

Know Your Rights: Physical Education

A Research Brief from the Safeguarding Sound Basic Education Project

The Campaign for Educational Equity undertook an extensive research project on educational inadequacies in high-need schools around the state and published findings about widespread violations of students' educational rights. This brief summarizes key findings about *physical education*.

The Constitutional Requirement for Physical Education

The New York State constitutional requirement to provide all students the "opportunity for a sound basic education" demands that all schools provide their students with a suitable, up-to-date curriculum, including *sufficient instructional time and course offerings in physical education*.



All schools must be able to provide students in kindergarten through 6th grade at least 120 minutes per week of physical education (PE). Students in kindergarten through third grade should have daily physical education classes and students in grades 4-6 should have physical education at least three times per week.

In grades 7 and 8, schools must be able to provide students with physical education three times a week in one semester and two times a week in the other.

High schools must be able to provide students with physical education three times a week in one semester and two times a week in the other semester or PE may be provided daily for seven semesters.

Are schools able to provide students with the physical education to which they are entitled? The Campaign for Educational Equity studied 33 high-need schools in eight districts around the state. In the pages that follow, we set out our findings.

What Is the Constitutional Right to a Sound Basic Education?

For all the details, see page 4.

How Schools Measured Up

Our study found serious deficiencies in schools' ability to provide students with physical education meeting state standards.

Lack of Sufficient Certified Physical Education Teachers

-  A majority of the schools lacked enough physical education teachers.
-  Thirteen schools lacked sufficient teachers to provide students with the mandated instructional time.
-  In eight other schools, because of a shortage of PE teachers, class sizes were above 50 students, and, in some cases, up to 70.
-  In three schools a total of seven teachers were teaching physical education out of license, including in two NYC schools where there were no certified PE teachers whatsoever. One school used social studies teachers to teach PE once a week; as a result it wasn't fulfilling requirements for PE or social studies.

In a number of schools, because they lacked a sufficient number of PE teachers and had to run large, general PE classes, students were no longer able to use auxiliary physical education spaces like a weight room, dance studio, track, or swimming pool.

Instructional Time Requirements Not Met

-  Almost half of the study schools (15 of 33) could not meet the state's minimum requirements for physical education.
-  Elementary schools were in particularly dire straits. All but one elementary school were unable to provide the required amount of instructional time in PE. Four of the middle-grade schools could not meet minimum state requirements and, although high schools fare better than the lower grades, one high school fell short of the minimum.
-  Four additional schools—two middle-grade schools and two high schools—reported that their instructional offerings in this area were adequate by state requirements but inadequate to meet their students' physical education needs. For example, one middle school was forced by budget cuts to lay off its only female PE teacher. As a result its girls' locker room was unsupervised, and its young women students had no adult woman to answer personal health questions.
-  At several other schools, instructional time requirements were technically being met but large class sizes and/or uncertified personnel prevented students from receiving proper instruction and supervision.

Inadequate Physical Education Facilities

- 🔧 Nearly half of the schools lacked sufficient and appropriate gymnasium facilities.
- 🔧 Four schools had no gymnasium at all.
- 🔧 Three schools had insufficient gymnasium space to accommodate all students.
- 🔧 In NYC, six co-located schools lacked adequate access to a shared gym, and two co-located schools that served middle school students had gyms that were scaled for early childhood or elementary school students.
- 🔧 One school used its locker room as a storage room for lack of adequate storage space elsewhere.
- 🔧 Three schools lacked appropriate spaces for adaptive physical education for their students with disabilities and, as a result, provided these services in hallways or other public areas.
- 🔧 As mentioned above, a number of schools had specialized physical education spaces like a dance studio, a swimming pool, a weight room, or a running track that were off limits to students.

Inadequate Physical Education Equipment

Four schools lacked sufficient basic equipment to provide physical education instruction. One school had little more than a few balls, cones, and jump ropes for its entire PE program.

Other Evidence

According to the Council of School Supervisors and Administrators, co-locations have caused some schools to adopt “gymatoriums,” or combined gymnasiums and auditoriums. Sharing these spaces significantly reduces the number of periods available for physical education, and the time available for meals.¹

According to the Women’s City Club of New York, which issued a report based on data from the Independent Budget Office, to meet the required standards for all enrolled students in elementary schools in New York City, at least 350 more trained physical education teachers would be needed. IBO also ranked school buildings by grade level in terms of space per student available for PE. For both elementary and high school buildings, those ranked in the top 10% for amount of space per student had almost five times the amount of space per student as did those ranked in the bottom 10%. In middle school buildings the disparity between top and bottom 10% was three times the amount of space per student.²

¹ The Council of School Supervisors and Administrators. (2012). New York City Council Hearing Committee on Education. Retrieved from <http://www.csa-nyc.org/sites/default/files/City%20Council%20-%20Co-location%20testimony.pdf>

² Women’s City Club of New York (2013). Task Force on Physical Education in the New York City Public Schools. Retrieved from <http://wccny.org/wp-content/uploads/2013/02/PETF-Position-Paper-IBO-Letter-Tables-Final.pdf>



What Is the Constitutional Right to a Sound Basic Education?

New York’s highest court ruled in the *Campaign for Fiscal Equity (CFE)* case that the state has a constitutional obligation to provide every student the opportunity for a sound basic education, which it characterized as a “meaningful high school education.” The Regents have defined that education as one that will allow each student to meet a challenging set of academic standards and will prepare every high school graduate to be “college and career ready.”

To provide a sound basic education, the court said every school must have

- sufficient numbers of qualified teachers, principals, and other personnel;
- suitable and up-to-date curricula;
- an expanded platform of services for struggling students;
- adequate resources for students with disabilities and English language learners;
- appropriate class sizes;
- sufficient and up-to-date books, supplies, libraries, technology, and laboratories;
- a safe, orderly environment; and
- adequate and accessible facilities.

The Campaign for Educational Equity has detailed the specific resource requirements in each of these areas in a report, *Essential Resources: The Constitutional Requirements for Providing All Students in New York State with a Sound Basic Education*.¹

Are Constitutionally Mandated Resources Available in New York Schools?

We studied the availability of basic educational resources in the eight areas listed above in 33 schools around the state that enrolled large numbers of students from low-income households, students below proficiency in basic skills, English language learners, and/or students with disabilities. Our study found a number of serious deficiencies, which we describe at length in our report, *Deficient Resources: An Analysis of the Availability of Basic Educational Resources in High-Needs Schools in Eight New York State School Districts*.²

¹ For the full report, see www.tc.edu/equitycampaign/essentialresources

² See www.tc.edu/equitycampaign/deficientresources

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