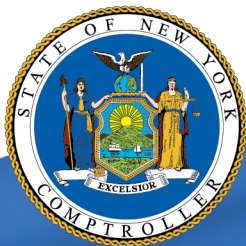


School District Physical Education Compliance

**In the School Districts of: Baldwinsville
Central, Binghamton City, Brockport
Central, Camden Central, Corning City,
East Ramapo Central, Kenmore-Town
of Tonawanda Union Free, Plattsburgh
City, South Colonie Central and South
Huntington Union Free**

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OFFICE OF THE NEW YORK STATE COMPTROLLER
Thomas P. DiNapoli, State Comptroller

Contents

- Report Highlights 1**

- Physical Education Requirements 2**
 - How Should Districts Comply With PE Requirements? 2
 - School Districts Did Not Meet PE Day and Time Requirements. 3
 - School Districts Did Not Develop Fully Detailed PE Plans. 5
 - What Do We Recommend? 6

- Appendix A – Response From District Officials 7**

- Appendix B – Audit Methodology and Standards 8**

- Appendix C – Resources and Services. 9**

Report Highlights

School District Physical Education Compliance

Audit Objective

To determine whether the 10 school districts that we audited provide physical education (PE) classes consistently with the regulations of the Commissioner of the New York State Education Department (SED).

Key Findings

- None of the districts fully complied with PE requirements mandated by State Education Law and regulations. As a result, not all students are receiving the minimum PE required. Nine of the 10 districts audited did not provide an adequate amount of PE to students in grades K-4, and seven did not do so for grade 5.
- None of the districts audited had developed a PE plan that met SED Commissioner's regulation requirements.
- Seven districts did not file a PE plan with SED, as required.
- Five Boards of Education did not approve their district's PE plan, as required.

Key Recommendations

Develop and institute a PE program to ensure that:

- Students receive the minimum required amount of PE.
- The PE plan addresses all requirements in the Commissioner's regulations.

Background

Districts are required to provide a minimum level of PE per week in both number of classes and number of minutes. Districts must also develop a detailed PE plan that meets all of the requirements of the SED Commissioner, including board approval of the plan before it is submitted to SED. School district boards of education are responsible for the general management and control of district operations, including educational affairs such as physical education.

Quick Facts

School District	2016-17 General Fund Budget (millions)	Students	PE Teachers
Baldwinsville Central	\$103.6	5,661	21
Binghamton City	\$112.2	6,307	23
Brockport Central	\$78.9	3,283	17
Camden Central	\$51.7	2,189	10
Corning City	\$104.7	4,976	23
East Ramapo Central	\$224.4	8,482	36
Kenmore-Town of Tonawanda Union Free	\$157.1	6,705	37
Plattsburgh City	\$41.7	1,932	9
South Colonie Central	\$98.7	4,731	25
South Huntington Union Free	\$159	6,099	26

Audit Period

July 1, 2016 – June 30, 2017

Physical Education Requirements

School districts must meet the minimum level requirements mandated by Education Law and regulations. New York State Education Law¹ generally directs that school districts should provide PE to elementary and secondary school students, under the direction of the Commissioner of SED (Commissioner). In addition, the New York Codes, Rules and Regulations (NYCRR)² require, in part, a PE plan to be prepared, indicate what should be in the plan and set the minutes and times per week requirements for students on a grade-by-grade basis. The NYCRR also require a current PE plan to be filed with SED and kept on file in the school district's office.

Establishing healthy habits for children early in life can bring lifelong benefits; habits learned during school-aged years, the ages of 5-12, can become habits for life. The federal Centers for Disease Control and Prevention³ reviewed multiple studies and released a report⁴ indicating there is evidence that physical activity can improve academic achievement, including grades and standardized test scores. In 11 of 14 studies reviewed, increasing PE time improved students' academic achievement, while three studies found that it had no significant associations with academic achievement.⁵ 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. Obesity affects 12.7 million children and adolescents and its prevalence has remained fairly stable, since 2003-2004, at 17 percent.⁶

How Should Districts Comply With PE Requirements?

School districts must develop and maintain PE plans that meet requirements of the Commissioner's regulations; including ensuring the plan is Board approved and filed with SED. Districts are required to provide a minimum level of PE in minutes and times per week (Figure 1).

1 New York State Education Law Section 803

2 New York Codes, Rules and Regulations Section 135.4

3 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

4 "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

5 Ibid.

6 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

Figure 1: Regulation PE Requirements

Grade	Minutes Per Week Requirement	Times Per Week Requirement
K-3	120 Minutes	5
4-6	120 Minutes 5th, 6th graders have option to meet secondary school standards (grades 7-8).	3
7-12	Three times per week one week, two times per week the second week or a comparable time if school is organized in another pattern. Should average 90 minutes per week.	

School Districts Did Not Meet PE Day and Time Requirements

For elementary school students (grades K-5),⁷ districts generally did not comply with the minimum PE minute and day requirements: one district met grade K-3 requirements, two districts met grade 4 time per week requirements but only one met minute requirements and three districts met grade 5 requirements.⁸

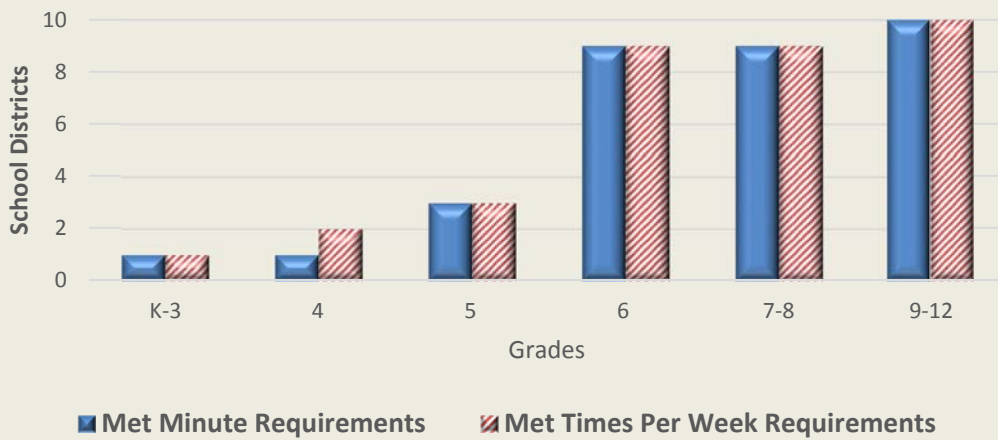
For all elementary, secondary and high school grades (K-12), only one district, Kenmore-Town of Tonawanda, met the minimum PE minute and day requirements. The remaining nine districts either did not meet the minimum requirements or did not maintain the required documentation to show they met the requirements for all grade levels. All 10 districts met grade 9-12 requirements, nine districts met grade 6 requirements, and nine districts met grade 7-8 requirements. The exceptions were East Ramapo, where grade 6 students were provided with two 40-minute classes instead of three classes totaling 120 minutes; and Brockport, where grades 7-8 students were provided with 70 minutes of PE instead of an average of 90 minutes per week. Figure 2 summarizes our findings.

⁷ The East Ramapo district includes 6th grade in elementary school.

⁸ Three districts (Camden, Kenmore-Town of Tonawanda and South Colonie) include fifth grade in secondary school rather than elementary school. Additionally, we did not include Plattsburgh grades K-5 because we could not determine whether the district was in compliance due to lack of supporting attendance documentation for a supplemental PE learning program.

FIGURE 2

School Districts' PE Minute and Times Per Week Compliance



Kenmore-Town of Tonawanda implemented a supplemental learning program to assist in meeting the minimum requirements. PE teachers at the District created a series of 10-minute educational videos for elementary school teachers to show during class and maintained separately tracked attendance for this additional PE education.

Baldwinsville and Corning provided the least amount of PE for their students. While these districts met requirements for grades 6-12, their compliance rates for grades K-5 were the lowest of the districts audited. Figure 3 summarizes the percentages of each district's compliance with SED's PE requirements for minimum minutes and times per week.

Figure 3: Grades K-5 PE Compliance (Percentage of SED Requirements Met)

School District	Grades K-3		Grades 4-5	
	Minutes Per Week	Times Per Week	Minutes Per Week	Times Per Week
Baldwinsville Central	42%	25%	42%	42%
Binghamton City^a	79%	48%	83%	83%
Brockport Central	83%	50%	83%	83%
Camden Central^b	90%	52%	90%	89%
Corning City	54% ^c	40%	67%	67%
East Ramapo Central^d	67%	40%	67%	67%
Kenmore-Town of Tonawanda				
Union Free	100%	100%	100%	100%
Plattsburgh City^e	67%	40%	67%	67%
South Colonie Central	83%	67%	83%	100%
South Huntington Union Free	67%	40%	67%	67%

a Binghamton minute compliance percentages for kindergarten (67 percent) and grades 1-3 (83 percent) were averaged to arrive at 79 percent. Times per week compliance percentages for kindergarten (40 percent) and grades 1-3 (50 percent) were averaged to arrive at 48 percent.

b Camden time compliance percentages for kindergarten (50 percent), first grade (52 percent), second grade (53 percent) and third grade (52 percent) were averaged to arrive at 52 percent.

c Corning minute compliance percentages for grades K-2 (50 percent) and grade 3 (67 percent) were averaged to arrive at 54 percent.

d East Ramapo grade 6 data was included in the grades 4-5 section.

e Plattsburgh figures do not include the supplementary PE that students potentially received due to lack of supporting documentation.

District officials explained that they lacked the time during the day for additional PE classes, faced financial difficulties that limited funding for PE staff, or were unaware of the specific requirements. By not providing the required level of PE, school districts risk negatively affecting students' academic performance as well as contributing to childhood obesity.

School Districts Did Not Develop Fully Detailed PE Plans

All 10 districts lacked a fully detailed PE plan that met all regulation requirements, including Board approval, plan submission to SED, an up-to-date plan, and/or a plan that correctly addresses the minimum day and time requirements. Although all districts indicated they were aware of the regulation, as a result of our audit we found that they were not all aware of the requirement to submit their plan to SED, had not updated their plan, or were not aware of the specific PE plan requirements (Figure 4).

Figure 4: Compliance With PE Plan Requirements

School District	Last Filed With SED ^a	Last Board-Approved ^a	Meets All Requirements?
Baldwinsville Central	2007	2007	No
Binghamton City			No
Brockport Central			No
Camden Central			No
Corning City		2015	No
East Ramapo Central			No
Kenmore-Town of Tonawanda			
Union Free	2015	2015	No
Plattsburgh City		2006	No
South Colonie Central	2008	2008	No
South Huntington Union Free^b			No

a If a year is not reported a PE plan was never filed and/or the Board has never approved a PE plan.

b South Huntington developed a Board-approved PE plan and filed the plan after we notified the District of our audit.

By not maintaining a comprehensive PE plan for guiding staff and monitoring the program, District officials risk not complying with regulations and not providing adequate PE for students. This could harm student academic performance and increase the likelihood of obese students.

What Do We Recommend?

The Board should:

1. Take the steps necessary to bring the PE program into compliance with SED Commissioner’s regulations.
2. Prepare and file a board approved PE plan with SED, as required.

Appendix A: Response From District Officials

We provided a draft copy of this global report to the 10 school districts we audited and requested a response from each. We received five written responses (Baldwinsville, Binghamton, Camden, Plattsburgh and South Colonie), of which three addressed district-specific findings, recommendations and/or corrective action and not the overall contents of this report. Each district's individual report includes its response to our audit of the district. The other five districts (Brockport, Corning, East Ramapo, Kenmore-Town of Tonawanda and South Huntington) did not respond to the global draft.

The following comments were excerpted from the two responses that addressed the draft copy of this report.

Plattsburgh City School District officials said: “. . . The district found the comparison of Districts throughout New York State to be helpful and informative. We reviewed the information presented and will use it to guide physical education curriculum decisions made in the future.”

Binghamton City School District officials said: “. . .The district would request and suggest that further clarification be provided regarding the process used to choose the districts selected for review. . . .Statistical techniques should be utilized to randomly select districts for review. OSC's Audit selection objectives can be satisfied and the data population randomly selected by utilizing established statistical techniques and commercially available software.”

“. . .There is the potential for numerous costly collateral impacts related to the issues identified in OSC's review. They include potential impacts to collective bargaining agreements, scheduling challenges, budget impacts, transportation and staffing, just to name a few. With so many districts out of compliance, at some level, the report might suggest an inability for districts to completely satisfy the regulations and that the regulations may need to be re-evaluated.”

“. . . The district found OSC's recommendations to be helpful as an end item objective. OSC clearly articulated the deliverable required to satisfy the areas identified as deficient. The review process and the resultant report would be more beneficial to the district if it provided root cause analysis to assist in understanding the underlying reasons for non-compliance.”

OSC's Response: Each audit report contains an appendix that details the audit's sampling methodology. Generally, we do not perform statistical sampling.

The audit determined compliance with current regulations and we recommended school districts comply with the regulations.

Each district's individual report addresses the cause for the deficiencies identified.

Appendix B: Audit Methodology and Standards

We conducted this audit 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. We judgmentally selected school districts to be audited based on geographic location and student population to include districts of varying sizes across the state. To achieve the audit objective and obtain valid audit evidence, our audit procedures at the 10 districts included the following:

- We interviewed district officials and staff to gain an understanding of the District's policies and procedures for PE.
- We obtained each district's PE plan, if available, and compared it to the NYCRR put forth by SED to determine whether the plan met the requirements of the regulations.
- We obtained a list of all district PE teachers and their certifications to determine whether they received certifications as physical education teachers.
- We obtained the list of all district students and then obtained a sample of secondary school students, 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,⁹ days of the week attended and number of students in the class. We then obtained the list of all student attendance, in relation to physical education, 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 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 (generally accepted government auditing standards). 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 objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

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.

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

Appendix C: Resources and Services

Regional Office Directory

www.osc.state.ny.us/localgov/regional_directory.pdf

Cost-Saving Ideas – Resources, advice and assistance on cost-saving ideas

www.osc.state.ny.us/localgov/costsavings/index.htm

Fiscal Stress Monitoring – Resources for local government officials experiencing fiscal problems

www.osc.state.ny.us/localgov/fiscalmonitoring/index.htm

Local Government Management Guides – Series of publications that include technical information and suggested practices for local government management

www.osc.state.ny.us/localgov/pubs/listacctg.htm#lmgm

Planning and Budgeting Guides – Resources for developing multiyear financial, capital, strategic and other plans

www.osc.state.ny.us/localgov/planbudget/index.htm

Protecting Sensitive Data and Other Local Government Assets – A non-technical cybersecurity guide for local government leaders

www.osc.state.ny.us/localgov/lgli/pdf/cybersecurityguide.pdf

Required Reporting – Information and resources for reports and forms that are filed with the Office of the State Comptroller

www.osc.state.ny.us/localgov/finreporting/index.htm

Research Reports/Publications – Reports on major policy issues facing local governments and State policy-makers

www.osc.state.ny.us/localgov/researchpubs/index.htm

Training – Resources for local government officials on in-person and online training opportunities on a wide range of topics

www.osc.state.ny.us/localgov/academy/index.htm

Contact

Office of the New York State Comptroller
Division of Local Government and School Accountability
110 State Street, 12th Floor, Albany, New York 12236

Tel: (518) 474-4037 • Fax: (518) 486-6479 • Email: localgov@osc.ny.gov

www.osc.state.ny.us/localgov/index.htm

Local Government and School Accountability Help Line: (866) 321-8503

STATEWIDE AUDIT – Ann C. Singer, Chief Examiner

State Office Building, Suite 1702 • 44 Hawley Street • Binghamton, New York 13901-4417

Tel: (607) 721-8306 • Fax: (607) 721-8313



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