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September 2018

Lesli Myers, Superintendent  
Members of the Board of Education  
Brockport Central School District  
40 Allen Street  
Brockport, New York 14420

Report Number: S9-18-14

Dear Ms. Myers and Members of the Board of Education:

We conducted an audit of 10 school districts throughout New York State.<sup>1</sup> The objective of our audit was to determine whether school districts are providing physical education classes consistent with the regulations of the Commissioner of the New York State Education Department (Commissioner). We included the Brockport Central School District (District) in this audit. Within the scope of this audit, we examined schedules, attendance and the physical education plan for the period July 1, 2016 through June 30, 2017. This audit was conducted pursuant to Article V, Section 1 of the State Constitution and the State Comptroller's authority as set forth in Article 3 of the New York State General Municipal Law.

This report of examination letter contains our findings and recommendations specific to the District. We discussed the findings and recommendations with District officials and considered their comments, which appear in Appendix A, in preparing this report. District officials generally agreed with our recommendations and indicated they planned to initiate corrective action. At the completion of our audit of the 10 school districts, we prepared a global report that summarizes the significant issues we identified at all of the school districts audited.

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<sup>1</sup> Baldwinsville Central School District, Binghamton City School District, Brockport Central School District, Camden Central School District, Corning City School District, East Ramapo Central School District, Kenmore-Town of Tonawanda Union Free School District, Plattsburgh City School District, South Colonie Central School District, South Huntington Union Free School District

## Summary of Findings

The District did not comply with the physical education (PE) requirements<sup>2</sup> of the New York State Education Department (SED) Commissioner regarding PE classes for students in grades K-5 (elementary school) and grades 7-8 (middle school). The District's PE plan was not filed with SED as required and did not address or correctly address all items required by the State's regulations.

While the District scheduled all students for PE and students generally attended classes, elementary school students (grades K-5) and middle school students (grades 7-8) did not receive the required amount. The District is required to provide elementary school students with 120 PE minutes each week, but provided on average 100 PE minutes (17 percent less than the minimum required) and is required to provide middle school students (grades 6-8) with an average of 90 minutes per week, but provided on average 70 minutes for grades 7 and 8 (22 percent less the minimum required). In addition, the District should have provided grades K-3 with five PE classes a week but provided an average of 2.5, and should have provided grades 4 and 5 with three PE classes a week but provided an average of 2.5.

## Background and Methodology

The District serves the Towns of Sweden, Clarkson, Hamlin, Ogden and Parma in Monroe County; the Town of Clarendon in Orleans County; and the Town of Bergen in Genesee County. It operates five schools (three elementary schools, one middle school and one high school) with 3,283 students and 1,037 employees. District appropriations totaled \$78.9 million for the 2016-17 fiscal year, including approximately \$118,000 for physical education. The District has 17 certified PE teachers.

A seven-member Board of Education (Board) governs the District. The Board's primary responsibilities are the management and control of the educational affairs of the District. The Director of PE and Athletics (Director) is responsible for the day-to-day operations of the PE program.

New York State Education Law<sup>3</sup> generally directs that school districts should provide PE to elementary and secondary school students, under the direction of the Commissioner. As a result, the New York Codes, Rules and Regulations (NYCRR)<sup>4</sup> require a PE plan be prepared and filed with SED, indicate what should be in the plan and set the time requirements for students on a grade-by-grade basis.

The federal Centers for Disease Control and Prevention<sup>5</sup> reviewed multiple studies and released a report<sup>6</sup> indicating there is evidence that physical activity can improve academic achievement,

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<sup>2</sup> Chapter 11 of the New York Code of Rules and Regulations (NYCRR), Section 135.4

<sup>3</sup> New York State Education Law Section 803

<sup>4</sup> New York Codes, Rules and Regulations Section 135.4

<sup>5</sup> A federal agency that conducts and supports health promotion, prevention and preparedness activities in the United States, with the goal of improving overall public health.

<sup>6</sup> "The association between school-based physical activity, including physical education, and academic performance." (Centers for Disease Control and Prevention, U.S. Department of Health and Human Services), 2010

including grades and standardized test scores. In 11 of 14 studies reviewed, increasing PE time improved students' academic achievement, while in three studies found that PE had no significant associations with academic achievement. Additionally, PE is important for a student's health and well-being as childhood obesity continues to be a serious problem in the United States. The prevalence of obesity has remained fairly stable, between 2003-2004 and 2011-2012, at 17 percent and affects about 12.7 million children and adolescents.<sup>7</sup>

To complete our audit objective, we reviewed the PE plan, interviewed staff, reviewed student schedules, calculated student attendance and verified compliance with PE regulations. We conducted this performance audit in accordance with generally accepted government auditing standards (GAGAS). More information on the standards and the methodology used in performing this audit are included in Appendix B of this report. Unless otherwise indicated in this report, samples for testing were selected based on professional judgment, as it was not the intent to project the results onto the entire population. Where applicable, information is presented concerning the value and/or size of the relevant population and the sample selected for examination.

## **Audit Results**

Physical Education Plans – The Commissioner's regulations state that the Board of Education is responsible for developing and implementing school district plans to provide PE experiences for students. Such plans should be kept on file in the school district office and shall be filed with the SED Division of Physical Education, Fitness, Health, Nutrition and Safety Services. In addition, the NYCRR indicates specific items that the PE plan must address, such as program plans, required instruction, attendance, personnel, facilities and administrative procedures.

The District has a PE plan that is not available for public view, the PE plan was not filed with SED<sup>8</sup> and was insufficient as it did not provide students with the required number of PE opportunities and minutes each week. Positively, District officials require that all students be scheduled for PE, that student PE grades and attendance be maintained each year, and that teachers ensure students are attending PE classes. We confirmed students are scheduled for PE classes and that students generally attend the classes.

We reviewed secondary school student class records and schedules to determine whether PE classes are scheduled for students in accordance with District statements, the PE plan and master schedules and found no issues.

The Director told us he was aware of SED's requirements and was aware that the District needed to have a PE plan. However, during our audit we found that he was unaware that the time and day requirements needed to be included in the plan and that the plan needed to be approved by SED. By not maintaining a comprehensive PE plan for guiding staff and for monitoring the PE program, the District risks not complying with regulations and not providing adequate PE for students. This could harm student academic performance and increase the potential for obesity.

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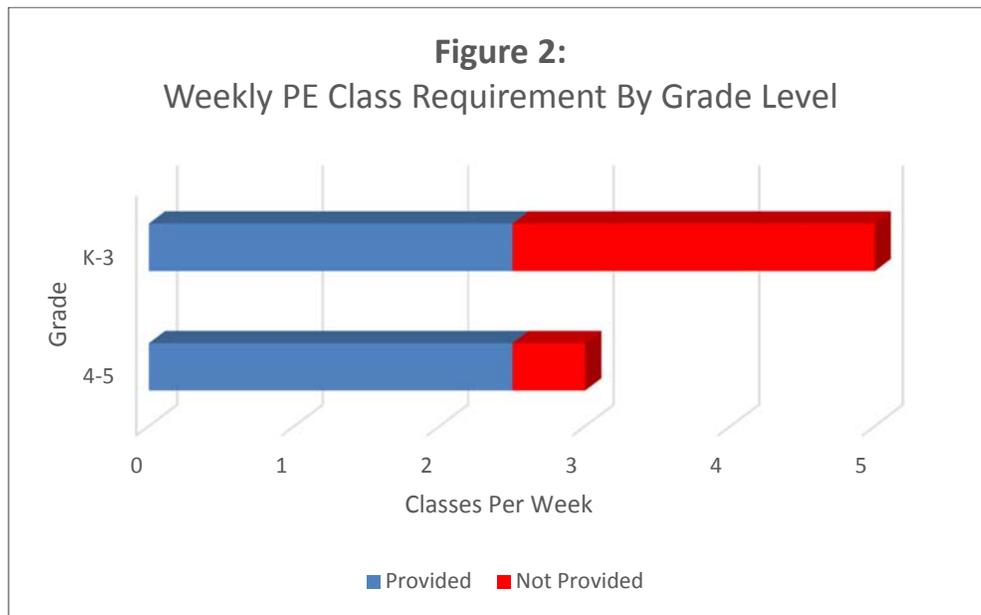
<sup>7</sup> Ogden CL, Carroll MD, Fryar CD, Flegal KM. "Prevalence of obesity among adults and youth: United States, 2011–2014." NCHS data brief, no 219 (National Center for Health Statistics), 2015

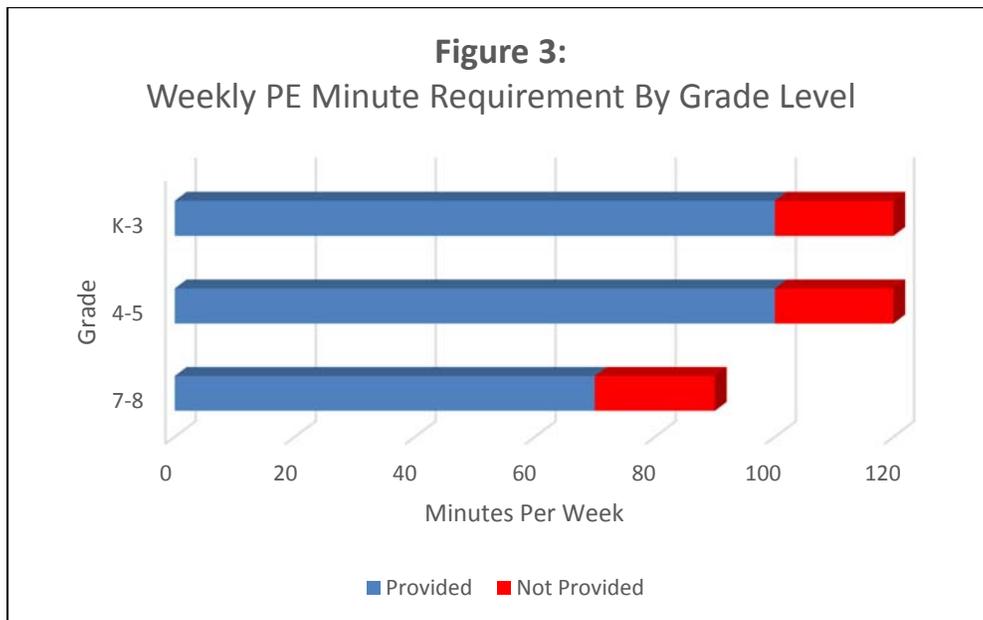
<sup>8</sup> The PE plan was also not approved by the Board.

Compliance With Physical Education Regulations – The Commissioner’s regulations set forth minimum standards for PE programs. This includes a minimum number of times and minutes per week that a student should receive PE (Figure 1). The regulations also allow adjustments for districts to tailor the PE program to their own needs. For example, fifth graders can be subject to elementary school or secondary school standards depending on which school they graders attend.

<b>Figure 1: Regulation PE Requirements</b>		
<b>Grade</b>	<b>Total Minute Requirement</b>	<b>Times Per Week Requirement</b>
K-3	120 Minutes	5
4-6	120 Minutes 5 <sup>th</sup> and 6 <sup>th</sup> graders have option to meet secondary school standards (Grades 7-8)	3
7-8	Three times per week one semester, two times per week second semester or a comparable time if school is organized in another pattern. Should average 90 minutes per week.	
9-12	Three times per week one semester, two times per week second semester or a comparable time if school is organized in another pattern. Should average 90 minutes per week.	

For grades K-5, the students did not receive the required number of PE classes (Figure 2) and grades K-5, 7 and 8 did not receive the minimum minutes required (Figure 3), as prescribed by SED:





The District provides elementary school students (grades K-5) PE once every other day and provides middle school students (grades 7 and 8) PE once every four days. However, students in grade K-3 received an average of 2.5 classes per week (100 minutes) rather than the required five classes totaling 120 minutes. Students in grades 4 and 5 received an average of 2.5 classes per week (100 minutes) rather than the required three classes totaling 120 minutes. Lastly, grades 7-8 were attending class once every four days for 56 minutes (averaging 70 minutes a week) rather than the required 90 minutes. District officials explained that they are not meeting the requirements due to not having enough time in the day or PE staff to fulfill the requirements.

The District provides students in grade 6 and grades 9-12 with the required amount of PE. Grade 6 receives one PE class every other day for 56 minutes per class. Grades 9-12 receive PE once every four days for 75 minutes.

By not providing the required level of PE for elementary school and middle school students, the District is noncompliant with State regulations and risks negatively affecting its students' academic performance as well as contributing to childhood obesity.

**Recommendations**

The Board should:

1. Develop and adopt a comprehensive PE plan that meets the Commissioner's regulations and file it with SED, as required.
2. Ensure that all students in the District receive the required amount of PE.

The Board has the responsibility to initiate corrective action. Pursuant to Section 35 of General Municipal Law, Section 2116-a (3)(c) of the New York State Education Law and Section 170.12 of the Regulations of the Commissioner of Education, a written corrective action plan (CAP) that

addresses the findings and recommendations in this report must be prepared and forwarded to our office within 90 days. To the extent practicable, implementation of the CAP must begin by the end of the next fiscal year. For more information on preparing and filing your CAP, please refer to our brochure, *Responding to an OSC Audit Report*, which you received with the draft audit report. The Board should make the CAP available for public review in the District Clerk's office.

We thank the officials and staff of the Brockport Central School District for the courtesies and cooperation extended to our auditors during this audit.

Sincerely,

Gabriel F. Deyo  
Deputy Comptroller

## **APPENDIX A**

### **RESPONSE FROM DISTRICT OFFICIALS**

The District officials' response to this audit can be found on the following pages.



# BROCKPORT

## CENTRAL SCHOOL DISTRICT

Administrative Offices: 40 Allen Street, Brockport, NY 14420 Phone: (585) 637-1810 Fax: (585) 637-0165

August 2, 2018

Ann C. Singer, Chief Examiner  
Office of the State Comptroller  
State Office Building, Suite 1702  
44 Hawley Street  
Binghamton, New York 13901-4417

Dear Ms. Singer,

The following letter contains the Brockport Central School District response letter and corrective action plan (CAP) to the physical education audit that was completed by the Office of the State Comptroller during the 2017-18 school year.

As a district we agree with the findings of the audit. We value the impact physical education has on the academic success and personal health and well-being of our students. Brockport is well known for establishing and sustaining an exemplary k-12 physical education program. School districts from across New York State have used our PE programming to serve as a model. We continually adapt our program to meet the dynamic needs and interests of our students and make improvements where necessary. The findings of the audit provide us with an opportunity to make adjustments to enhance our program and meet the mandates set forth by the New York State Education Department (SED) commissioner.

In regards to the audit, the recommendations and our CAP are detailed below:

**Develop and adopt a comprehensive PE plan that meets the commissioner's regulations and file it with SED as required.**

*The Brockport Central School District has a district PE plan that will be submitted to the Board of Education for their adoption at their Aug. 28 board meeting. Upon approval, the plan will be submitted to the New York State Education Department (SED) as required by the commissioner. The plan will be reviewed annually and resubmitted if modified.*

**Ensure that all students in the district receive the required amount of PE.**

*The Brockport Central School District recognizes that our students in grades K-5 and 7-8 were not receiving the required amount of PE minutes per week. The district implemented the following changes during the 2017-18 school year in an effort to meet these requirements:*

- *Additional time was added for all seventh-graders, thus exceeding the requirements. Seventh-grade students attended PE every other day for an average of 140 minutes per week (same as our sixth grade) that exceeded the 120 minimal minutes required by SED.*

*This change required Oliver Middle School (grades 6-8) to increase PE staffing from .4 to .6 FTE. In addition, the master schedule was tweaked in its entirety to accommodate the additional day of PE.*

- *Eighth-grade students were provided with an opportunity to attend intramurals during their activity period from 2:15-2:45 p.m. every day after school. The PE teachers' supervisory periods were changed to allow them the time and availability to provide intramural programs during this time of the instructional day.*
- *The Ginther School (grades K-1) implemented several programs during the instructional day for physical activity, including Fitness Fridays, Brain Gym, GoNoodle and GymB4 Kids programs. Every Friday our PE teachers led all students through a 10-20 minute school-wide exercise facilitated by their classroom teacher. During this time all students engaged in physical activity through walking or dancing. If the weather did not cooperate, physical activity instruction created by our PE teachers was provided through the computer programs GoNoodle or GymB4 Kids. Both programs are stored on our shared drive and can be accessed and shown by teachers in their classrooms.*
- *The Barclay School (grades 2-3) implemented the Brain Gym curriculum for all students. Students engage in physical activity for an average of five minutes per day in their classroom based on the Brain Gym curriculum and instruction.*

Moving forward, our district administration will meet with our building leaders and PE staff to explore additional opportunities to meet the required number of minutes for PE (e.g., fourth and fifth grade). We are confident that we can accomplish this goal through our existing structures/programs and through the implementation of new and innovative programs to increase physical activity time for students.

Sincerely,

Lesli C. Myers, Ed.D.  
Superintendent of Schools  
Brockport Central School District

c: Todd Hagreen, Athletic Director  
Darrin Winkley, Assistant Superintendent for Business

## APPENDIX B

### AUDIT METHODOLOGY AND STANDARDS

To achieve our audit objective and obtain valid audit evidence, our audit procedures included the following:

- We interviewed District officials and staff to gain an understanding of the District's policies and procedures for PE.
- We obtained the District's PE plan and compared it to the NYCRR put forth by SED to determine whether the plan met the requirements of the regulation.
- We obtained a list of all District PE teachers and their certifications to determine whether they received certifications as physical education teachers.
- We obtained a list of all District students and selected a sample of 75 secondary school students (2.3 percent), using a random number generator, to determine whether they were scheduled for a PE class. If they were, we determined whether the schedule matched the PE plan, information shared by the district and the school's master schedule.
- We obtained the master schedules for each school that indicated the PE teacher, section ID,<sup>9</sup> days of the week attended and number of students in the class. We then obtained a list of all student attendance of PE classes and determined the attendance percentage per grade and school based on total students per class, total days of class and total absences.
- We compared the District's PE class scheduling practices to the NYCRR to determine whether they were in compliance with the required amount of classes per week and total minutes per week.

We conducted this performance audit in accordance with GAGAS. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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<sup>9</sup> The ID assigned to a class that identifies the grade, teacher and period (for secondary school).