

## Update - SB 78 9th Grade Fitness Test Requirements

Currently law requires all students in grades 7 - 12 to receive a minimum of 400 minutes of physical education instruction every 10 school days (EC 51222).

Currently law also permits local school boards to exempt high school students from two years of physical education instruction any two years during grades 10, 11, or 12 (EC 51241).

SB 78, chaptered in September 2003, specifies that beginning in July of 2007, students must pass the physical performance test given in the ninth grade, in order to receive the two year exemption.

**51241.** (a) The governing board of a school district or the office of the county superintendent of schools of a county may grant temporary exemption to a pupil from courses in physical education, if the pupil is one of the following:

(1) Ill or injured and a modified program to meet the needs of the pupil cannot be provided.

(2) Enrolled for one-half, or less, of the work normally required of full time pupils.

(b) (1) The governing board of a school district or the office of the county superintendent of schools of a county may, with the consent of a pupil, if the pupil has passed the physical performance test administered in the 9th grade pursuant to Section 60800, grant the pupil exemption from courses in physical education for two years any time during grades 10 to 12, inclusive.

(2) Pursuant to Sections 51210, 5120, and 51222, physical education is required to be offered to all pupils, and schools are, therefore, required to provide adequate facilities and instructional resources for that instruction. In this regard, paragraph (1) shall be implemented in a manner that does not create a new program or impose a higher level of service on a local educational agency.

Paragraph (1) does not mandate any overall increase in staffing or instructional time because, pursuant to subdivision (d), pupils are not permitted to attend fewer total hours of class if they do not enroll in physical education. Paragraph (1) does not mandate any new costs because any additional physical education instruction that a local educational agency provides may be accomplished during the existing instructional day, with existing facilities. Paragraph (1) does not prevent a local educational agency from implementing any other temporary or permanent exemption authorized by this section.

(c) The governing board of a school district or the office county superintendent of a county may grant permanent exemption from courses in physical education if the pupil complies with any one of the following:

(1) Is 16 years of age or older and has been enrolled in the 10th grade for one academic year or longer.

(2) Is enrolled as a postgraduate pupil.

(3) Is enrolled in a juvenile home, ranch, camp, or forestry camp school where pupils are scheduled for recreation and exercise pursuant to the requirements of Section 4346 of Title 15 of California Code of Regulations.

(d) A pupil exempted under paragraph (1) of subdivision (b) or paragraph (1) of subdivision (c) may not attend fewer total hours of courses and classes if he or she elects not to enroll in a physical education course than he or she would have attended if he or she had elected to enroll in a physical education course.

(e) Notwithstanding any other law, the governing board of a school district may also administer to pupils in grades 10 to 12, inclusive, the physical performance test required in 9th grade pursuant to section 60800. A pupil who passes this physical performance test in any of grades 10 to 12, inclusive, is eligible for an exemption pursuant to subdivision (b).

(f) This section shall become operative on July 1, 2007.