

Considerations Regarding the Physical Education Requirement Change Option Resulting from 2011 Wisconsin Act 105

2011 Wisconsin Act 105 modified many aspects of education law. Regarding physical education, a new section of Wis. Stat. sec. 118.33 was created and became effective December 9, 2011. It reads as follows:

118.33 (1) (e) A school board may allow a pupil who participates in sports or in another organized physical activity, as determined by the school board, to complete an additional 0.5 credit in English, social studies, mathematics, science, or health education in lieu of 0.5 credit in physical education.

This provision is optional and up to each school board to determine whether or not to adopt it. If this provision is adopted, what types of sports or other forms of physical activity, and under what conditions, will the board permit a pupil to complete 0.5 credit in options other than physical education? The decisions regarding whether or not to implement this provision, and if so, how, raise many questions. Factors to consider in making these decisions include the following:

1. What will be lost for students as a result of decreasing physical education requirements? Physical education helps students learn knowledge and skills that apply to many lifetime activities and are often missing from participation in specific sports. For more information, please refer to state and local physical education standards.
2. If the board adopts a provision allowing alternatives to physical education, how will this provision be implemented equitably for all students, including those with limited physical ability and those with disabilities? School boards should ensure that district policy includes a statement of non-discrimination. If not in the policy specific to this matter, is there a non-discrimination policy that applies to all school policies? (References: Wis. Stats. § 118.13, Wis. Admin Code., § PI 9.03, Title IV of the Civil Rights Act (1964), Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973.)

Note: No person may be denied admission to any public school or be denied participation in, be denied the benefits of or be discriminated against in any curricular, extracurricular, pupil services, recreational or other program or activity because of the person's sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability.

3. How will the district protect itself from discrimination concerns and complaints, especially for activities that are limited to few students?

4. Will only school-based activities be allowed or will community-based activities be permitted? If the latter, what additional requirements will be needed to assure documentation of participation and completion?
5. Will allowable activities be limited to those supervised by licensed educators? If not, will any other limitations be placed on the type of supervision?
6. Will the activity require approval in advance or after completion?
7. Will only certain types of physical activity be acceptable alternatives, or will any type? What minimum type or amount of physical skill development is needed in an acceptable alternative? Is any level of sport participation acceptable or will alternatives be limited to the varsity level sports?
8. Will a minimum amount of time be established for an alternate activity? If so, how will that be determined? Given that sports and other activities vary widely in their lengths, what minimum length is appropriate? For example, a golf team season may be six to seven weeks, while a varsity basketball season is typically 18 weeks.
9. How will the district document completion of an activity? What new systems or records will be required? Who will be responsible for these, and what time will be allocated for creating and maintaining such records?
10. If the student is injured during the activity and does not complete it, how will this affect the approval of the alternative?
11. If the student breaks a code of conduct or is otherwise disciplined and does not complete the alternative activity, how will this affect the approval of the alternative?
12. Must the student participate in the alternative activity in the same year in which the physical education course would have occurred?
13. If the activity is scheduled for the student's senior year and is not completed, how will this affect the approval of the alternative?