

**STATE BOARD OF EDUCATION – ADMINISTRATIVE RULE SUMMARY**

**Title/OAR #:** Report on Physical Education Data / OAR 581-022-1661

**Date:** June 19, 2014

**Staff/Office:** Tanya Frisendahl, Office of Learning

New Rule     Amend Existing Rule     Repeal Rule  
**Hearing Date:** \_\_\_\_\_ n/a \_\_\_\_\_     Hearings Officer Report Attached  
**Prompted by:**  State law changes     Federal law changes     Other

**Action Requested:**

First Reading/Second Reading     Adoption     Adoption/Consent Agenda

**PROPOSED/AMENDED RULE SUMMARY:** Changes the annual data collection of the physical capacity of public schools to provide students kindergarten through grade 5 with at least 150 minutes of physical education instruction and students in grades 6-8 with at least 225 minutes of physical education instruction to only reporting the data when there is an increase or a decrease of the school’s physical capacity to provide the instruction.

**BACKGROUND:**

- The current rule requires annual reporting of the facilities available for physical education and the facilities needed to teach the required number of minutes.
- House Bill 3075 from the 2013 Regular Session provided language to reduce the amount of data districts are to report annually.
- The current rule has been in place since December 2007.
- The change in law came from a desire to reduce the reporting mandates for districts and schools.
- The proposed revision mirrors the Statute.

**ISSUES/CONCERNS THAT SURFACED DURING RULE WORK:** None

**CHANGED SINCE LAST BOARD MEETING?** (so members can focus on what’s different)

- N/A; first read—hasn’t been before board  
 No; same as last month  
 Yes – As follows:

**FISCAL IMPACT:**

**STAFF RECOMMENDATION:**

- Adopt administrative rule as prepared this month  
 Adopt administrative rule next month  
 No recommendation at this time (rarely used)

Comments:

581-022-1661

## Report on Physical Education Data

(1) The following definitions apply to this rule:

(a) "Additional facilities" means the added space to the school needed to provide the minimum number of minutes of physical education instruction per week.

(b) "Number of minutes" means the number of minutes of physical education instruction that is actually provided to all students kindergarten through grade 8 each school week.

(c) "Physical capacity" means the space, indoors and out, available at the school to provide the prescribed number of minutes per at a class size that promotes effective practices consistent with the outcomes expected of the instructional programs.

(2) ~~Beginning with the 2007-2008 school year each school district shall report to the~~ Department of Education shall collect annually from school districts:

(a) The number of minutes of physical education that are provided to students in kindergarten through grade 8 each school week in each public school within the district;

(b) The physical capacity of public schools to provide students in kindergarten through grade 5 with at least 150 minutes of physical education during each school week and to provide students in grades 6 through 8 with at least 225 minutes of physical education during each school week; and

(c) The additional facilities required by public schools to provide physical education to students for the minimum number of minutes as described in paragraph (b) of this subsection.

(3) The department shall collect the data described in paragraph (2) of this section:

(a) Annually, for data described in paragraph (2)(a) of this section.

(b) Whenever a public school increases or decreases the school's physical capacity to provide students with physical education, for data described in paragraph (2)(b) and (c) of this paragraph.

(3) Prior to February 1, 2009, the Department shall report to the Legislative Assembly on the data collected under this rule for the 2007-2008 school year. Prior to February 1 of each odd-number year beginning with 2011, the Department shall report to the Legislative Assembly on the data collected under this rule for the prior two school years.

Stat. Auth.: ORS 326.051

Stats. Implemented: ~~Sec. 1-3, ch. 839, OL 2007~~ [ORS 329.498](#)

Hist.: ODE 30-2007, f. & cert. ef. 12-12-07