



Ohio Legislative Service Commission

Bill Analysis

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Sub. H.B. 113*

130th General Assembly
(As Reported by S. Education)

Reps. Antonio and Henne, Ramos, Brenner, Hood, Driehaus, R. Hagan, Letson, Stinziano, Milkovich, Boyce, Hackett, Rogers, Cera, Amstutz, Bishoff, Schuring, Batchelder

BILL SUMMARY

- Permits school districts and chartered nonpublic schools to excuse from high school physical education students who participate in a school-sponsored athletic club for two full seasons.
- Requires that, in order to be excused from high school physical education, students who participate in any of the activities that qualify for excusal must demonstrate both (1) competency in the physical education standards adopted by the State Board of Education, and (2) success in meeting the physical education benchmarks.
- Permits a school district board or school governing authority to designate persons to determine if a student demonstrates success in the physical education benchmarks.

CONTENT AND OPERATION

Excusal from high school physical education

School-sponsored athletic club

The bill permits each school district board and chartered nonpublic school governing authority to excuse a student from the high school physical education requirement (½ unit, consisting of 120 hours of instruction), if the student participates in a school-sponsored athletic club for at least two seasons during high school.¹ Currently,

* This analysis was prepared before the report of the Senate Education Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

¹ R.C. 3313.603(A)(2), (B)(4), (C)(4), and (L).

a board or authority may excuse students who, during high school, participate in (1) interscholastic athletics, marching band, or cheerleading for at least two full seasons or (2) Junior ROTC for two full school years.

Conditions on excusal

In order to be excused from the physical education requirement, the bill requires students who participate in *any* waivable activity, including the activities provided for under current law (listed above), to demonstrate competency, during high school, in the statewide physical education standards adopted by the State Board of Education. Additionally, so long as the student demonstrates success in meeting the benchmarks contained in those standards and in other wellness measures established by the State Board (see "**Background – Physical education standards and benchmarks**," below), a board or authority that adopts such an excusal policy cannot require the student to complete any physical education course as a condition to graduate. In order to determine if a student demonstrates success in these benchmarks, the board or governing authority may designate a person or persons to make the determination.²

Background

Current law on the physical education exemption

Under current law, a school district board or chartered nonpublic school governing authority may adopt a policy under which it may excuse from high school physical education students who, during high school, participate in (1) interscholastic athletics, marching band, or cheerleading for at least two full seasons or (2) Junior ROTC for two full school years. If the board or authority adopts such a policy, it may not require the student to complete any physical education course as a condition to graduate from high school. However, the student must complete ½ unit of at least 60 hours of instruction in another course of study.

It is unclear whether these provisions currently apply to community schools.

Physical education standards and benchmarks

The State Board of Education is required to adopt either (1) the most recent standards developed by the National Association for Sport and Physical Education (NASPE) for physical education in grades K through 12, or (2) its own standards for physical education in those grades and revise and update them periodically.³ According

² R.C. 3313.603(L). See also division (A)(3) of R.C. 3301.079 and R.C. 3302.032, neither in the bill.

³ R.C. 3301.079(A)(3), not in the bill.



to the Ohio Department of Education's website, the State Board has adopted the NASPE's standards.⁴

Additionally, under current law, the State Board is required to establish a measure, which must be included on school district and building report cards, for the following:

(1) Student success in meeting the benchmarks contained in the aforementioned physical education standards.

(2) Compliance with the requirements for local wellness policies prescribed by the federal "Child Nutrition and WIC Reauthorization Act of 2004."

(3) Whether a school district or building has elected to administer the screenings for body mass index and weight status category authorized by the Revised Code.

(4) Whether a school district or building is participating in the physical activity pilot program provided for in law.⁵

HISTORY

ACTION	DATE
Introduced	04-02-13
Reported, H. Education	12-03-13
Passed House (82-9)	01-29-14
Reported, S. Education	---

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⁴ "Physical Education," Ohio Department of Education. For access, go to <http://education.ohio.gov/>; hover over the heading entitled "Topics" and click the first link entitled "Ohio's New Learning Standards"; and under the heading entitled "Topics," click the link entitled "Physical Education."

⁵ R.C. 3302.032, not in the bill.

