instruction.

Decision rules:

**Physical Activity v. Physical Education:** PE and PA time requirements should be coded individually.

**Combination Physical Activity/Physical Education Time Requirements:** Provisions that combine time requirements for PA and PE (e.g., Mississippi, Virginia, and Texas) are “weaker” than express time requirements for either PE or PA. The ComboPen PE time requirement inhibiting factor was created to distinguish this situation from a straight time requirement provision in order to allow qualification of combined PE and PA time requirement laws at the modeling and data analysis phase.

It is possible for a state to require PA as part of the PE time requirement. In these cases, both the PE and PA time requirements are coded separately, and the ComboPen is coded. (See, e.g., West's F.S.A. § 1003.455)

**Non-Conventional Time Requirements:** Provisions that specify a certain number of days a week that PE must meet are coded as a level 3 if the number of days is significant. Such provisions provide for greater specificity in the amount of time that PE will be held, without stating a determinable amount of minutes. Example: 8 NYCRR 135.4. All secondary pupils shall have the opportunity for regular physical education, but not less than three times per week in one semester and two times per week in the other semester. (3/24/2015)

**Substitutions:** Exemptions for medical or religious purposes will not be considered equivalent to a substitution.

A provision that allows for substitutions may include the following:

- Interscholastic, Olympic, or other competitive athletics
- Cheerleading
- Marching band
- Junior ROTC
- Commercially-sponsored physical activity programs
- Passing the physical fitness assessment and waiving the PE requirement

**Converting Time Units:** SPCS coding is based on a 36-week school year. If total minutes/hours are not given in weekly amounts, then calculate the total minutes hours to convert to weekly amounts. For example, if 200 minutes is required for every 10 school days, divide the 10 school days in half to get 100 minutes per week. If 8,100 minutes is required for a year, divide by 36 weeks to get 225 minutes per week. For situations where one credit of Physical Education is assigned for the entire four years of high school the total minutes per week need to then be divided by four.

**Converting Credits to Time Units:** The conversion of credits to minutes per week using the Carnegie definition applies to laws that specify credits without any reference to time units. If a state has a law that indicates a time unit for PE and another law that indicates number of credits, then the law with the time unit prevails for rating purposes.

**1/2 Carnegie Unit** (\*If state does not specify the value of a credit 1.0 credit unit of PE instruction is equivalent to 120 hour/year of PE instruction, so ½ credit=60 hours/year). 60 hrs/yr=3600 min/yr=3600/36 weeks=**100 minutes/week**

**High School Requirements:** The amount and unit of measurement (credits, periods, hours, minutes) as it appears in the law will be recorded on the rating sheet. Conversion to a standard unit of measurement will be conducted later.

**Physical Education/Health Combined:** If the credit or time requirement for PE is combined with health and there is no further breakdown, then the total credit or time requirement is divided in half for PE. For example, if 1.5 credits in PE/Health are required for high school graduation, then the credit requirement for PE is .75 credits. (4/21/05)

## **Timesuspend**

In response to COVID virtual learning, many states chose to suspend PE time and related PE requirements during the public health emergency. In order to provide the most accurate information, this data includes codified law, executive orders, and official department of education memos.

It's not enough for the governor to allow ANY agency to waive ANY item with a request. This is too generic and untraceable to code for this purpose.

Ex: MO Executive Order 20-04

10. Any executive agency, board, commission, or department, not specifically mentioned herein may submit a written request to the Office of the Governor to temporarily waive any statutory requirement or administrative rule under their purview in order to best serve public health and safety during the period of the emergency and subsequent recovery period. Such suspensions shall be effective upon written approval by the Office of the Governor.

However, if an executive order specifically allowed for the Department of Education to waive requirements, that language was coded based on what types of requirements could potentially be waived. Sometimes, these were written in terms of specific statutory chapters. Other times they were written based on instructional material.

Ex. NJ Executive Order 117- would be coded only for anything cited in Title 6A

1. Notwithstanding the provisions of any law to the contrary, the Commissioner of Education is authorized and empowered to waive, suspend, or modify any existing rules within Title 6A of the New Jersey Administrative Code, where the enforcement of which would be detrimental to the public welfare during this emergency, for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management and the Commissioner of the Department of Health. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

MS Executive Order 1460- would be coded for all suspension variables

That, pursuant to Miss. Code Ann. sec. 33-15-31, 33-15-11(b)(9) and 33-15-11(c)(1), the Mississippi State Board of Education is authorized and empowered to suspend the provisions of any regulatory statutes and to make, amend, and rescind such orders, rules and regulations that it deems necessary to assist Mississippi public schools to cope with the COVID-19 emergency including granting and implementing appropriate flexibility and waivers from mandatory testing and accountability necessary to achieve completion of essential grade-level instruction for the 2019-2020 school year.

**Note on waiver of number of school days:**

Every state has a minimum required number of school days. In many cases during COVID, this requirement was waived in some way, shape, or form. However, waiving the number of days does not necessarily equate to suspending PE policies. For example, if two days per week of PE are required, it does not necessarily follow that PE would be what was cut. In order to code a PE time suspension, either the DOE had to be given broad authority to waive any requirement OR PE would have to specifically be mentioned.

## Physical Activity (PA) Time Requirements

**Note:** The italicized texts in parenthesis are the variable names in the C.L.A.S.S. Data Set.

### Physical Activity (PA) Time Requirements – Elementary School (ES)

*Variable name in data set: (PATIMEES)*

| Score  | <b>Description:</b> The Physical Activity (PA) Time Requirements score reflects the degree to which state law addresses the amount of PA occurring in schools and may or may not include time allocated for PE and other activities during the school day at the ES grade level.   |
|--|--|
| 5  | State requires school districts provide PA for a minimum of 150 minutes per week.  |
| 4  | State requires school districts provide PA for a minimum of 90 minutes per week but less than 150 minutes per week.  |
| 3  | State requires school districts provide PA for a minimum 60 minutes per week but less than 90 minutes per week.  |
| 2  | State requires school districts provide PA for less than 60 minutes per week; or state requires PA without a specified time requirement.   |
| 1  | State only recommends a PA time requirement.   |
| 0  | No PA requirement or recommendation.   |
| 999  | State law not scored for years 2003-2007   |
| <b>Enhancing/<br/>Inhibiting<br/>Factors</b> | <p><b>Description:</b> These are features in the codified law that may enhance or inhibit implementation of PA Time Requirement policies at the ES grade level, and are coded as:<br/> “1” in data set if the factor applies<br/> “0” if it does not apply<br/> “999” if it was not scored for that particular year</p> <p><u>Potential Enhancement factor (PAtimeBonES):</u> Applies if state specifies daily participation in PA.</p> <p><u>Potential Enhancement factor (CSPAPES):</u> Applies if state references the CDC Comprehensive School Physical Activity Program *new 2016</p> <p><u>Potential Inhibiting Factor (PAtimesuspendES):</u> Applies if state suspended PA time requirements at any time during the calendar year *new 2020</p> |

*Decision rules:*

**Physical Activity v. Physical Education:** PE and PA time requirements should be coded individually.

**Combination Physical Activity/Physical Education Time Requirements:** Provisions that combine time requirements for PA and PE (e.g., Mississippi, Virginia, and Texas) are “weaker” than express time requirements for either PE or PA. The ComboPen PE time requirement inhibiting factor was created to distinguish this situation from a straight time requirement provision in order to allow qualification of combined PE and PA time requirement laws at the modeling and data analysis phase.

It is possible for a state to require PA as part of the PE time requirement. In these cases, both the PE and PA time requirements are coded separately, and the ComboPen is coded. (See, e.g., West's F.S.A. § 1003.455)

**Types of physical activity provisions seen.** Laws that encourage PA knowledge, skills, and abilities, but do not meet the threshold for recommended/encouraged time requirement (e.g., New York) are not coded. Provisions that name PA as an education benchmark receive credit as a recommendation (e.g., Montana).

**Physical activity provisions included in wellness council/committee laws.** Not coded as PA time requirements unless they clearly recommend/require committee to address participation in PA during the school day. (See, e.g., RI Gen.Laws 1956, § 16-21-28)

## **PA timesuspend**

In response to COVID virtual learning, many states chose to suspend PE time and related PE requirements during the public health emergency. In order to provide the most accurate information, this data includes codified law, executive orders, and official department of education memos.

It's not enough for the governor to allow ANY agency to waive ANY item with a request. This is too generic and untraceable to code for this purpose.

Ex: MO Executive Order 20-04

10. Any executive agency, board, commission, or department, not specifically mentioned herein may submit a written request to the Office of the Governor to temporarily waive any statutory requirement or administrative rule under their purview in order to best serve public health and safety during the period of the emergency and subsequent recovery period. Such suspensions shall be effective upon written approval by the Office of the Governor.

However, if an executive order specifically allowed for the Department of Education to waive requirements, that language was coded based on what types of requirements could potentially be waived. Sometimes, these were written in terms of specific statutory chapters. Other times they were written based on instructional material.

Ex. NJ Executive Order 117- would be coded only for anything cited in Title 6A

1. Notwithstanding the provisions of any law to the contrary, the Commissioner of Education is authorized and empowered to waive, suspend, or modify any existing rules within Title 6A of the New Jersey Administrative Code, where the enforcement of which would be detrimental to the public welfare during this emergency, for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management and the Commissioner of the Department of Health. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

MS Executive Order 1460- would be coded for all suspension variables



That, pursuant to Miss. Code Ann. sec. 33–15–31, 33–15–11(b)(9) and 33–15–11(c)(1), the Mississippi State Board of Education is authorized and empowered to suspend the provisions of any regulatory statutes and to make, amend, and rescind such orders, rules and regulations that it deems necessary to assist Mississippi public schools to cope with the COVID-19 emergency including granting and implementing appropriate flexibility and waivers from mandatory testing and accountability necessary to achieve completion of essential grade-level instruction for the 2019–2020 school year.

**Note on waiver of number of school days:**

Every state has a minimum required number of school days. In many cases during COVID, this requirement was waived in some way, shape, or form. However, waiving the number of days does not necessarily equate to suspending PE policies. For example, if two days per week of PE are required, it does not necessarily follow that PE would be what was cut. In order to code a PA time suspension, either the DOE had to be given broad authority to waive any requirement OR PA would have to specifically be mentioned.

## Physical Activity (PA) Time Requirements – Middle School (MS)

Variable name in data set: (PATIMEMS)

|                                       |   |
|---------------------------------------|---|
| <b>Score</b>                          | <b>Description:</b> The Physical Activity (PA) Time Requirements score reflects the degree to which state law addresses the amount of PA occurring in schools and may or may not include time allocated for PE and other activities during the school day at the MS grade level.  |
| 5                                     | State requires school districts provide PA for a minimum of 225 minutes per week.   |
| 4                                     | State requires school districts provide PA for a minimum of 150 minutes per week but less than 225 minutes per week.  |
| 3                                     | State requires school districts provide PA for a minimum 90 minutes per week but less than 150 minutes per week.  |
| 2                                     | State requires school districts provide PA for less than 90 minutes per week; or state requires PA without a specified time requirement.  |
| 1                                     | State only recommends a PA time requirement.  |
| 0                                     | No PA time requirement or recommendation.   |
| 999                                   | State law not scored for years 2003-2007  |
| <b>Enhancing / Inhibiting Factors</b> | <p><b>Description:</b> These are features in the codified law that may enhance or inhibit implementation of PA Time Requirement policies at the MS grade level, and are coded as:<br/> “1” in data set if the factor applies<br/> “0” if it does not apply<br/> “999” if it was not scored for that particular year</p> <p><u>Potential Enhancement factor (PTimeBonMS):</u> Applies if state specifies daily participation in PA.</p> <p><u>Potential Enhancement factor (CSPAPMS):</u> Applies if state references the CDC Comprehensive School Physical Activity Program *new 2016</p> <p><u>Potential Inhibiting Factor (PAtimesuspendMS):</u> Applies if state suspended PA time requirements at any time during the calendar year *new 2020</p> |

### Decision rules:

**Physical Activity v. Physical Education:** PE and PA time requirements should be coded individually.

**Combination Physical Activity/Physical Education Time Requirements:** Provisions that combine time requirements for PA and PE (e.g., Mississippi, Virginia, and Texas) are “weaker” than express time requirements for either PE or PA. The ComboPen PE time requirement inhibiting factor was created to distinguish this situation from a straight time requirement provision in order to allow qualification of combined PE and PA time requirement laws at the modeling and data analysis phase.

It is possible for a state to require PA as part of the PE time requirement. In these cases, both the PE and PA time requirements are coded separately, and the ComboPen is coded. (See, e.g., West's F.S.A. § 1003.455)

**Types of physical activity provisions seen.** Laws that encourage PA knowledge, skills, and abilities, but do not meet the threshold for recommended/encouraged time requirement (e.g., New York) are not coded. Provisions that name PA as an education benchmark receive credit as a recommendation (e.g., Montana).

**Physical activity provisions included in wellness council/committee laws.** Not coded as PA time requirements unless they clearly recommend/require committee to address participation in PA during the school day. (See, e.g., RI Gen. Laws 1956, § 16-21-28)

## **PA timesuspend**

In response to COVID virtual learning, many states chose to suspend PE time and related PE requirements during the public health emergency. In order to provide the most accurate information, this data includes codified law, executive orders, and official department of education memos.

It's not enough for the governor to allow ANY agency to waive ANY item with a request. This is too generic and untraceable to code for this purpose.

Ex: MO Executive Order 20-04

10. Any executive agency, board, commission, or department, not specifically mentioned herein may submit a written request to the Office of the Governor to temporarily waive any statutory requirement or administrative rule under their purview in order to best serve public health and safety during the period of the emergency and subsequent recovery period. Such suspensions shall be effective upon written approval by the Office of the Governor.

However, if an executive order specifically allowed for the Department of Education to waive requirements, that language was coded based on what types of requirements could potentially be waived. Sometimes, these were written in terms of specific statutory chapters. Other times they were written based on instructional material.

Ex. NJ Executive Order 117- would be coded only for anything cited in Title 6A

1. Notwithstanding the provisions of any law to the contrary, the Commissioner of Education is authorized and empowered to waive, suspend, or modify any existing rules within Title 6A of the New Jersey Administrative Code, where the enforcement of which would be detrimental to the public welfare during this emergency, for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management and the Commissioner of the Department of Health. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

MS Executive Order 1460- would be coded for all suspension variables

That, pursuant to Miss. Code Ann. sec. 33-15-31, 33-15-11(b)(9) and 33-15-11(c)(1), the Mississippi State Board of Education is authorized and empowered to suspend the provisions of any regulatory statutes and to make, amend, and rescind such orders, rules and regulations that it deems necessary to assist Mississippi public schools to cope with the COVID-19 emergency including granting and implementing appropriate flexibility and waivers from mandatory testing and accountability necessary to achieve completion of essential grade-level instruction for the 2019-2020 school year.

**Note on waiver of number of school days:**

Every state has a minimum required number of school days. In many cases during COVID, this requirement was waived in some way, shape, or form. However, waiving the number of days does not necessarily equate to suspending PE policies. For example, if two days per week of PE are required, it does not necessarily follow that PE would be what was cut. In order to code a PA time suspension, either the DOE had to be given broad authority to waive any requirement OR PA would have to specifically be mentioned.

## Physical Activity (PA) Time Requirements – High School (HS)

Variable name in data set: (PATIMEHS)

|                                       |  |
|---------------------------------------|--|
| <b>Score</b>                          | <b>Description:</b> The Physical Activity (PA) Time Requirements score reflects the degree to which state law addresses the amount of PA occurring in schools and may or may not include time allocated for PE and other activities during the school day at the HS grade level.   |
| 5                                     | State requires school districts provide PA for a minimum of 225 minutes per week.  |
| 4                                     | State requires school districts provide PA for a minimum of 150 minutes per week but less than 225 minutes per week.   |
| 3                                     | State requires school districts provide PA for a minimum 90 minutes per week but less than 150 minutes per week.   |
| 2                                     | State requires school districts provide PA for less than 90 minutes per week; or state requires PA without a specified time requirement.   |
| 1                                     | State only recommends a PA time requirement.   |
| 0                                     | No PA time requirement or recommendation.  |
| 999                                   | State law not scored for years 2003-2007   |
| <b>Enhancing / Inhibiting Factors</b> | <p><b>Description:</b> These are features in the codified law that may enhance or inhibit implementation of PA Time Requirement policies at the HS grade level, and are coded as:<br/> “1” in data set if the factor applies<br/> “0” if it does not apply<br/> “999” if it was not scored for that particular year</p> <p><u>Potential Enhancement factor (PATimeBonHS):</u> Applies if state specifies daily participation in PA.</p> <p><u>Potential Enhancement factor (CSPAPHS):</u> Applies if state references the CDC Comprehensive School Physical Activity Program *new 2016</p> <p><u>Potential Inhibiting Factor (PAtimesuspendHS):</u> Applies if state suspended PA time requirements at any time during the calendar year *new 2020</p> |

Decision rules:

**Physical Activity v. Physical Education:** PE and PA time requirements should be coded individually.

**Combination Physical Activity/Physical Education Time Requirements:** Provisions that combine time requirements for PA and PE (e.g., Mississippi, Virginia, and Texas) are “weaker” than express time requirements for either PE or PA. The ComboPen PE time requirement inhibiting factor was created to distinguish this situation from a straight time requirement provision in order to allow qualification of combined PE and PA time requirement laws at the modeling and data analysis phase.

It is possible for a state to require PA as part of the PE time requirement. In these cases, both the PE and PA time requirements are coded separately, and the ComboPen is coded. (See, e.g., West’s

**Types of physical activity provisions seen.** Laws that encourage PA knowledge, skills, and abilities, but do not meet the threshold for recommended/encouraged time requirement (e.g., New York) are not coded. Provisions that name PA as an education benchmark receive credit as a recommendation (e.g., Montana).

**Physical activity provisions included in wellness council/committee laws.** Not coded as PA time requirements unless they clearly recommend/require committee to address participation in PA during the school day. (See, e.g., RI Gen. Laws 1956, § 16-21-28)

### **PA timesuspend**

In response to COVID virtual learning, many states chose to suspend PE time and related PE requirements during the public health emergency. In order to provide the most accurate information, this data includes codified law, executive orders, and official department of education memos.

It's not enough for the governor to allow ANY agency to waive ANY item with a request. This is too generic and untraceable to code for this purpose.

Ex: MO Executive Order 20-04

10. Any executive agency, board, commission, or department, not specifically mentioned herein may submit a written request to the Office of the Governor to temporarily waive any statutory requirement or administrative rule under their purview in order to best serve public health and safety during the period of the emergency and subsequent recovery period. Such suspensions shall be effective upon written approval by the Office of the Governor.

However, if an executive order specifically allowed for the Department of Education to waive requirements, that language was coded based on what types of requirements could potentially be waived. Sometimes, these were written in terms of specific statutory chapters. Other times they were written based on instructional material.

Ex. NJ Executive Order 117- would be coded only for anything cited in Title 6A

1. Notwithstanding the provisions of any law to the contrary, the Commissioner of Education is authorized and empowered to waive, suspend, or modify any existing rules within Title 6A of the New Jersey Administrative Code, where the enforcement of which would be detrimental to the public welfare during this emergency, for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management and the Commissioner of the Department of Health. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

MS Executive Order 1460- would be coded for all suspension variables

That, pursuant to Miss. Code Ann. sec. 33-15-31, 33-15-11(b)(9) and 33-15-11(c)(1), the Mississippi State Board of Education is authorized and empowered to suspend the provisions of any regulatory statutes and to make, amend, and rescind such orders, rules and regulations that it deems necessary to assist Mississippi public schools to cope with the COVID-19 emergency including granting and

implementing appropriate flexibility and waivers from mandatory testing and accountability necessary to achieve completion of essential grade-level instruction for the 2019–2020 school year.

**Note on waiver of number of school days:**

Every state has a minimum required number of school days. In many cases during COVID, this requirement was waived in some way, shape, or form. However, waiving the number of days does not necessarily equate to suspending PE policies. For example, if two days per week of PE are required, it does not necessarily follow that PE would be what was cut. In order to code a PA time suspension, either the DOE had to be given broad authority to waive any requirement OR PA would have to specifically be mentioned.

## Physical Education (PE) Staffing Requirements

**Note:** The italicized texts in parenthesis are the variable names in the C.L.A.S.S. Data Set.

### Physical Education (PE) Staffing Requirements – Elementary School (ES)

*Variable name in data set: (STAFES2)*

|                                       |  |
|---------------------------------------|--|
| <b>Score</b>                          | <b>Description:</b> The Physical Education (PE) Staffing Requirements score reflects the degree to which state law addresses the educational degree and certification requirements for PE teachers with respect to the National Association for Sport and Physical Education (NASPE) recommended standard at the ES grade level.   |
| 4                                     | State offers certification / licensure /endorsement to teach PE and requires a college major (or a minimum of 30 credit hours) in PE (to fulfill certification / licensure/ endorsement requirement or otherwise).   |
| 3                                     | State offers certification / licensure / endorsement to teach PE and requires a college minor (or a minimum of 15 credit hours) in PE (to fulfill certification / licensure / endorsement requirement or otherwise).   |
| 2                                     | State offers certification / licensure / endorsement to teach PE and requires preparation that is less rigorous than a college minor (e.g., less than 15 credit hours) in PE (to fulfill certification / licensure / endorsement requirement or otherwise).  |
| 1                                     | State only recommends certification / licensure / endorsement) and an academic degree in PE to teach PE.   |
| 0                                     | No requirement or recommendation for PE teachers.  |
| <b>Enhancing / Inhibiting Factors</b> | <p><b>Description:</b> These are features in the codified law that may enhance or inhibit implementation of PE Staffing Requirement policies at the ES grade level, and are coded as:<br/>           “1” in data set if the factor applies<br/>           “0” if it does not apply<br/>           “999” if it was not scored for that particular year</p> <p><u>Inhibiting factor (StafPenES):</u> Applies if teacher qualifications apply to most but not all districts (e.g., not applicable to districts that regularly employ fewer than 20 teachers).</p> |

#### *Decision rules:*

**Major in PE:** If a provision indicates a minimum of 30 credits in a PE-related subject is required, then it is equivalent to a major in PE. Less than 30 credits would be considered less than a major in PE. If it is unclear as to what, if any, PE-related education is required, then it may be necessary to browse the surrounding sections of regulations addressing teacher qualifications.

**Minor in PE:** If a provision indicates a minimum of 15 credits in a PE-related subject is required, then it is equivalent to a minor in PE. Less than 15 credits would be considered less than a minor in PE.

**Unspecified Education:** If a provision requires a teacher preparation program for PE licensing but does not specify any number of credits, then the rating assigned would be rated as less than a minor.



**All-Grade PE Credential:** A license that is required to teach PE across all grade levels (e.g., K-12) means that a teacher who wishes to teach PE in both elementary school and high school during the same school year is required to have the all-grade PE credential. An elementary teacher is not required to have a PE credential if the elementary grade level (e.g., K-5) is not indicated under the PE credentialing requirements. If the state addresses only the all-grade requirement for PE credentialing, and not each grade level individually, then the all-grade requirement will be rated. (4/14/05)

**Universal Requirement:** If a provision states that all teachers in the state must hold a valid certification to teach but does not specify requirements for PE, then the provision will be rated as required and less than a minor in PE. (4/20/05)

**Initial vs. Add-On:** If a state addresses requirements for both an initial and an add-on PE credential, then the initial requirements will be rated. If a state addresses requirements for only an add-on credential, and not an initial credential, then the add-on credential will be rated. (5/11/05)

**Majority of Teaching is PE:** If a provision states that all personnel who teach PE for the majority of their class assignments (e.g., 3 out of 5 classes) must have the PE endorsement, then the provision will be rated as required and the number of credits will be determined. (05/11/05)

If the law requires the major “or its equivalent” without reference to a number of credit hours, it is coded as requiring the major. “Or its equivalent” will not require a downgrade. (2014)

## Physical Education (PE) Staffing Requirements – Middle School (MS)

Variable name in data set: (STAFMS2)

|                                       |  |
|---------------------------------------|--|
| <b>Score</b>                          | <b>Description:</b> The Physical Education (PE) Staffing Requirements score reflects the degree to which state law addresses the educational degree and certification requirements for PE teachers with respect to the National Association for Sport and Physical Education (NASPE) recommended standard at the MS grade level.   |
| 4                                     | State offers certification / licensure /endorsement to teach PE and requires a college major (or a minimum of 30 credit hours) in PE (to fulfill certification / licensure/ endorsement requirement or otherwise).   |
| 3                                     | State offers certification / licensure / endorsement to teach PE and requires a college minor (or a minimum of 15 credit hours) in PE (to fulfill certification / licensure / endorsement requirement or otherwise).   |
| 2                                     | State offers certification / licensure / endorsement to teach PE and requires preparation that is less rigorous than a college minor (e.g., less than 15 credit hours) in PE (to fulfill certification / licensure / endorsement requirement or otherwise).  |
| 1                                     | State only recommends certification / licensure / endorsement) and an academic degree in PE to teach PE.   |
| 0                                     | No requirement or recommendation for PE teachers.  |
| <b>Enhancing / Inhibiting Factors</b> | <p><b>Description:</b> These are features in the codified law that may enhance or inhibit implementation of PE Staffing Requirement policies at the MS grade level, and are coded as:<br/> “1” in data set if the factor applies<br/> “0” if it does not apply<br/> “999” if it was not scored for that particular year</p> <p><u>Inhibiting factor (StafPenMS):</u> Applies if teacher qualifications apply to most but not all districts (e.g., not applicable to districts that regularly employ fewer than 20 teachers).</p> |

### Decision rules:

**Major in PE:** If a provision indicates a minimum of 30 credits in a PE-related subject is required, then it is equivalent to a major in PE. Less than 30 credits would be considered less than a major in PE. If it is unclear as to what, if any, PE-related education is required, then it may be necessary to browse the surrounding sections of regulations addressing teacher qualifications.

**Minor in PE:** If a provision indicates a minimum of 15 credits in a PE-related subject is required, then it is equivalent to a minor in PE. Less than 15 credits would be considered less than a minor in PE.

**Unspecified Education:** If a provision requires a teacher preparation program for PE licensing but does not specify any number of credits, then the rating assigned would be rated as less than a minor.

**All-Grade PE Credential:** A license that is required to teach PE across all grade levels (e.g., K-12) means that a teacher who wishes to teach PE in both elementary school and high school during the same school year is required to have the all-grade PE credential. An elementary teacher is not required to have a PE credential if the elementary grade level (e.g., K-5) is not indicated under the PE credentialing requirements.

If the state addresses only the all-grade requirement for PE credentialing, and not each grade level individually, then the all-grade requirement will be rated. (4/14/05)

**Universal Requirement:** If a provision states that all teachers in the state must hold a valid certification to teach but does not specify requirements for PE, then the provision will be rated as required and less than a minor in PE. (4/20/05)

**Initial vs. Add-On:** If a state addresses requirements for both an initial and an add-on PE credential, then the initial requirements will be rated. If a state addresses requirements for only an add-on credential, and not an initial credential, then the add-on credential will be rated. (5/11/05)

**Majority of Teaching is PE:** If a provision states that all personnel who teach PE for the majority of their class assignments (e.g., 3 out of 5 classes) must have the PE endorsement, then the provision will be rated as required and the number of credits will be determined. (05/11/05)

If the law requires the major “or its equivalent” without reference to a number of credit hours, it is coded as requiring the major. “Or its equivalent” will not require a downgrade. (2014)

## Physical Education (PE) Staffing Requirements – High School (HS)

Variable name in data set: (STAFHS2)

|                                       |  |
|---------------------------------------|--|
| <b>Score</b>                          | <b>Description:</b> The Physical Education (PE) Staffing Requirements score reflects the degree to which state law addresses the educational degree and certification requirements for PE teachers with respect to the National Association for Sport and Physical Education (NASPE) recommended standard at the HS grade level.   |
| 4                                     | State offers certification / licensure /endorsement to teach PE and requires a college major (or a minimum of 30 credit hours) in PE (to fulfill certification / licensure/ endorsement requirement or otherwise).   |
| 3                                     | State offers certification / licensure / endorsement to teach PE and requires a college minor (or a minimum of 15 credit hours) in PE (to fulfill certification / licensure / endorsement requirement or otherwise).   |
| 2                                     | State offers certification / licensure / endorsement to teach PE and requires preparation that is less rigorous than a college minor (e.g., less than 15 credit hours) in PE (to fulfill certification / licensure / endorsement requirement or otherwise).  |
| 1                                     | State only recommends certification / licensure / endorsement) and an academic degree in PE to teach PE.   |
| 0                                     | No requirement or recommendation for PE teachers.  |
| <b>Enhancing / Inhibiting Factors</b> | <p><b>Description:</b> These are features in the codified law that may enhance or inhibit implementation of PE Staffing Requirement policies at the HS grade level, and are coded as:<br/> “1” in data set if the factor applies<br/> “0” if it does not apply<br/> “999” if it was not scored for that particular year</p> <p><u>Inhibiting factor (StafPenHS):</u> Applies if teacher qualifications apply to most but not all districts (e.g., not applicable to districts that regularly employ fewer than 20 teachers).</p> |

### Decision rules:

**Major in PE:** If a provision indicates a minimum of 30 credits in a PE-related subject is required, then it is equivalent to a major in PE. Less than 30 credits would be considered less than a major in PE. If it is unclear as to what, if any, PE-related education is required, then it may be necessary to browse the surrounding sections of regulations addressing teacher qualifications.

**Minor in PE:** If a provision indicates a minimum of 15 credits in a PE-related subject is required, then it is equivalent to a minor in PE. Less than 15 credits would be considered less than a minor in PE.

**Unspecified Education:** If a provision requires a teacher preparation program for PE licensing but does not specify any number of credits, then the rating assigned would be rated as less than a minor.

**All-Grade PE Credential:** A license that is required to teach PE across all grade levels (e.g., K-12) means that a teacher who wishes to teach PE in both elementary school and high school during the same school year is required to have the all-grade PE credential. An elementary teacher is not required to have a PE credential if the elementary grade level (e.g., K-5) is not indicated under the PE credentialing requirements.

If the state addresses only the all-grade requirement for PE credentialing, and not each grade level individually, then the all-grade requirement will be rated. (4/14/05)

**Universal Requirement:** If a provision states that all teachers in the state must hold a valid certification to teach but does not specify requirements for PE, then the provision will be rated as required and less than a minor in PE. (4/20/05)

**Initial vs. Add-On:** If a state addresses requirements for both an initial and an add-on PE credential, then the initial requirements will be rated. If a state addresses requirements for only an add-on credential, and not an initial credential, then the add-on credential will be rated. (5/11/05)

**Majority of Teaching is PE:** If a provision states that all personnel who teach PE for the majority of their class assignments (e.g., 3 out of 5 classes) must have the PE endorsement, then the provision will be rated as required and the number of credits will be determined. (05/11/05)

If the law requires the major “or its equivalent” without reference to a number of credit hours, it is coded as requiring the major. “Or its equivalent” will not require a downgrade. (2014)

## Physical Education (PE) Curriculum Standards

**Note:** The italicized texts in parenthesis are the variable names in the C.L.A.S.S. Data Set.

### Physical Education (PE) Curriculum Standards – Elementary School (ES)

*Variable name in data set: (STANES)*

|                                       |  |
|---------------------------------------|--|
| <b>Score</b>                          | <b>Description:</b> The Physical Education (PE) Curriculum Standards Score reflects the degree to which state law addresses the PE curriculum requirements with respect to the National Association for Sport and Physical Education (NASPE) recommended standard at the ES grade level.   |
| 4                                     | State standards are required for PE that address student knowledge of physical activity, behavioral and motor skills, and health-related fitness; or state requires ES to meet national standards that include such components.  |
| 3                                     | State standards are required for PE that address student knowledge of physical activity, behavioral and motor skills, or health-related fitness, but not all such components.  |
| 2                                     | State standards are required, but by reference to a curriculum framework (or the equivalent) only, but curriculum framework is not fully incorporated into codified law.   |
| 1                                     | State only recommends curriculum standards /guidelines for PE.   |
| 0                                     | No requirement or recommendation for PE curriculum.  |
| <b>Enhancing / Inhibiting Factors</b> | <p><b>Description:</b> These are features in the codified law that may enhance or inhibit implementation of PE Curriculum Standard policies at the ES grade level, and are coded as:<br/> “1” in data set if the factor applies<br/> “0” if it does not apply<br/> “999” if it was not scored for that particular year</p> <p><u>Potential enhancement factor (<i>stanref</i>):</u> Applies if state references and incorporates curriculum standards from either: 1. National Association for Sport and Physical Education (NASPE); OR 2. A specific state agency; OR 3. Other organization curriculum standards.</p> <p><u>Potential enhancement factor (<i>adaptstan</i>):</u> <i>New 2019</i> Applies if state addresses adapted PE within general PE standards or has adopted stand-alone adapted PE standards/Guidelines</p> |

*Decision rules:*

**Related Terms:** Curriculum standards also are referred in the law as curriculum framework, curriculum manual, or curriculum guidelines.

**Curriculum Components:** In order to receive the highest rating in this category, the law must address all three components of PE curriculum: 1) knowledge of physical activity, 2) motor skills, and 3) health-related fitness.

**Existence of Standards:** When there is a complete articulation of the types of knowledge, skills, and fitness abilities that students will achieve or instruction will be provided, then curriculum standards exist. For example, CA is not completely articulated and WV is completely articulated.

**National Association for Sport and Physical Education (NASPE) Standards:** NASPE PE standards are considered the gold standard for PE policies. Therefore, if a state requires compliance with NASPE standards, the law is coded as a 4 for curriculum.

Because NASPE standards also require regular physical activity, where a state requires compliance with NASPE standards, it receives a (2) for an undefined PA time requirement.

**NASPE Standards are as follows:**

**Standard 1:**

Demonstrates competency in motor skills and movement patterns needed to perform a variety of physical activities.

**Standard 2:**

Demonstrates understanding of movement concepts, principles, strategies, and tactics as they apply to the learning and performance of physical activities.

**Standard 3:**

Participates regularly in physical activity.

**Standard 4:**

Achieves and maintains a health-enhancing level of physical fitness.

**Standard 5:**

Exhibits responsible personal and social behavior that respects self and others in physical activity settings.

**Standard 6:**

Values physical activity for health, enjoyment, challenge, self-expression, and/or social interaction.

*(Moving into the Future: National Standards for Physical Education, 2nd Edition)*

## Physical Education (PE) Curriculum Standards –Middle School (MS)

Variable name in data set: (STANMS)

|                                       |   |
|---------------------------------------|---|
| <b>Score</b>                          | <b>Description:</b> The Physical Education (PE) Curriculum Standards Score reflects the degree to which state law addresses the PE curriculum requirements with respect to the National Association for Sport and Physical Education (NASPE) recommended standards at the MS grade level.   |
| 4                                     | State standards are required for PE that address student knowledge of physical activity, behavioral and motor skills, and health-related fitness; or state requires MS to meet national standards that include such components.   |
| 3                                     | State standards are required for PE that address student knowledge of physical activity, behavioral and motor skills, or health-related fitness, but not all such components.   |
| 2                                     | State standards are required, but by reference to a curriculum framework (or the equivalent) only.  |
| 1                                     | State only recommends curriculum standards /guidelines for PE.  |
| 0                                     | No requirement or recommendation for PE curriculum.   |
| <b>Enhancing / Inhibiting Factors</b> | <p><b>Description:</b> These are features in the codified law that may enhance or inhibit implementation of PE Curriculum Standard policies at the MS grade level, and are coded as:<br/> “1” in data set if the factor applies<br/> “0” if it does not apply<br/> “999” if it was not scored for that particular year</p> <p><u>Potential Enhancement Factor (stanref):</u> Applies if state references curriculum standards from either: 1. National Association for Sport and Physical Education (NASPE); OR 2. A specific state agency; OR 3. Other organization curriculum standards.</p> <p><u>Potential enhancement factor (adaptstan):</u> <i>New 2019</i> Applies if state addresses adapted PE within general PE standards or has adopted stand-alone adapted PE standards/Guidelines</p> |

*Decision rules:*

**Related Terms:** Curriculum standards also are referred in the law as curriculum framework, curriculum manual, or curriculum guidelines.

**Curriculum Components:** In order to receive the highest rating in this category, the law must address all three components of PE curriculum: 1) knowledge of physical activity, 2) motor skills, and 3) health-related fitness.

**Existence of Standards:** When there is a complete articulation of the types of knowledge, skills, and fitness abilities that students will achieve or instruction will be provided, then curriculum standards exist. For example, CA is not completely articulated and WV is completely articulated.

**National Association for Sport and Physical Education (NASPE) Standards:** NASPE PE standards are considered the gold standard for PE policies. Therefore, if a state requires compliance with NASPE standards, the law is coded as a 4 for curriculum.



Because NASPE standards also require regular physical activity, where a state requires compliance with NASPE standards, it receives a (2) for an undefined PA time requirement.

**NASPE Standards are as follows:**

**Standard 1:**

Demonstrates competency in motor skills and movement patterns needed to perform a variety of physical activities.

**Standard 2:**

Demonstrates understanding of movement concepts, principles, strategies, and tactics as they apply to the learning and performance of physical activities.

**Standard 3:**

Participates regularly in physical activity.

**Standard 4:**

Achieves and maintains a health-enhancing level of physical fitness.

**Standard 5:**

Exhibits responsible personal and social behavior that respects self and others in physical activity settings.

**Standard 6:**

Values physical activity for health, enjoyment, challenge, self-expression, and/or social interaction.

*(Moving into the Future: National Standards for Physical Education, 2nd Edition)*

## Physical Education (PE) Curriculum Standards –High School (HS)

Variable name in data set: (STANHS)

|                                       |  |
|---------------------------------------|--|
| <b>Score</b>                          | <b>Description:</b> The Physical Education (PE) Curriculum Standards score reflects the degree to which state law addresses the PE curriculum requirements with respect to the National Association for Sport and Physical Education (NASPE) recommended standards at the HS grade level.  |
| 4                                     | State standards are required for PE that address student knowledge of physical activity, behavioral and motor skills, and health-related fitness; or state requires HS to meet national standards that include such components.  |
| 3                                     | State standards are required for PE that address student knowledge of physical activity, behavioral and motor skills, or health-related fitness, but not all such components.  |
| 2                                     | State standards are required, but by reference to a curriculum framework (or the equivalent) only.   |
| 1                                     | State only recommends curriculum standards /guidelines for PE.   |
| 0                                     | No requirement or recommendation for PE curriculum.  |
| <b>Enhancing / Inhibiting Factors</b> | <p><b>Description:</b> These are features in the codified law that may enhance or inhibit implementation of PE Curriculum Standard policies at the HS grade level, and are Coded as:<br/> “1” in data set if the factor applies<br/> “0” if it does not apply<br/> “999” if it was not scored for that particular year</p> <p><u>Potential Enhancement Factor (stanref):</u> Applies if state references curriculum standards from either: 1. National Association for Sport and Physical Education (NASPE); OR 2. A specific state agency; OR 3. Other organization curriculum standards.</p> <p><u>Potential enhancement factor (adaptstan):</u> New 2019 Applies if state addresses adapted PE within general PE standards or has adopted stand-alone adapted PE standards/Guidelines</p> |

*Decision rules:*

**Related Terms:** Curriculum standards also are referred in the law as curriculum framework, curriculum manual, or curriculum guidelines.

**Curriculum Components:** In order to receive the highest rating in this category, the law must address all three components of PE curriculum: 1) knowledge of physical activity, 2) motor skills, and 3) health-related fitness.

**Existence of Standards:** When there is a complete articulation of the types of knowledge, skills, and fitness abilities that students will achieve or instruction will be provided, then curriculum standards exist. For example, CA is not completely articulated and WV is completely articulated.

**National Association for Sport and Physical Education (NASPE) Standards:** NASPE PE standards are considered the gold standard for PE policies. Therefore, if a state requires compliance with NASPE standards, the law is coded as a 4 for curriculum.

Because NASPE standards also require regular physical activity, where a state requires compliance with NASPE standards, it receives a (2) for an undefined PA time requirement.

**NASPE Standards are as follows:**

**Standard 1:**

Demonstrates competency in motor skills and movement patterns needed to perform a variety of physical activities.

**Standard 2:**

Demonstrates understanding of movement concepts, principles, strategies, and tactics as they apply to the learning and performance of physical activities.

**Standard 3:**

Participates regularly in physical activity.

**Standard 4:**

Achieves and maintains a health-enhancing level of physical fitness.

**Standard 5:**

Exhibits responsible personal and social behavior that respects self and others in physical activity settings.

**Standard 6:**

Values physical activity for health, enjoyment, challenge, self-expression, and/or social interaction.

*(Moving into the Future: National Standards for Physical Education, 2nd Edition)*

## Physical Education (PE) Assessment of Health-Related Fitness

Note: The italicized texts in parenthesis are the variable names in the C.L.A.S.S. Data files (MS Excel, SPSS).

### Physical Education (PE) Assessment of Health-Related Fitness – Elementary School (ES)

Variable name in data set: (*ASSEES2*)

|                                       |  |
|---------------------------------------|--|
| <b>Score</b>                          | <b>Description:</b> The Physical Education (PE) Assessment of Health-Related Fitness score reflects the degree to which state law requires assessment of student fitness (i.e., cardiovascular endurance, muscle strength and endurance, flexibility, and body composition) with respect to the National Association for Sport and Physical Education (NASPE) recommended standard at the ES grade level.  |
| 4                                     | State requires public school districts to have students participate in an annual (or more frequent) standardized fitness test that addresses cardiovascular endurance, muscular strength, muscular endurance, flexibility, and body composition.   |
| 3                                     | State requires public school districts to have students participate in a standardized fitness test more than once, but not annually, that addresses cardiovascular endurance, muscular strength, muscular endurance, flexibility, and body composition.  |
| 2                                     | State requires public school districts to have students participate in a standardized health-related fitness test at least once in ES, with or without specified fitness test components.  |
| 1                                     | State only recommends health-related fitness testing.  |
| 0                                     | No requirement or recommendation for health-related fitness assessment.  |
| <b>Enhancing / Inhibiting Factors</b> | <p><b>Description:</b> These are features in the codified law that may enhance or inhibit implementation of Assessment of Health-Related Fitness policies at the ES grade level, and are coded as:<br/> “1” in data set if the factor applies<br/> “0” if it does not apply<br/> “999” if it was not scored for that particular year</p> <p><u>Potential Enhancement factor (<i>AssBonusES</i>):</u> applies if state (e.g., state education agency) requires a report on results of such testing.</p> <p><u>Potential Inhibiting factor (<i>AsPenES</i>):</u> applies if fitness test is required for only a portion of students in appropriate grades.</p> <p><u>Potential Inhibiting Factor (<i>assesuspendES</i>):</u> Applies if state suspended assessment requirements at any time during the calendar year *new 2020</p> |

#### *Decision rules:*

**Assessment Components:** If a provision specifies that the physical fitness assessment includes all of the following components: cardiovascular endurance, muscular strength, muscular endurance, flexibility, and body composition, or specifies that the test to be administered is the Fitnessgram or the Presidential Physical Fitness Test, then the provision will be rated as including all of the necessary components.

State Specific (Wisconsin): only assess aerobic fitness, therefore only receives a score of (2).

## **assesuspend**

In response to COVID virtual learning, many states chose to suspend PE time and related PE requirements during the public health emergency. In order to provide the most accurate information, this data includes codified law, executive orders, and official department of education memos.

It's not enough for the governor to allow ANY agency to waive ANY item with a request. This is too generic and untraceable to code for this purpose.

Ex: MO Executive Order 20-04

10. Any executive agency, board, commission, or department, not specifically mentioned herein may submit a written request to the Office of the Governor to temporarily waive any statutory requirement or administrative rule under their purview in order to best serve public health and safety during the period of the emergency and subsequent recovery period. Such suspensions shall be effective upon written approval by the Office of the Governor.

However, if an executive order specifically allowed for the Department of Education to waive requirements, that language was coded based on what types of requirements could potentially be waived. Sometimes, these were written in terms of specific statutory chapters. Other times they were written based on instructional material.

Ex. NJ Executive Order 117- would be coded only for anything cited in Title 6A

1. Notwithstanding the provisions of any law to the contrary, the Commissioner of Education is authorized and empowered to waive, suspend, or modify any existing rules within Title 6A of the New Jersey Administrative Code, where the enforcement of which would be detrimental to the public welfare during this emergency, for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management and the Commissioner of the Department of Health. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

MS Executive Order 1460- would be coded for all suspension variables

That, pursuant to Miss. Code Ann. sec. 33-15-31, 33-15-11(b)(9) and 33-15-11(c)(1), the Mississippi State Board of Education is authorized and empowered to suspend the provisions of any regulatory statutes and to make, amend, and rescind such orders, rules and regulations that it deems necessary to assist Mississippi public schools to cope with the COVID-19 emergency including granting and implementing appropriate flexibility and waivers from mandatory testing and accountability necessary to achieve completion of essential grade-level instruction for the 2019-2020 school year.

### **Note on state assessments:**

During the 2019-2020 school year, the federal government waived all federal mandated assessments under ESSA (e.g. reading, math, science). Fitness assessments are regulated under state law. Any reference to "all federal assessments" will not include coding of assesuspend.

**Physical Education (PE) Assessment of Health-Related Fitness – Middle School (MS)**

*Variable name in data set: (ASSEMS2)*

|                                       |   |
|---------------------------------------|---|
| <b>Score</b>                          | <b>Description:</b> The Physical Education (PE) Assessment of Health-Related Fitness Score reflects the degree to which state law requires assessment of student fitness (i.e., cardiovascular endurance, muscle strength and endurance, flexibility, and body composition) with respect to the National Association for Sport and Physical Education (NASPE) recommended standard at the MS grade level.   |
| 4                                     | State requires public school districts to have students participate in an annual (or more frequent) standardized fitness test that addresses cardiovascular endurance, muscular strength, muscular endurance, flexibility, and body composition (or a standard fitness test that includes such components).   |
| 3                                     | State requires public school districts to have students participate in a standardized fitness test more than once, but not annually, that addresses cardiovascular endurance, muscular strength, muscular endurance, flexibility, and body composition (or a standard fitness test that includes such components).  |
| 2                                     | State requires public school districts to have students participate in a health-related standardized fitness test at least once in MS, with or without specified fitness test components.   |
| 1                                     | State only recommends health-related fitness testing.   |
| 0                                     | No requirement or recommendation for health-related fitness assessment.   |
| <b>Enhancing / Inhibiting Factors</b> | <p><b>Description:</b> These are features in the codified law that may enhance or inhibit implementation of Assessment of Health-Related Fitness policies at the MS grade level, and are coded as:<br/> “1” in data set if the factor applies<br/> “0” if it does not apply<br/> “999” if it was not scored for that particular year</p> <p><u>Potential Enhancement factor (AssBonusMS):</u> applies if state (e.g., state education agency) requires a report on results of such testing.</p> <p><u>Potential Inhibiting factor (AsPenMS):</u> applies if fitness test is required for only a portion of students in appropriate grades.</p> <p><u>Potential Inhibiting Factor (assesuspendMS):</u> Applies if state suspended assessment requirements at any time during the calendar year *new 2020</p> |

*Decision rules:*

**Assessment Components:** If a provision specifies that the physical fitness assessment includes all of the following components: cardiovascular endurance, muscular strength, muscular endurance, flexibility, and body composition, or specifies that the test to be administered is the Fitnessgram or the Presidential Physical Fitness Test, then the provision will be rated as including all of the necessary components.

State Specific (Wisconsin): only assess aerobic fitness, therefore only receives a score of (2).

## **assesuspend**

In response to COVID virtual learning, many states chose to suspend PE time and related PE requirements during the public health emergency. In order to provide the most accurate information, this data includes codified law, executive orders, and official department of education memos.

It's not enough for the governor to allow ANY agency to waive ANY item with a request. This is too generic and untraceable to code for this purpose.

Ex: MO Executive Order 20-04

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However, if an executive order specifically allowed for the Department of Education to waive requirements, that language was coded based on what types of requirements could potentially be waived. Sometimes, these were written in terms of specific statutory chapters. Other times they were written based on instructional material.

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1. Notwithstanding the provisions of any law to the contrary, the Commissioner of Education is authorized and empowered to waive, suspend, or modify any existing rules within Title 6A of the New Jersey Administrative Code, where the enforcement of which would be detrimental to the public welfare during this emergency, for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management and the Commissioner of the Department of Health. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

MS Executive Order 1460- would be coded for all suspension variables

That, pursuant to Miss. Code Ann. sec. 33-15-31, 33-15-11(b)(9) and 33-15-11(c)(1), the Mississippi State Board of Education is authorized and empowered to suspend the provisions of any regulatory statutes and to make, amend, and rescind such orders, rules and regulations that it deems necessary to assist Mississippi public schools to cope with the COVID-19 emergency including granting and implementing appropriate flexibility and waivers from mandatory testing and accountability necessary to achieve completion of essential grade-level instruction for the 2019-2020 school year.

### **Note on state assessments:**

During the 2019-2020 school year, the federal government waived all federal mandated assessments under ESSA (e.g. reading, math, science). Fitness assessments are regulated under state law. Any reference to "all federal assessments" will not include coding of assesuspend.

**Physical Education (PE) Assessment of Health-Related Fitness – High School (HS)**

Variable name in data set: (ASSEHS2)

|                                       |   |
|---------------------------------------|---|
| <b>Score</b>                          | <b>Description:</b> The Physical Education (PE) Assessment of Health-Related Fitness Score reflects the degree to which state law requires assessment of student fitness (i.e., cardiovascular endurance, muscle strength and endurance, flexibility, and body composition) with respect to the National Association for Sport and Physical Education (NASPE) recommended standard at the HS grade level.   |
| 4                                     | State requires public school districts to have students participate in an annual (or more frequent) standardized fitness test that addresses cardiovascular endurance, muscular strength, muscular endurance, flexibility, and body composition (or a standard fitness test that includes such components).   |
| 3                                     | State requires public school districts to have students participate in a standardized fitness test more than once, but not annually, that addresses cardiovascular endurance, muscular strength, muscular endurance, flexibility, and body composition (or a standard fitness test that includes such components).  |
| 2                                     | State requires public school districts to have students participate in a health-related standardized fitness test at least once in HS, with or without specified fitness test components.   |
| 1                                     | State only recommends health-related fitness testing.   |
| 0                                     | No requirement or recommendation for health-related fitness assessment.   |
| <b>Enhancing / Inhibiting Factors</b> | <p><b>Description:</b> These are features in the codified law that may enhance or inhibit implementation of Assessment of Health-Related Fitness policies at the HS grade level, and are coded as:<br/>         “1” in data set if the factor applies<br/>         “0” if it does not apply<br/>         “999” if it was not scored for that particular year</p> <p><u>Potential Enhancement factor (AssBonusHS):</u> applies if state (e.g., state education agency) requires a report on results of such testing.</p> <p><u>Potential Inhibiting factor (AsPenHS):</u> applies if fitness test is required for only a portion of students in appropriate grades.</p> <p><u>Potential Inhibiting Factor (assesuspendHS):</u> Applies if state suspended assessment requirements at any time during the calendar year *new 2020</p> |

*Decision rules:*

**Assessment Components:** If a provision specifies that the physical fitness assessment includes all of the following components: cardiovascular endurance, muscular strength, muscular endurance, flexibility, and body composition, or specifies that the test to be administered is the Fitnessgram or the Presidential Physical Fitness Test, then the provision will be rated as including all of the necessary components.

State Specific (Wisconsin): only assess aerobic fitness, therefore only receives a score of (2).



## **assesuspend**

In response to COVID virtual learning, many states chose to suspend PE time and related PE requirements during the public health emergency. In order to provide the most accurate information, this data includes codified law, executive orders, and official department of education memos.

It's not enough for the governor to allow ANY agency to waive ANY item with a request. This is too generic and untraceable to code for this purpose.

Ex: MO Executive Order 20-04

10. Any executive agency, board, commission, or department, not specifically mentioned herein may submit a written request to the Office of the Governor to temporarily waive any statutory requirement or administrative rule under their purview in order to best serve public health and safety during the period of the emergency and subsequent recovery period. Such suspensions shall be effective upon written approval by the Office of the Governor.

However, if an executive order specifically allowed for the Department of Education to waive requirements, that language was coded based on what types of requirements could potentially be waived. Sometimes, these were written in terms of specific statutory chapters. Other times they were written based on instructional material.

Ex. NJ Executive Order 117- would be coded only for anything cited in Title 6A

1. Notwithstanding the provisions of any law to the contrary, the Commissioner of Education is authorized and empowered to waive, suspend, or modify any existing rules within Title 6A of the New Jersey Administrative Code, where the enforcement of which would be detrimental to the public welfare during this emergency, for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management and the Commissioner of the Department of Health. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

MS Executive Order 1460- would be coded for all suspension variables

That, pursuant to Miss. Code Ann. sec. 33-15-31, 33-15-11(b)(9) and 33-15-11(c)(1), the Mississippi State Board of Education is authorized and empowered to suspend the provisions of any regulatory statutes and to make, amend, and rescind such orders, rules and regulations that it deems necessary to assist Mississippi public schools to cope with the COVID-19 emergency including granting and implementing appropriate flexibility and waivers from mandatory testing and accountability necessary to achieve completion of essential grade-level instruction for the 2019-2020 school year.

### **Note on state assessments:**

During the 2019-2020 school year, the federal government waived all federal mandated assessments under ESSA (e.g. reading, math, science). Fitness assessments are regulated under state law. Any reference to "all federal assessments" will not include coding of assesuspend.

## Recess Time

### Recess Time – Elementary School (ES)

Variable name in data set: (RECESS)

|                                       |  |
|---------------------------------------|--|
| <b>Score</b>                          | <b>Description:</b> The Physical Education (PE) Recess Time Score reflects the degree to which state law requires recess time for physical activity outside of the PE realm with respect to the National Association for Sport and Physical Education (NASPE) recommended standard. This policy area applies only to the Elementary School (ES) grade level. |
| 4                                     | State requires public ES to provide a minimum of 30 minutes of daily recess that does not substitute for PE.   |
| 3                                     | State requires public ES to provide a minimum of 20 minutes but less than 30 minutes of daily recess that does not substitute for PE.  |
| 2                                     | State requires public ES to provide recess for less than 20 minutes per day; <i>or</i> requires recess without a time and/or frequency requirement that does not substitute for PE.  |
| 1                                     | State recommends recess.   |
| 0                                     | No requirement or recommendation.  |
| <b>Enhancing / Inhibiting Factors</b> | There are no enhancing or inhibiting factors in the codified law for this policy area.   |

#### *Decision rules:*

In the case where recess may be a substitution for physical education time requirements (e.g. ND ADC 67-19-01-35):

Recess will be coded according the provision and PE Time must also receive the inhibiting factor: Potential Inhibiting factor: *Applies if state permits substitution for PE based on a course or activity; or if state specifies that PE instruction is not required for the full school year*

## MVPA Time Requirements

**Note: The italicized text in parenthesis is the variable names in the C.L.A.S.S. Data Set.**

### **Moderate-to-Vigorous Physical Activity Time Requirements – Elementary School (ES)**

*Variable name in data set: (MVPAES)*

|   |  |
|---|--|
| <b>Score</b>                                | <b>Description:</b> The MVPA Time Requirements score reflects the degree to which state law addresses the amount of time spent in moderate-to-vigorous physical activity (MVPA) during physical education (PE) instruction with respect to the National Association for Sport and Physical Education (NASPE) recommended standard at the ES grade level and CDC School Health Guidelines and IOM report. |
| 4   | State requires at least 75 minutes of moderate-to-vigorous PA in PE class per week.  |
| 3   | State requires that at least 50% PE class time is spent in moderate-to-vigorous PA.  |
| 2   | State requires PA be of moderate-to-vigorous intensity in PE without time or percentage requirement is <50% or without specific definition.  |
| 1   | State only recommends PA be of moderate-to-vigorous intensity specifically in PE; or recommends or requires that MVPA be included in other school-based PA outside and not specifically inclusive of PE.   |
| 0   | No MVPA time requirement or recommendation.  |
| <b>Enhancing<br/>Inhibiting<br/>Factors</b> | <u>Potential Inhibiting Factor (MVPA suspendES)</u> : Applies if state suspended MPVA time requirements at any time during the calendar year *new 2020   |

#### *Decision rules:*

State either specifies minutes per week, or combines requirements for PE class time and for MVPA in PE class—this counts for time requirement. (Added July 20, 2012)

State Specific (Nevada): Nevada did not receive a score because the provisions only address 2<sup>nd</sup> and 3<sup>rd</sup> grade, which is not enough to code all elementary school.

Provisions that require a pilot program are not coded.

#### **MVPA suspend**

In response to COVID virtual learning, many states chose to suspend PE time and related PE requirements during the public health emergency. In order to provide the most accurate information, this data includes codified law, executive orders, and official department of education memos.

It's not enough for the governor to allow ANY agency to waive ANY item with a request. This is too generic and untraceable to code for this purpose.

Ex: MO Executive Order 20-04

10. Any executive agency, board, commission, or department, not specifically mentioned herein may submit a written request to the Office of the Governor to temporarily waive any statutory requirement or administrative rule under their purview in order to best serve public health and safety during the period of the emergency and subsequent recovery period. Such suspensions shall be effective upon written approval by the Office of the Governor.

However, if an executive order specifically allowed for the Department of Education to waive requirements, that language was coded based on what types of requirements could potentially be waived. Sometimes, these were written in terms of specific statutory chapters. Other times they were written based on instructional material.

Ex. NJ Executive Order 117- would be coded only for anything cited in Title 6A

1. Notwithstanding the provisions of any law to the contrary, the Commissioner of Education is authorized and empowered to waive, suspend, or modify any existing rules within Title 6A of the New Jersey Administrative Code, where the enforcement of which would be detrimental to the public welfare during this emergency, for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management and the Commissioner of the Department of Health. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

MS Executive Order 1460- would be coded for all suspension variables

That, pursuant to Miss. Code Ann. sec. 33-15-31, 33-15-11(b)(9) and 33-15-11(c)(1), the Mississippi State Board of Education is authorized and empowered to suspend the provisions of any regulatory statutes and to make, amend, and rescind such orders, rules and regulations that it deems necessary to assist Mississippi public schools to cope with the COVID-19 emergency including granting and implementing appropriate flexibility and waivers from mandatory testing and accountability necessary to achieve completion of essential grade-level instruction for the 2019-2020 school year.

**Note on MVPA requirements:**

Although *most* often MVPA is taking place during physical education- the way each requirement is structured in each state varies (some require % time, others a number of minutes, etc). States had to either specifically suspend MVPA or have previously defined MVPA as part of PE for coding (for example, in the same statutory citation or through incorporation of PE standards).

## Moderate-to-Vigorous Physical Activity Time Requirements – Middle School (MS)

Variable name in data set: (MVPAMS)

|                                     |  |
|-------------------------------------|--|
| <b>Score</b>                        | <b>Description:</b> The MVPA Time Requirements score reflects the degree to which state law addresses the amount of time spent in moderate-to-vigorous physical activity (MVPA) during physical education (PE) instruction with respect to the National Association for Sport and Physical Education (NASPE) recommended standard at the MS grade level and CDC School Health Guidelines and IOM report. |
| 4                                   | State requires at least 100 minutes of moderate-to-vigorous PA in PE class per week.   |
| 3                                   | State requires that at least 50% PE class time is spent in moderate-to-vigorous PA.  |
| 2                                   | State requires PA be of moderate-to-vigorous intensity in PE without time or percentage requirement is <50% or without specific definition.  |
| 1                                   | State only recommends PA be of moderate-to-vigorous intensity specifically in PE; or recommends or requires that MVPA be included in other school-based PA outside and not specifically inclusive of PE.   |
| 0                                   | No MVPA time requirement or recommendation.  |
| <b>Enhancing Inhibiting Factors</b> | <u>Potential Inhibiting Factor (MVPAsuspendMS):</u> Applies if state suspended MPVA time requirements at any time during the calendar year *new 2020   |

### Decision rules:

State either specifies minutes per week, or combines requirements for PE class time and for MVPA in PE class—this counts for time requirement. (Added July 20, 2012)

Provisions that require a pilot program are not coded.

### MVPAsuspend

In response to COVID virtual learning, many states chose to suspend PE time and related PE requirements during the public health emergency. In order to provide the most accurate information, this data includes codified law, executive orders, and official department of education memos.

It's not enough for the governor to allow ANY agency to waive ANY item with a request. This is too generic and untraceable to code for this purpose.

Ex: MO Executive Order 20-04

10. Any executive agency, board, commission, or department, not specifically mentioned herein may submit a written request to the Office of the Governor to temporarily waive any statutory requirement or administrative rule under their purview in order to best serve public health and safety during the period of the emergency and subsequent recovery period. Such suspensions shall be effective upon written approval by the Office of the Governor.

However, if an executive order specifically allowed for the Department of Education to waive requirements, that language was coded based on what types of requirements could potentially be waived. Sometimes, these were written in terms of specific statutory chapters. Other times they were written based on instructional material.

Ex. NJ Executive Order 117- would be coded only for anything cited in Title 6A

1. Notwithstanding the provisions of any law to the contrary, the Commissioner of Education is authorized and empowered to waive, suspend, or modify any existing rules within Title 6A of the New Jersey Administrative Code, where the enforcement of which would be detrimental to the public welfare during this emergency, for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management and the Commissioner of the Department of Health. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

MS Executive Order 1460- would be coded for all suspension variables

That, pursuant to Miss. Code Ann. sec. 33–15–31, 33–15–11(b)(9) and 33–15–11(c)(1), the Mississippi State Board of Education is authorized and empowered to suspend the provisions of any regulatory statutes and to make, amend, and rescind such orders, rules and regulations that it deems necessary to assist Mississippi public schools to cope with the COVID-19 emergency including granting and implementing appropriate flexibility and waivers from mandatory testing and accountability necessary to achieve completion of essential grade-level instruction for the 2019–2020 school year.

**Note on MVPA requirements:**

Although *most* often MVPA is taking place during physical education- the way each requirement is structured in each state varies (some require % time, others a number of minutes, etc). States had to either specifically suspend MVPA or have previously defined MVPA as part of PE for coding (for example, in the same statutory citation or through incorporation of PE standards).

## Moderate-to-Vigorous Physical Activity Time Requirements – High School (HS)

Variable name in data set: (MVP<sub>AHS</sub>)

|                                     |  |
|-------------------------------------|--|
| <b>Score</b>                        | <b>Description:</b> The MVPA Time Requirements score reflects the degree to which state law addresses the amount of time spent in moderate-to-vigorous physical activity (MVPA) during physical education (PE) instruction with respect to the National Association for Sport and Physical Education (NASPE) recommended standard at the HS grade level and CDC School Health Guidelines and IOM report. |
| 4                                   | State requires at least 100 minutes of moderate-to-vigorous PA in PE class per week.   |
| 3                                   | State requires that at least 50% PE class time is spent in moderate-to-vigorous PA.  |
| 2                                   | State requires PA be of moderate-to-vigorous intensity in PE without time or percentage requirement is <50% or without specific definition.  |
| 1                                   | State only recommends PA be of moderate-to-vigorous intensity specifically in PE; or recommends or requires that MVPA be included in other school-based PA outside and not specifically inclusive of PE.   |
| 0                                   | No MVPA time requirement or recommendation.  |
| <b>Enhancing Inhibiting Factors</b> | <u>Potential Inhibiting Factor (MVP<sub>A</sub>suspend<sub>HS</sub>):</u> Applies if state suspended MPVA time requirements at any time during the calendar year *new 2020   |

### Decision rules:

State either specifies minutes per week, or combines requirements for PE class time and for MVPA in PE class—this counts for time requirement. (Added July 20, 2012)

Provisions that require a pilot program are not coded.

### MVP<sub>A</sub>suspend

In response to COVID virtual learning, many states chose to suspend PE time and related PE requirements during the public health emergency. In order to provide the most accurate information, this data includes codified law, executive orders, and official department of education memos.

It's not enough for the governor to allow ANY agency to waive ANY item with a request. This is too generic and untraceable to code for this purpose.

Ex: MO Executive Order 20-04

10. Any executive agency, board, commission, or department, not specifically mentioned herein may submit a written request to the Office of the Governor to temporarily waive any statutory requirement or administrative rule under their purview in order to best serve public health and safety during the period of the emergency and subsequent recovery period. Such suspensions shall be effective upon written approval by the Office of the Governor.

However, if an executive order specifically allowed for the Department of Education to waive requirements, that language was coded based on what types of requirements could potentially be waived. Sometimes, these were written in terms of specific statutory chapters. Other times they were written based on instructional material.

Ex. NJ Executive Order 117- would be coded only for anything cited in Title 6A

1. Notwithstanding the provisions of any law to the contrary, the Commissioner of Education is authorized and empowered to waive, suspend, or modify any existing rules within Title 6A of the New Jersey Administrative Code, where the enforcement of which would be detrimental to the public welfare during this emergency, for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management and the Commissioner of the Department of Health. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

MS Executive Order 1460- would be coded for all suspension variables

That, pursuant to Miss. Code Ann. sec. 33–15–31, 33–15–11(b)(9) and 33–15–11(c)(1), the Mississippi State Board of Education is authorized and empowered to suspend the provisions of any regulatory statutes and to make, amend, and rescind such orders, rules and regulations that it deems necessary to assist Mississippi public schools to cope with the COVID-19 emergency including granting and implementing appropriate flexibility and waivers from mandatory testing and accountability necessary to achieve completion of essential grade-level instruction for the 2019–2020 school year.

**Note on MVPA requirements:**

Although *most* often MVPA is taking place during physical education- the way each requirement is structured in each state varies (some require % time, others a number of minutes, etc). States had to either specifically suspend MVPA or have previously defined MVPA as part of PE for coding (for example, in the same statutory citation or through incorporation of PE standards).



## Joint Use Agreement Requirement

**Note: The italicized texts in parenthesis are the variable names in the C.L.A.S.S. Data Set.**

### **Joint Use Requirement– Elementary School (ES)**

*Variable name in data set: (JNTUSEES)*

|                                       |   |
|---------------------------------------|---|
| <b>Score</b>                          | <b>Description:</b> The Joint Use Requirement score reflects the degree to which state law allows for joint use agreements between a school and a community partner with the aim of increasing access to school physical activity facilities as suggested in the CDC School Health Guidelines at the ES grade level.  |
| 4                                     | State requires a formal written agreement between schools and communities or organizations that allows access to school's recreational facilities outside of school hours and contains 3 of the following 4 criteria:<br>-- Contains provision regarding liability<br>-- Contains provision regarding fees for use<br>-- Contains provision regarding insurance coverage<br>-- Contains provisions regarding operations and management of the facility  |
| 3                                     | State requires a formal written agreement between schools and communities or organizations that allows access to school's recreational facilities outside of school hours without reference to liability, fees, insurance or operations and management.   |
| 2                                     | State requires schools to allow communities or organizations access to schools' recreational facilities outside of school hours, without a specific requirement for written agreements between the parties, or provisions regarding liability, fees, insurance, or operations and management.   |
| 1                                     | State recommends informal cooperation between schools and communities or organizations that allow access to school's recreational facilities outside of school hours, or else authorizes such cooperation, and references one or more of the following 4 criteria:<br>-- Contains provision regarding liability<br>-- Contains provision regarding fees for use<br>-- Contains provision regarding insurance coverage<br>-- Contains provisions regarding operations and management of the facility |
| 0                                     | No requirement or recommendation for a joint use agreement.   |
| <b>Enhancing / Inhibiting Factors</b> | There are no enhancing or inhibiting factors in the codified law for this policy area.  |

*Decision rules:*

Exclude laws that only discuss funding of joint use facilities (Added July 20, 2012)

Laws must specify recreational activities, not just opening up the facilities for civic duties or educational opportunities. (Added July 20, 2012)

Definitions: (Added July 20, 2012)

Formal Agreement: joint use agreement, or when the school must have a written agreement concerning access to schools' recreational facilities.

-This includes situations where a written application must be submitted along with the fee for use (Example: HI, OH) (Added October 2014)

Informal Agreement: when the state authorizes or requires schools to allow access to recreational facilities but does not specify that an agreement is required. (coded as 1)

Communities or Organizations: includes other schools, parks, for-profit or non-profit organizations; essentially any group that enters into an agreement with an elementary/middle/high school is included.

A fee, or lack thereof (i.e. allowing the property to be used for free) counts as one of the elements. (Added July 20, 2012)

Exclude laws that only discuss liability and not joint-use/access issues. (Added July 20, 2012)

State Specific (Mississippi): Provisions only addressing summer use of facilities coded as a recommendation.

If grades are not specified in the joint use variable, then we will assume that the provision applies to all grades.

## Joint Use Requirement– Middle School (MS)

Variable name in data set: (JNTUSEMS)

|                                       |   |
|---------------------------------------|---|
| <b>Score</b>                          | <b>Description:</b> The Joint Use Requirement score reflects the degree to which state law allows for joint use agreements between a school and a community partner with the aim of increasing access to school physical activity facilities as suggested in the CDC School Health Guidelines at the MS grade level.  |
| 4                                     | State requires a formal written agreement between schools and communities or organizations that allows access to school's recreational facilities outside of school hours and contains 3 of the following 4 criteria:<br>-- Contains provision regarding liability<br>-- Contains provision regarding fees for use<br>-- Contains provision regarding insurance coverage<br>-- Contains provisions regarding operations and management of the facility  |
| 3                                     | State requires a formal written agreement between schools and communities or organizations that allows access to school's recreational facilities outside of school hours without reference to liability, fees, insurance or operations and management.   |
| 2                                     | State requires schools to allow communities or organizations access to schools' recreational facilities outside of school hours, without a specific requirement for written agreements between the parties, or provisions regarding liability, fees, insurance, or operations and management.   |
| 1                                     | State recommends informal cooperation between schools and communities or organizations that allow access to school's recreational facilities outside of school hours, or else authorizes such cooperation, and references one or more of the following 4 criteria:<br>-- Contains provision regarding liability<br>-- Contains provision regarding fees for use<br>-- Contains provision regarding insurance coverage<br>-- Contains provisions regarding operations and management of the facility |
| 0                                     | No requirement or recommendation for a joint use agreement.   |
| <b>Enhancing / Inhibiting Factors</b> | There are no enhancing or inhibiting factors in the codified law for this policy area.  |

### *Decision rules:*

Exclude laws that only discuss funding of joint use facilities (Added July 20, 2012)

Laws must specify recreational activities, not just opening up the facilities for civic duties or educational opportunities. (Added July 20, 2012)

Definitions: (Added July 20, 2012)

Formal Agreement: joint use agreement, or when the school must have a written agreement concerning access to schools' recreational facilities.

-This includes situations where a written application must be submitted along with the fee for use (Example: HI, OH)

Informal Agreement: when the state authorizes or requires schools to allow access to recreational facilities but does not specify that an agreement is required. (coded as 1)  
Communities or Organizations: includes other schools, parks, for-profit or non-profit organizations; essentially any group that enters into an agreement with an elementary/middle/high school is included.

A fee, or lack thereof (i.e. allowing the property to be used for free) counts as one of the elements. (Added July 20, 2012)

Exclude laws that only discuss liability and not joint-use/access issues. (Added July 20, 2012)

State Specific (Mississippi): Provisions only addressing summer use of facilities coded as a recommendation.

If grades are not specified in the joint use variable, then we will assume that the provision applies to all grades.

## Joint Use Requirement– High School (HS)

Variable name in data set: (JNTUSEHS)

|                                       |   |
|---------------------------------------|---|
| <b>Score</b>                          | <b>Description:</b> The Joint Use Requirement score reflects the degree to which state law allows for joint use agreements between a school and a community partner with the aim of increasing access to school physical activity facilities as suggested in the CDC School Health Guidelines at the HS grade level.  |
| 4                                     | State requires a formal written agreement between schools and communities or organizations that allows access to school's recreational facilities outside of school hours and contains 3 of the following 4 criteria:<br>-- Contains provision regarding liability<br>-- Contains provision regarding fees for use<br>-- Contains provision regarding insurance coverage<br>-- Contains provisions regarding operations and management of the facility  |
| 3                                     | State requires a formal written agreement between schools and communities or organizations that allows access to school's recreational facilities outside of school hours without reference to liability, fees, insurance or operations and management.   |
| 2                                     | State requires schools to allow communities or organizations access to schools' recreational facilities outside of school hours, without a specific requirement for written agreements between the parties, or provisions regarding liability, fees, insurance, or operations and management.   |
| 1                                     | State recommends informal cooperation between schools and communities or organizations that allow access to school's recreational facilities outside of school hours, or else authorizes such cooperation, and references one or more of the following 4 criteria:<br>-- Contains provision regarding liability<br>-- Contains provision regarding fees for use<br>-- Contains provision regarding insurance coverage<br>-- Contains provisions regarding operations and management of the facility |
| 0                                     | No requirement or recommendation for a joint use agreement.   |
| <b>Enhancing / Inhibiting Factors</b> | There are no enhancing or inhibiting factors in the codified law for this policy area.  |

### *Decision rules:*

Exclude laws that only discuss funding of joint use facilities (Added July 20, 2012)

Laws must specify recreational activities, not just opening up the facilities for civic duties or educational opportunities. (Added July 20, 2012)

Definitions: (Added July 20, 2012)

Formal Agreement: joint use agreement, or when the school must have a written agreement concerning access to schools' recreational facilities.

-This includes situations where a written application must be submitted along with the fee for use (Example: HI, OH)

Informal Agreement: when the state authorizes or requires schools to allow access to recreational facilities but does not specify that an agreement is required.

Communities or Organizations: includes other schools, parks, for-profit or non-profit organizations; essentially any group that enters into an agreement with an elementary/middle/high school is included.

A fee, or lack thereof (i.e. allowing the property to be used for free) counts as one of the elements. (Added July 20, 2012)

Exclude laws that only discuss liability and not joint-use/access issues. (Added July 20, 2012)

State Specific (Mississippi): Provisions only addressing summer use of facilities coded as a recommendation.

If grades are not specified in the joint use variable, then we will assume that the provision applies to all grades.

## Physical Education (PE) Proficiency Requirement

**Note: The italicized texts in parenthesis are the variable names in the C.L.A.S.S. Data Set.**

### Physical Education (PE) Proficiency Requirement– Elementary School (ES)

*Variable name in data set: (PEPROFES)*

|                                       |   |
|---------------------------------------|---|
| <b>Score</b>                          | <b>Description:</b> The Physical Education (PE) Proficiency Requirement score reflects the degree to which state law requires PE proficiency with specific motor skills with respect to the CDC School Health Guidelines at the ES grade level.   |
| 4                                     | State requires physical education performance or proficiencies with specified skills- based learning objectives and instruction based components (i.e. diagnostic (to form a baseline of where students are before they start a learning program), formative (an ongoing part of the learning process), or summative (to determine what students have gained as a result of the learning program) assessments). |
| 3                                     | State requires physical education performance or proficiencies with specified skills- based learning objectives   |
| 2                                     | State requires physical education performance or proficiencies with a general mandate for skills-based learning objectives  |
| 1                                     | State only recommends physical education performance or proficiencies or requires PE standards without a general mandate for skills-based learning objectives.  |
| 0                                     | No requirement or recommendation for PE proficiency.  |
| <b>Enhancing / Inhibiting Factors</b> | There are no enhancing or inhibiting factors in the codified law for this policy area.  |

#### *Decision rules:*

This variable is designed to capture whether students are graded and assessed on motor skills (proficiency). This is different from ASSE which is designed to capture fitness assessments.

Do not include assessments because it is already covered in the PE-Assessments variable. (Added July 20, 2012)

If the provision recommends or requires physical education curriculum standards, without detailing specific proficiency requirements, it will also receive a score of 1 for PE Proficiencies.

State Specific (Pennsylvania): Physical education proficiencies that focus on knowledge attainment only will receive a score of 1.

State Specific (Virginia): Virginia provisions made a distinction between gaining knowledge versus comprehending/understanding. The state received a score of 3 because it required proficiencies (understanding) of the classroom-based part of physical education.

If state requires National Association for Sport and Physical Education (NASPE) standards, then it receives a score of at least a 3.

Examples:

### **Score of 1**

Mass. Gen. Laws Ann. Ch.71, § 3 (Massachusetts) Physical education shall be taught as a required subject in all grades for all students in the public schools for the purpose of promoting the physical well-being of such students. Instruction in physical education may include calisthenics, gymnastics and military drill;

### **Score of 2**

Fla. Stat. § 1003.41 (Florida) Establish the core curricular content for visual and performing arts, physical education, health, and foreign languages. Standards for these subjects must establish specific curricular content and include distinct grade level expectations for the core content knowledge and skills that a student is expected to have acquired by each individual grade level from kindergarten through grade 5. The standards for grades 6 through 12 may be organized by grade clusters of more than one grade level.

**Score of 3**—includes laws that list specific skills that students should be able to demonstrate, without saying how they will be evaluated on achievement

Alaska Admin. Code tit. 4, § 04.140 (Incorporated by reference Alaska Content Standards)

Grades 6-8 Objectives

**(Proficiency):** In middle school, grades 6-8, students further develop specialized skills within movement forms and enhance physical fitness through involvement in a variety of dual and individual modified sports and outdoor activities. Students participate in physical activities that lead to active lifestyles and lifetime wellness. Social and emotional development is enhanced through activities that require team building.

By the end of Grade 8, students will:

Standard A

**(Curriculum Standard):** Demonstrate competency in motor and movement skills needed to perform a variety of physical activities

1. **(Skills assessments)** Demonstrate competent skills for participation in modified team activities (e.g., basketball, volleyball, softball, ultimate Frisbee).
2. Demonstrate competent skills for participation in individual and dual activities (golf, Frisbee, bowling, racquet/paddle sports, Native Youth Olympics games)
3. Demonstrate competent skills for participation in non-competitive individual activities (e.g., weight training/resistance training, swimming, exercise).
4. Demonstrate competency for participation in rhythmic activities (e.g., social, folk, Native dances).
5. Demonstrate competency for participation in adventure/outdoor activities (e.g., orienteering, snowshoeing, skating).
6. Explore Alaskan cultural physical activities (e.g., Native Youth Olympics games and dances).

**Score of 4**—includes laws that list specific skills that students should be able to demonstrate, as well as how they will be evaluated on mastering the skill

Idaho Admin. Code r. 08.02.03.004 (Incorporated by reference, ID Content Standards for PE)

**Standard 3:** Valuing a Physically Active Lifestyle

Goal 3.1: Participate daily in physical activity for health, enjoyment and/or satisfaction, challenge, self-expression and/or social interaction.

Objective(s): By the end of grade 5, students will:

- 3-5.PE.3.1.1 Participate in developmentally appropriate moderate to vigorous physical activity a minimum of 33% of the lesson time (e.g., **time assessment, pedometer = 1800 steps in a 30 minute class or 60 steps per minute, etc.**).



3-5.PE.3.1.2 Participate daily in moderate to vigorous physical activity during and outside of class as recommended by NASPE, CDC, and USDHHS of at least 60 minutes or more per day (e.g., **activity logs, step count of at least 12000 steps per day, activity breaks, etc.**).

3-5.PE.3.1.3 Identify and/or make use of opportunities at school and within the community for regular participation in physical activity (e.g., **enroll in organized school activity, etc.**).

3-5.PE.3.1.4 Seek personally challenging experiences in physical activity (e.g., **sets realistic improvement goals for a greater challenge in existing activity, etc.**).

Standard 5: Personal and Social Responsibility

Goal 5.1: Exhibit responsible and social behavior that respects self and others in physical activity settings.

Objective(s): By the end of grade 5, students will:

3-5.PE.5.1.1 Identify the purposes for and follow safe practices, rules, procedures, and etiquette (e.g. **help a peer, use equipment appropriately, accept teacher decision regarding a rule infraction without blaming, etc.**).

3-5.PE.5.1.2 Work independently and cooperatively in groups to complete tasks and challenges (e.g. **develop a creative game, practice to improve performance in and out of school, team building challenges, task cards, etc.**).

3-5.PE.5.1.3 Appreciate the diversity of others by cooperating with those of a different gender, race, ethnicity, and ability (e.g. **dancing with a peer of a different gender, modify an activity for inclusion; cultural games, etc.**)

## Physical Education (PE) Proficiency Requirement– Middle School (MS)

Variable name in data set: (PEPROFMS)

|                                       |   |
|---------------------------------------|---|
| <b>Score</b>                          | <b>Description:</b> The Physical Education (PE) Proficiency Requirement score reflects the degree to which state law requires PE proficiency with specific motor skills with respect to the CDC School Health Guidelines at the MS grade level.   |
| 4                                     | State requires physical education performance or proficiencies with specified skills- based learning objectives and instruction based components (i.e. diagnostic (to form a baseline of where students are before they start a learning program), formative (an ongoing part of the learning process), or summative (to determine what students have gained as a result of the learning program) assessments). |
| 3                                     | State requires physical education performance or proficiencies with specified skills- based learning objectives   |
| 2                                     | State requires physical education performance or proficiencies with a general mandate for skills-based learning objectives  |
| 1                                     | State only recommends physical education performance or proficiencies or requires PE standards without a general mandate for skills-based learning objectives.  |
| 0                                     | No requirement or recommendation for PE proficiency.  |
| <b>Enhancing / Inhibiting Factors</b> | There are no enhancing or inhibiting factors in the codified law for this policy area.  |

### *Decision rules:*

This variable is designed to capture whether students are graded and assessed on motor skills (proficiency). This is different from ASSE which is designed to capture fitness assessments.

Do not include assessments because it is already covered in the PE-Assessments variable. (Added July 20, 2012)

If the provision recommends or requires physical education curriculum standards, without detailing proficiency specifics, it will also receive a score of 1 for PE Proficiencies.

Tennessee: coded as a 2, because the provision sets out proficiencies standards but no specifics from 2006 onwards.

State Specific (Pennsylvania): Physical education proficiencies that focus on knowledge attainment only will receive a score of 1.

State Specific (Virginia): Virginia provisions made a distinction between gaining knowledge versus comprehending/understanding. The state received a score of 3 because it required proficiencies (understanding) of the classroom-based part of physical education.

If state requires National Association for Sport and Physical Education (NASPE) standards, then it receives a score of at least a 3.

Examples:

### **Score of 1**

Mass. Gen. Laws Ann. Ch.71, § 3 (Massachusetts) Physical education shall be taught as a required subject in all grades for all students in the public schools for the purpose of promoting the physical well-being of such students. Instruction in physical education may include calisthenics, gymnastics and military drill;

### **Score of 2**

Fla. Stat. § 1003.41 (Florida) Establish the core curricular content for visual and performing arts, physical education, health, and foreign languages. Standards for these subjects must establish specific curricular content and include distinct grade level expectations for the core content knowledge and skills that a student is expected to have acquired by each individual grade level from kindergarten through grade 5. The standards for grades 6 through 12 may be organized by grade clusters of more than one grade level.

**Score of 3**—includes laws that list specific skills that students should be able to demonstrate, without saying how they will be evaluated on achievement

Alaska Admin. Code tit. 4, § 04.140 (Incorporated by reference Alaska Content Standards)

Grades 6-8 Objectives

**(Proficiency):** In middle school, grades 6-8, students further develop specialized skills within movement forms and enhance physical fitness through involvement in a variety of dual and individual modified sports and outdoor activities. Students participate in physical activities that lead to active lifestyles and lifetime wellness. Social and emotional development is enhanced through activities that require team building.

By the end of Grade 8, students will:

Standard A

**(Curriculum Standard):** Demonstrate competency in motor and movement skills needed to perform a variety of physical activities

1. **(Skills assessments)** Demonstrate competent skills for participation in modified team activities (e.g., basketball, volleyball, softball, ultimate Frisbee).
2. Demonstrate competent skills for participation in individual and dual activities (golf, Frisbee, bowling, racquet/paddle sports, Native Youth Olympics games)
3. Demonstrate competent skills for participation in non-competitive individual activities (e.g., weight training/resistance training, swimming, exercise).
4. Demonstrate competency for participation in rhythmic activities (e.g., social, folk, Native dances).
5. Demonstrate competency for participation in adventure/outdoor activities (e.g., orienteering, snowshoeing, skating).
6. Explore Alaskan cultural physical activities (e.g., Native Youth Olympics games and dances).

**Score of 4**—includes laws that list specific skills that students should be able to demonstrate, as well as how they will be evaluated on mastering the skill

Idaho Admin. Code r. 08.02.03.004 (Incorporated by reference, ID Content Standards for PE)

**Standard 3:** Valuing a Physically Active Lifestyle

Goal 3.1: Participate daily in physical activity for health, enjoyment and/or satisfaction, challenge, self-expression and/or social interaction.

Objective(s): By the end of grade 5, students will:

- 3-5.PE.3.1.1 Participate in developmentally appropriate moderate to vigorous physical activity a minimum of 33% of the lesson time (e.g., **time assessment, pedometer = 1800 steps in a 30 minute class or 60 steps per minute, etc.**).

3-5.PE.3.1.2 Participate daily in moderate to vigorous physical activity during and outside of class as recommended by NASPE, CDC, and USDHHS of at least 60 minutes or more per day (**e.g., activity logs, step count of at least 12000 steps per day, activity breaks, etc.**).

3-5.PE.3.1.3 Identify and/or make use of opportunities at school and within the community for regular participation in physical activity (**e.g., enroll in organized school activity, etc.**).

3-5.PE.3.1.4 Seek personally challenging experiences in physical activity (e.g., **sets realistic improvement goals for a greater challenge in existing activity, etc.**).

Standard 5: Personal and Social Responsibility

Goal 5.1: Exhibit responsible and social behavior that respects self and others in physical activity settings.

Objective(s): By the end of grade 5, students will:

3-5.PE.5.1.1 Identify the purposes for and follow safe practices, rules, procedures, and etiquette (**e.g. help a peer, use equipment appropriately, accept teacher decision regarding a rule infraction without blaming, etc.**).

3-5.PE.5.1.2 Work independently and cooperatively in groups to complete tasks and challenges (**e.g. develop a creative game, practice to improve performance in and out of school, team building challenges, task cards, etc.**).

3-5.PE.5.1.3 Appreciate the diversity of others by cooperating with those of a different gender, race, ethnicity, and ability (**e.g. dancing with a peer of a different gender, modify an activity for inclusion; cultural games, etc.**)

## Physical Education (PE) Proficiency Requirement– High School (HS)

Variable name in data set: (PEPROFHS)

|                                       |   |
|---------------------------------------|---|
| <b>Score</b>                          | <b>Description:</b> The Physical Education (PE) Proficiency Requirement score reflects the degree to which state law requires PE proficiency with specific motor skills with respect to the CDC School Health Guidelines at the HS grade level.   |
| 4                                     | State requires physical education performance or proficiencies with specified skills- based learning objectives and instruction based components (i.e. diagnostic (to form a baseline of where students are before they start a learning program), formative (an ongoing part of the learning process), or summative (to determine what students have gained as a result of the learning program) assessments). |
| 3                                     | State requires physical education performance or proficiencies with specified skills- based learning objectives   |
| 2                                     | State requires physical education performance or proficiencies with a general mandate for skills-based learning objectives  |
| 1                                     | State only recommends physical education performance or proficiencies or requires PE standards without a general mandate for skills-based learning objectives.  |
| 0                                     | No requirement or recommendation for PE proficiency.  |
| <b>Enhancing / Inhibiting Factors</b> | There are no enhancing or inhibiting factors in the codified law for this policy area.  |

### *Decision rules:*

This variable is designed to capture whether students are graded and assessed on motor skills (proficiency). This is different from ASSE which is designed to capture fitness assessments.

Do not include assessments because it is already covered in the PE-Assessments variable. (Added July 20, 2012)

If the provision recommends or requires physical education curriculum standards, without detailing proficiency specifics, it will also receive a score of 1 for PE Proficiencies.

Tennessee: coded as a 2, because the provision sets out proficiencies standards but no specifics from 2006 onwards.

State Specific (Pennsylvania): Physical education proficiencies that focus on knowledge attainment only will receive a score of 1.

State Specific (Virginia): Virginia provisions made a distinction between gaining knowledge versus comprehending/understanding. The state received a score of 3 because it required proficiencies (understanding) of the classroom-based part of physical education.

If state requires National Association for Sport and Physical Education (NASPE) standards, then it receives a score of at least a 3.

Examples:

### **Score of 1**

Mass. Gen. Laws Ann. Ch.71, § 3 (Massachusetts) Physical education shall be taught as a required subject in all grades for all students in the public schools for the purpose of promoting the physical well-being of such students. Instruction in physical education may include calisthenics, gymnastics and military drill;

### **Score of 2**

Fla. Stat. § 1003.41 (Florida) Establish the core curricular content for visual and performing arts, physical education, health, and foreign languages. Standards for these subjects must establish specific curricular content and include distinct grade level expectations for the core content knowledge and skills that a student is expected to have acquired by each individual grade level from kindergarten through grade 5. The standards for grades 6 through 12 may be organized by grade clusters of more than one grade level.

**Score of 3**—includes laws that list specific skills that students should be able to demonstrate, without saying how they will be evaluated on achievement

Alaska Admin. Code tit. 4, § 04.140 (Incorporated by reference Alaska Content Standards)

Grades 6-8 Objectives

**(Proficiency):** In middle school, grades 6-8, students further develop specialized skills within movement forms and enhance physical fitness through involvement in a variety of dual and individual modified sports and outdoor activities. Students participate in physical activities that lead to active lifestyles and lifetime wellness. Social and emotional development is enhanced through activities that require team building.

By the end of Grade 8, students will:

Standard A

**(Curriculum Standard):** Demonstrate competency in motor and movement skills needed to perform a variety of physical activities

1. **(Skills assessments)** Demonstrate competent skills for participation in modified team activities (e.g., basketball, volleyball, softball, ultimate Frisbee).
2. Demonstrate competent skills for participation in individual and dual activities (golf, Frisbee, bowling, racquet/paddle sports, Native Youth Olympics games)
3. Demonstrate competent skills for participation in non-competitive individual activities (e.g., weight training/resistance training, swimming, exercise).
4. Demonstrate competency for participation in rhythmic activities (e.g., social, folk, Native dances).
5. Demonstrate competency for participation in adventure/outdoor activities (e.g., orienteering, snowshoeing, skating).
6. Explore Alaskan cultural physical activities (e.g., Native Youth Olympics games and dances).

**Score of 4**—includes laws that list specific skills that students should be able to demonstrate, as well as how they will be evaluated on mastering the skill

Idaho Admin. Code r. 08.02.03.004 (Incorporated by reference, ID Content Standards for PE)

**Standard 3:** Valuing a Physically Active Lifestyle

Goal 3.1: Participate daily in physical activity for health, enjoyment and/or satisfaction, challenge, self-expression and/or social interaction.

Objective(s): By the end of grade 5, students will:

- 3-5.PE.3.1.1 Participate in developmentally appropriate moderate to vigorous physical activity a minimum of 33% of the lesson time (e.g., **time assessment, pedometer = 1800 steps in a 30 minute class or 60 steps per minute, etc.**).

3-5.PE.3.1.2 Participate daily in moderate to vigorous physical activity during and outside of class as recommended by NASPE, CDC, and USDHHS of at least 60 minutes or more per day (e.g., **activity logs, step count of at least 12000 steps per day, activity breaks, etc.**).

3-5.PE.3.1.3 Identify and/or make use of opportunities at school and within the community for regular participation in physical activity (e.g., **enroll in organized school activity, etc.**).

3-5.PE.3.1.4 Seek personally challenging experiences in physical activity (e.g., **sets realistic improvement goals for a greater challenge in existing activity, etc.**).

Standard 5: Personal and Social Responsibility

Goal 5.1: Exhibit responsible and social behavior that respects self and others in physical activity settings.

Objective(s): By the end of grade 5, students will:

3-5.PE.5.1.1 Identify the purposes for and follow safe practices, rules, procedures, and etiquette (e.g. **help a peer, use equipment appropriately, accept teacher decision regarding a rule infraction without blaming, etc.**).

3-5.PE.5.1.2 Work independently and cooperatively in groups to complete tasks and challenges (e.g. **develop a creative game, practice to improve performance in and out of school, team building challenges, task cards, etc.**).

3-5.PE.5.1.3 Appreciate the diversity of others by cooperating with those of a different gender, race, ethnicity, and ability (e.g. **dancing with a peer of a different gender, modify an activity for inclusion; cultural games, etc.**)

## Physical Education (PE) Teacher Requirement

**Note: The italicized texts in parenthesis are the variable names in the C.L.A.S.S. Data Set.**

### Physical Education (PE) Teacher Requirement– Elementary School (ES)

*Variable name in data set: (PETEACHES) \*new 2013*

|                                       |  |
|---------------------------------------|--|
| <b>Score</b>                          | <b>Description:</b> The PE Teacher Requirement score reflects the degree to which state law requires PE to be taught by a licensed/credentialed/endorsed physical education teacher. |
| 3                                     | State requires that <i>all</i> teachers be licensed/credentialed/endorsed in physical education in order to teach PE.  |
| 2                                     | State requires that <i>newly hired</i> teachers be licensed/credentialed/endorsed in physical education in order to teach PE.  |
| 1                                     | State recommends that teachers be licensed/credentialed/endorsed in physical education in order to teach PE.   |
| 0                                     | No requirement or recommendation for who teaches PE classes.   |
| <b>Enhancing / Inhibiting Factors</b> | There are no enhancing or inhibiting factors for this variable.  |

**DECISION RULES:**

PETEACHES aims to capture laws that prohibit PE classes from being taught by teachers licensed in other areas. For example, a law which makes it impossible for a math teacher to stand in as a PE teacher, instead requiring that the individual teaching the PE class is in fact licensed in that subject area.

**Score of 1: Arkansas 005 01 CARR 008**

7.10 Physical Education Instruction in Grades Kindergarten through Six (K-6):

7.10.1 For grades K-6, physical education classes will have a maximum student to adult ratio of 30:1.

7.10.1.1 At least one of the adults directly supervising the physical education classes must be a licensed physical education teacher or licensed elementary teacher. The licensed physical education teacher or elementary teacher will be responsible for the delivery of physical education instruction.

7.10.1.2 Non-licensed personnel may assist in filling the 30:1 student to adult ratio requirement if they are trained and assigned to supervise physical education classes.

**Score of 2: Ohio Rev. Stat. 3319.076**

No school district shall employ any classroom teacher initially hired on or after July 1, 2013, to provide instruction in physical education in any of grades kindergarten through twelve unless the teacher holds a valid license issued pursuant to section 3319.22 of the Revised Code for teaching physical education.

**Score of 3 (Includes provisions that require alignment with NASPE): Mo. Rev. Stat. 167.720**

(2) “Physical education”, instruction in healthy active living by a teacher certificated to teach physical education structured in such a way that it is a regularly scheduled class for students



**Physical Education (PE) Teacher Requirement– Middle School (MS)**

*Variable name in data set: (PETEACHMS)\*new 2013*

|                                       |  |
|---------------------------------------|--|
| <b>Score</b>                          | <b>Description:</b> The PE Teacher Requirement score reflects the degree to which state law requires PE to be taught by a licensed/credentialed/endorsed physical education teacher. |
| 3                                     | State requires that <i>all</i> teachers be licensed/credentialed/endorsed in physical education in order to teach PE.  |
| 2                                     | State requires that <i>newly hired</i> teachers be licensed/credentialed/endorsed in physical education in order to teach PE.  |
| 1                                     | State recommends that teachers be licensed/credentialed/endorsed in physical education in order to teach PE.   |
| 0                                     | No requirement or recommendation for who teaches PE classes.   |
| <b>Enhancing / Inhibiting Factors</b> | There are no enhancing or inhibiting factors for this variable.  |

**DECISION RULES:**

PETEACHES aims to capture laws that prohibit PE classes from being taught by teachers licensed in other areas. For example, a law which makes it impossible for a math teacher to stand in as a PE teacher, instead requiring that the individual teaching the PE class is in fact licensed in that subject area.

**Score of 1: Arkansas 005 01 CARR 008**

7.10 Physical Education Instruction in Grades Kindergarten through Six (K-6):

7.10.1 For grades K-6, physical education classes will have a maximum student to adult ratio of 30:1.

7.10.1.1 At least one of the adults directly supervising the physical education classes must be a licensed physical education teacher or licensed elementary teacher. The licensed physical education teacher or elementary teacher will be responsible for the delivery of physical education instruction.

7.10.1.2 Non-licensed personnel may assist in filling the 30:1 student to adult ratio requirement if they are trained and assigned to supervise physical education classes.

**Score of 2: Ohio Rev. Stat. 3319.076**

No school district shall employ any classroom teacher initially hired on or after July 1, 2013, to provide instruction in physical education in any of grades kindergarten through twelve unless the teacher holds a valid license issued pursuant to section 3319.22 of the Revised Code for teaching physical education.

**Score of 3 (Includes provisions that require alignment with NASPE): Mo. Rev. Stat. 167.720**

(2) “**Physical education**”, instruction in healthy active living by a teacher certificated to teach physical education structured in such a way that it is a regularly scheduled class for students

**Physical Education (PE) Teacher Requirement– High School (HS)**

*Variable name in data set: (PETEACHHS)\*new 2013*

|                                       |  |
|---------------------------------------|--|
| <b>Score</b>                          | <b>Description:</b> The PE Teacher Requirement score reflects the degree to which state law requires PE to be taught by a licensed/credentialed/endorsed physical education teacher. |
| 3                                     | State requires that <i>all</i> teachers be licensed/credentialed/endorsed in physical education in order to teach PE.  |
| 2                                     | State requires that <i>newly hired</i> teachers be licensed/credentialed/endorsed in physical education in order to teach PE.  |
| 1                                     | State recommends that teachers be licensed/credentialed/endorsed in physical education in order to teach PE.   |
| 0                                     | No requirement or recommendation for who teaches PE classes.   |
| <b>Enhancing / Inhibiting Factors</b> | There are no enhancing or inhibiting factors for this variable.  |

**DECISION RULES:**

PETEACHES aims to capture laws that prohibit PE classes from being taught by teachers licensed in other areas. For example, a law which makes it impossible for a math teacher to stand in as a PE teacher, instead requiring that the individual teaching the PE class is in fact licensed in that subject area.

**Score of 1: Arkansas 005 01 CARR 008**

7.10 Physical Education Instruction in Grades Kindergarten through Six (K-6):

7.10.1 For grades K-6, physical education classes will have a maximum student to adult ratio of 30:1.

7.10.1.1 At least one of the adults directly supervising the physical education classes must be a licensed physical education teacher or licensed elementary teacher. The licensed physical education teacher or elementary teacher will be responsible for the delivery of physical education instruction.

7.10.1.2 Non-licensed personnel may assist in filling the 30:1 student to adult ratio requirement if they are trained and assigned to supervise physical education classes.

**Score of 2: Ohio Rev. Stat. 3319.076**

No school district shall employ any classroom teacher initially hired on or after July 1, 2013, to provide instruction in physical education in any of grades kindergarten through twelve unless the teacher holds a valid license issued pursuant to section 3319.22 of the Revised Code for teaching physical education.

**Score of 3 (Includes provisions that require alignment with NASPE): Mo. Rev. Stat. 167.720**

(2) **“Physical education”**, instruction in healthy active living by a teacher certificated to teach physical education structured in such a way that it is a regularly scheduled class for students

# Adapted Physical Education

## Adapted PE Federal Definitions

Child with a disability: having an intellectual disability, a hearing impairment, a speech or language impairment, a visual impairment, a serious emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities.<sup>1</sup>

Free appropriate public education: special education and related services that- (a) are provided at public expense, under public supervision and direction, and without charge; (b) meet the standards of the SEA; (c) include an appropriate preschool, elementary school, or secondary school education in the State involved; and (d) are provided in conformity with an individualized education program.<sup>2</sup>

Other health impairment: having limited strength, vitality, or alertness, that is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome.<sup>1</sup>

Public agency: includes the SEA, LEAs, ESAs, nonprofit public charter schools that are not otherwise included as LEAs or ESAs and are not a school of an LEA or ESA, and any other political subdivision of the State that are responsible for providing education to children with disabilities.<sup>3</sup>

## Introduction to the C.L.A.S.S. Adapted PE variables

A free appropriate public education (FAPE) must be available to all children in each state, including children with disabilities.<sup>4</sup> As part of this requirement, each state must ensure that physical education, specially designed if necessary, be made available to every child with a disability receiving FAPE.<sup>5</sup> In addition, the state must ensure that each public agency take steps to provide nonacademic and extracurricular services, which may include athletics, in a manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities.<sup>6</sup>

Many states have adopted physical education standards, often utilizing the National Association for Sport and Physical Education (NASPE) national standards as a benchmark.<sup>7</sup> The Adapted Physical Education National Standards were developed prior to the NASPE standards, but reflect the same content.<sup>8</sup> Both standards discuss providing quality physical education to all students, adapting or modifying standards where necessary to fit the needs, interests and abilities of each student.

This dataset consists of 7 variables. ADAPTPE addresses the extent to which state law meets federal FAPE requirements in providing adapted physical education. Two enhancement factors, *returntolearn* and *extracurric* evaluate (1) whether state law includes return to learn plans for those students who may be returning to school after a lengthy absence (for example, following pediatric cancer) and (2) whether state law addresses making extracurricular activities involving physical activity available to students with a disability.

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<sup>1</sup> Child with a disability. 34 C.F.R. 300.8 (2021).

<sup>2</sup> Free appropriate public education. 34 C.F.R. 300.17 (2021).

<sup>3</sup> Public agency. 34 C.F.R. 300.33 (2021).

<sup>4</sup> Free Appropriate Public Education (FAPE). 34 C.F.R. 300.101 (2021).

<sup>5</sup> Physical Education. 34 C.F.R. 300.108 (2021).

<sup>6</sup> Nonacademic services. 34 C.F.R. 300.107 (2021).

<sup>7</sup> SHAPE America. National Standards & Grade-Level Outcomes for K-12 Physical Education. Reston, VA: Author; 2014. Available from: <http://www.shapeamerica.org/standards/pe/upload/Grade-Level-Outcomes-for-K-12-Physical-Education.pdf>. Retrieved February 19, 2021.

<sup>8</sup> Adapted Physical Education National Standards. NASPE and APENS Standards. Available from: <https://apens.org/naspe.html>. Retrieved February 19, 2021.

ADAPTSTAF and ADAPTPETEACH both mimic the general physical education C.L.A.S.S. variables (STAF and PETEACH) but capture the extent to which there is teacher certification in the state for adapted PE and whether certified adapted PE teachers are required to teach adapted PE.

Finally, *TimePenDis* is an inhibiting factor that evaluates whether a state allows students to be exempt from physical education based on disability status, as quality physical education should be provided whenever possible. *Adaptstan* evaluates whether a state has addressed, within codified law and referenced materials, adapted PE within its general PE standards or has adopted stand-alone PE standards.

As of February 2021, this dataset is included for the 2019 C.L.A.S.S. compilation.

## Adapted Physical Education Requirement

Note: The italicized texts in parenthesis are the variable names in the C.L.A.S.S. Data Set.

### Adapted PE Requirement

Variable name in data set: (*ADAPTPE*) \*new 2019

|                                       |  |
|---------------------------------------|--|
| <b>Score</b>                          | <b>Description:</b> The Adapted PE Requirement addresses the extent to which state laws meet the federal requirements to make physical education available to every child receiving a free appropriate public education.   |
| 3                                     | State law meets the federal FAPE requirement and provides that adapted physical education must be made available to every child who needs it: <ul style="list-style-type: none"> <li>● PE, specially designed if necessary, must be made available to every child with a disability receiving a FAPE</li> <li>● References IEP or other criteria/definition of what students might qualify for adapted or specially designed PE</li> </ul> |
| 2                                     | State law requires that adapted physical education be made available to every child who needs it, without providing a benchmark for qualification.   |
| 1                                     | State law recommends adapted PE for those who may require it or provides a definition of special education which includes physical education.  |
| 0                                     | No requirement or recommendation for the provision of adapted physical education.  |
| <b>Enhancing / Inhibiting Factors</b> | <p><u>Potential Enhancement factor (<i>returntolearn</i>):</u> Applies if state addresses return to learn plans for pediatric cancer survivors or others in need of adapted PE.</p> <p><u>Potential Enhancement factor (<i>extracurric</i>):</u> Applies if state addresses accommodations for extracurricular activities for those enrolled in adapted PE</p>   |

DECISION RULES:

#### ADAPTPE

Level 3 coding is meant to mimic the federal law. Each state may have its own procedures for determining what students qualify under its specific definition statements.

Level 2 coding requires the provision of adapted PE, but makes no reference as to who might be eligible for services or how that might be determined.

Level 1 coding includes state laws that provide definition statements without going on to require adapted PE for certain populations.

#### *Returntolearn*

Return to learn laws capture plans and procedures to assist in the transition *back* to school, including adapted PE. Laws that discuss coordination of work while out of school (RI), setting calendar dates for return (CA), or the right to return to the school in which the student left (CA) do not fit this variable.

Ex. Excluded: 200 RICR 020-30-6

d. Homebound instruction shall be coordinated with the work of the regular education class so that return to school (if this is possible) will require little readjustment, or so that the long-term homebound instruction may approximate the regular education curriculum to the highest degree possible.

Ex. Excluded: 5 CCR 3051.4

(d) When recommending placement for home instruction, the IEP team shall have in the assessment information a medical report from the attending physician and surgeon or the report of the psychologist, as appropriate, stating the diagnosed condition and certifying that the severity of the condition prevents the pupil from attending a less restrictive placement. The report shall include a projected calendar date for the pupil's return to school. The IEP team shall meet to reconsider the IEP prior to the projected calendar date for the pupil's return to school.

Ex. Excluded: Cal Ed Code § 48207.3 (a) A pupil receiving individual instruction who is well enough to return to a school shall be allowed to return to the school, including a charter school, that he or she attended immediately before receiving individual instruction, if the pupil returns during the school year in which the individual instruction was initiated.

## Adapted Physical Education (APE) Staffing Requirements

NEW 2019

Note: The italicized texts in parenthesis are the variable names in the C.L.A.S.S. Data Set.

### Adapted Physical Education (PE) Staffing Requirements – Elementary School (ES)

Variable name in data set: (*AdaptSTAFES2*)

|                                       |  |
|---------------------------------------|--|
| <b>Score</b>                          | <b>Description:</b> The Adapted Physical Education (APE) Staffing Requirements score reflects the degree to which state law addresses the educational degree and certification requirements for APE teachers at the ES grade level.  |
| 4                                     | State offers certification / licensure / endorsement to teach adapted PE and requires a college major (or a minimum of 30 credit hours) in adapted PE (to fulfill certification / licensure / endorsement requirement or otherwise).   |
| 3                                     | State offers certification / licensure / endorsement to teach adapted PE and requires a college minor (or a minimum of 15 credit hours) in adapted PE (to fulfill certification / licensure / endorsement requirement or otherwise).   |
| 2                                     | State offers certification / licensure / endorsement to teach adapted PE and requires preparation that is less rigorous than a college minor (e.g., less than 15 credit hours) in adapted PE (to fulfill certification / licensure / endorsement requirement or otherwise).  |
| 1                                     | State only recommends certification / licensure / endorsement) and an academic degree in adapted PE to teach PE.   |
| 0                                     | No requirement or recommendation for adapted PE teachers.  |
| <b>Enhancing / Inhibiting Factors</b> | <p><b>Description:</b> These are features in the codified law that may enhance or inhibit implementation of PE Staffing Requirement policies at the ES grade level, and are coded as:<br/>           “1” in data set if the factor applies<br/>           “0” if it does not apply<br/>           “999” if it was not scored for that particular year</p> <p><u>Inhibiting factor (<i>AdaptStafPenES</i>):</u> Applies if teacher qualifications apply to most but not all districts (e.g., not applicable to districts that regularly employ fewer than 20 teachers).</p> |

Decision Rules:

Level 2 coding includes a certificate/program with no mention of specific coursework (ex. RI)

Level 1 coding includes laws where learning how to teach adapted PE is part of the curriculum for general PE certification, but no stand alone APE requirements exist. (ex. IA, MO, VT)

## Adapted Physical Education (PE) Staffing Requirements – Middle School (ES)

Variable name in data set: (*AdaptSTAFMS2*)

|                                       |  |
|---------------------------------------|--|
| <b>Score</b>                          | <b>Description:</b> The Adapted Physical Education (APE) Staffing Requirements score reflects the degree to which state law addresses the educational degree and certification requirements for APE teachers at the MS grade level.  |
| 4                                     | State offers certification / licensure /endorsement to teach adapted PE and requires a college major (or a minimum of 30 credit hours) in adapted PE (to fulfill certification / licensure/ endorsement requirement or otherwise).   |
| 3                                     | State offers certification / licensure / endorsement to teach adapted PE and requires a college minor (or a minimum of 15 credit hours) in adapted PE (to fulfill certification / licensure / endorsement requirement or otherwise).   |
| 2                                     | State offers certification / licensure / endorsement to teach adapted PE and requires preparation that is less rigorous than a college minor (e.g., less than 15 credit hours) in adapted PE (to fulfill certification / licensure / endorsement requirement or otherwise).  |
| 1                                     | State only recommends certification / licensure / endorsement) and an academic degree in adapted PE to teach PE.   |
| 0                                     | No requirement or recommendation for adapted PE teachers.  |
| <b>Enhancing / Inhibiting Factors</b> | <p><b>Description:</b> These are features in the codified law that may enhance or inhibit implementation of PE Staffing Requirement policies at the ES grade level, and are coded as:<br/> “1” in data set if the factor applies<br/> “0” if it does not apply<br/> “999” if it was not scored for that particular year</p> <p><u>Inhibiting factor (<i>AdaptStafPenMS</i>):</u> Applies if teacher qualifications apply to most but not all districts (e.g., not applicable to districts that regularly employ fewer than 20 teachers).</p> |

Decision Rules:

Level 2 coding includes a certificate/program with no mention of specific coursework (ex. RI)

Level 1 coding includes laws where learning how to teach adapted PE is part of the curriculum for general PE certification, but no stand alone APE requirements exist. (ex. IA, MO, VT)



## Adapted Physical Education (PE) Staffing Requirements – High School (HS)

Variable name in data set: (*AdaptSTAFHS2*)

|                                       |  |
|---------------------------------------|--|
| <b>Score</b>                          | <b>Description:</b> The Adapted Physical Education (APE) Staffing Requirements score reflects the degree to which state law addresses the educational degree and certification requirements for APE teachers at the HS grade level.  |
| 4                                     | State offers certification / licensure /endorsement to teach adapted PE and requires a college major (or a minimum of 30 credit hours) in adapted PE (to fulfill certification / licensure/ endorsement requirement or otherwise).   |
| 3                                     | State offers certification / licensure / endorsement to teach adapted PE and requires a college minor (or a minimum of 15 credit hours) in adapted PE (to fulfill certification / licensure / endorsement requirement or otherwise).   |
| 2                                     | State offers certification / licensure / endorsement to teach adapted PE and requires preparation that is less rigorous than a college minor (e.g., less than 15 credit hours) in adapted PE (to fulfill certification / licensure / endorsement requirement or otherwise).  |
| 1                                     | State only recommends certification / licensure / endorsement) and an academic degree in adapted PE to teach PE.   |
| 0                                     | No requirement or recommendation for adapted PE teachers.  |
| <b>Enhancing / Inhibiting Factors</b> | <p><b>Description:</b> These are features in the codified law that may enhance or inhibit implementation of PE Staffing Requirement policies at the ES grade level, and are coded as:<br/> “1” in data set if the factor applies<br/> “0” if it does not apply<br/> “999” if it was not scored for that particular year</p> <p><u>Inhibiting factor (<i>AdaptStafPenHS</i>):</u> Applies if teacher qualifications apply to most but not all districts (e.g., not applicable to districts that regularly employ fewer than 20 teachers).</p> |

Decision Rules:

Level 2 coding includes a certificate/program with no mention of specific coursework (ex. RI)

Level 1 coding includes laws where learning how to teach adapted PE is part of the curriculum for general PE certification, but no stand alone APE requirements exist. (ex. IA, MO, VT)

## Adapted Physical Education (PE) Teacher Requirement

Note: The italicized texts in parenthesis are the variable names in the C.L.A.S.S. Data Set.

### Adapted Physical Education (PE) Teacher Requirement– Elementary School (ES)

Variable name in data set: (*AdaptPETEACHES*) \*new 2019

|                                       |  |
|---------------------------------------|--|
| <b>Score</b>                          | <b>Description:</b> The PE Teacher Requirement score reflects the degree to which state law requires adapted PE to be taught by a licensed/credentialed/endorsed adapted physical education teacher. |
| 3                                     | State requires that <i>all</i> teachers be licensed/credentialed/endorsed in adapted physical education in order to teach adapted PE.  |
| 2                                     | State requires that <i>newly hired</i> teachers be licensed/credentialed/endorsed in adapted physical education in order to teach adapted PE.  |
| 1                                     | State recommends that teachers be licensed/credentialed/endorsed in adapted physical education in order to teach adapted PE.   |
| 0                                     | No requirement or recommendation for who teaches adapted PE classes.   |
| <b>Enhancing / Inhibiting Factors</b> | There are no enhancing or inhibiting factors for this variable.  |

Decision Rules:

Level 1 coding includes laws that require a certified physical education teacher provide adapted physical education

## Adapted Physical Education (PE) Teacher Requirement– Middle School (MS)

Variable name in data set: (AdaptPETEACHMS) \*new 2019

|                                       |  |
|---------------------------------------|--|
| <b>Score</b>                          | <b>Description:</b> The PE Teacher Requirement score reflects the degree to which state law requires adapted PE to be taught by a licensed/credentialed/endorsed adapted physical education teacher. |
| 3                                     | State requires that <i>all</i> teachers be licensed/credentialed/endorsed in adapted physical education in order to teach adapted PE.  |
| 2                                     | State requires that <i>newly hired</i> teachers be licensed/credentialed/endorsed in adapted physical education in order to teach adapted PE.  |
| 1                                     | State recommends that teachers be licensed/credentialed/endorsed in adapted physical education in order to teach adapted PE.   |
| 0                                     | No requirement or recommendation for who teaches adapted PE classes.   |
| <b>Enhancing / Inhibiting Factors</b> | There are no enhancing or inhibiting factors for this variable.  |

Decision Rules:

Level 1 coding includes laws that require a certified physical education teacher provide adapted physical education

## Adapted Physical Education (PE) Teacher Requirement– High School (HS)

Variable name in data set: (AdaptPETEACHHS) \*new 2019

|                                       |  |
|---------------------------------------|--|
| <b>Score</b>                          | <b>Description:</b> The PE Teacher Requirement score reflects the degree to which state law requires adapted PE to be taught by a licensed/credentialed/endorsed adapted physical education teacher. |
| 3                                     | State requires that <i>all</i> teachers be licensed/credentialed/endorsed in adapted physical education in order to teach adapted PE.  |
| 2                                     | State requires that <i>newly hired</i> teachers be licensed/credentialed/endorsed in adapted physical education in order to teach adapted PE.  |
| 1                                     | State recommends that teachers be licensed/credentialed/endorsed in adapted physical education in order to teach adapted PE.   |
| 0                                     | No requirement or recommendation for who teaches adapted PE classes.   |
| <b>Enhancing / Inhibiting Factors</b> | There are no enhancing or inhibiting factors for this variable.  |

Decision Rules:

Level 1 coding includes laws that require a certified physical education teacher provide adapted physical education

## Sun Safety

Added in 2020, the CLASS sun safety topic area includes two variables and one inhibitor. These topics track whether sun screen is available during the school day without a prescription as well as if parent permission is required to do so. In addition, this data tracks whether sun safety education is provided at the ES, MS, and/or HS grade level.

**Note: The italicized text in parenthesis provides the variable names in the C.L.A.S.S. Data Set.**

*Variable name in data set: (SUNSCREEN)*

|                         |   |
|-------------------------|---|
| <b>Score</b>            | <b>Description:</b> The sun safety variable measures the extent to which students are allowed to access and/or apply sunscreen during the school day. |
| 1                       | State law allows students to possess/apply sunscreen during the school day without a prescription   |
| 0                       | No mention of sunscreen application in state law  |
| <b>Enhancing Factor</b> | <u>Inhibiting factor (<i>parentapproval</i>):</u> Applies if state requires a parent's note on file for student to possess sunscreen                  |

### Decision rules:

*Parentapproval:* this variable does not include situations where parent approval is required in order for the school to assist in application of the sunscreen

Ex: LA § 17:436.1. Administration of medication; definition; conditions; restrictions

(4) If a student is unable to self-apply sunscreen, a school employee may volunteer to **apply** the sunscreen to the student. A school employee may apply sunscreen to a student **only if his parent or legal guardian has provided written consent for this application**, and neither a school employee nor his employer shall be held liable for any adverse reaction relating to the employee's application of the sunscreen or his cessation of such application.

UT Code 53G-9-208. Sunscreen — Possession — Administration — Immunity.

(3) **If a student is unable to self-apply sunscreen**, a volunteer school employee may apply the sunscreen on the student if the student's parent provides written consent for the assistance.

## Sun Safety Education

*Variable name in data set: (SunSafetyedES)*

|                         |   |
|-------------------------|---|
| <b>Score</b>            | <b>Description:</b> The sun safety education variable measures if state law addresses sun safety education (as part of health education or as a stand-alone curriculum topic) at specified grade levels |
| 2                       | State law requires sun safety education within elementary school  |
| 1                       | State law addresses, recommends, or otherwise discusses sun safety or skin cancer safety within elementary school   |
| 0                       | No mention of sun safety education in state law   |
| <b>Enhancing Factor</b> | <u>There are no enhancement factors for this variable.</u>  |

### Decision rules:

*Sunsafetyed:* If **any** grade addresses sun safety or skin cancer education, this variable will be coded. HE standards are included when incorporated by reference in the “with standards” coding.

If a state only suggests teaching about sunscreen, or includes it as a choice as part of a **parenthetical**, it will be coded as a 1.

Example: 2020 LAC 28:LIX.505

LA: 4. Benchmark 1-E-4--identify risk behaviors and ways to avoid and reduce them.

b. 1-E-4.2--identify safety rules for home, school and community (e.g., fire, falls, burns, medications/poisons, seat belts, street crossing, sun, bike, weapons)

Example: MS ADC 7-8

Identify and discuss the use and impact of health products (e.g., sunscreen, toothpaste).

**Variable name in data set: (SunSafetyedMS)**

|                         |   |
|-------------------------|---|
| <b>Score</b>            | <b>Description:</b> The sun safety education variable measures if state law addresses sun safety education (as part of health education or as a stand-alone curriculum topic) at specified grade levels |
| 2                       | State law requires sun safety education within middle school  |
| 1                       | State law addresses, recommends, or otherwise discusses sun safety or skin cancer safety within middle school   |
| 0                       | No mention of sun safety education in state law   |
| <b>Enhancing Factor</b> | <u>There are no enhancement factors for this variable.</u>  |

**Decision rules:**

*Sunsafetyed*: If **any** grade addresses sun safety or skin cancer education, this variable will be coded. HE standards are included when incorporated by reference in the “with standards” coding.

If a state only suggests teaching about sunscreen, or includes it as a choice as part of a **parenthetical**, it will be coded as a 1.

Example: 2020 LAC 28:LIX.505

LA: 4. Benchmark 1-E-4--identify risk behaviors and ways to avoid and reduce them.

b. 1-E-4.2--identify safety rules for home, school and community (e.g., fire, falls, burns, medications/poisons, seat belts, street crossing, sun, bike, weapons)

Example: MS ADC 7-8

Identify and discuss the use and impact of health products (e.g., sunscreen, toothpaste).

**Variable name in data set: (SunSafetyedHS)**

|                         |   |
|-------------------------|---|
| <b>Score</b>            | <b>Description:</b> The sun safety education variable measures if state law addresses sun safety education (as part of health education or as a stand-alone curriculum topic) at specified grade levels |
| 2                       | State law requires sun safety education within high school  |
| 1                       | State law addresses, recommends, or otherwise discusses sun safety or skin cancer safety within high school   |
| 0                       | No mention of sun safety education in state law   |
| <b>Enhancing Factor</b> | <u>There are no enhancement factors for this variable.</u>  |

**Decision rules:**

*Sunsafetyed*: If **any** grade addresses sun safety or skin cancer education, this variable will be coded. HE standards are included when incorporated by reference in the “with standards” coding.

If a state only suggests teaching about sunscreen, or includes it as a choice as part of a **parenthetical**, it will be coded as a 1.

Example: 2020 LAC 28:LIX.505

LA: 4. Benchmark 1-E-4--identify risk behaviors and ways to avoid and reduce them.

b. 1-E-4.2--identify safety rules for home, school and community (e.g., fire, falls, burns, medications/poisons, seat belts, street crossing, sun, bike, weapons)

Example: MS ADC 7-8

Identify and discuss the use and impact of health products (e.g., sunscreen, toothpaste).