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Education**

Carmen Fariña, Chancellor

**Testimony of the New York City Department of Education
on Physical Education in NYC Schools, and Intro 644**

Before the NYC Council Education Committee

June 17, 2015

Deputy Chancellor Elizabeth Rose

Good afternoon Chair Dromm and Members of the Education Committee. My name is Elizabeth Rose, Deputy Chancellor for the Division of Operations. Joining me today are Lindsey Harr, Executive Director of the Office of School Wellness Programs within the Division of Operations, and Katie Hansen, Senior Director of the Office of Academic Policy and Systems within DOE's Division of Teaching and Learning. Thank you for the opportunity to discuss physical education (PE) instruction in New York City (NYC) public schools and Intro. No. 644, in relation to reporting information on PE.

The Mayor and the Chancellor are committed to standards-based, high-quality PE instruction for all public school students as a critical component of their vision to educate the whole child. The childhood obesity epidemic in this country is an urgent call for all communities, especially schools, to play an active role in teaching our students what "physically healthy" means and how to stay that way. Physical education goes well beyond just being physically active—something we all need to do to stay healthy—to providing instruction on the "skills, knowledge and behaviors for active living, physical fitness, sportsmanship, self-efficacy and emotional intelligence" that support life-long health and wellness. We believe in a comprehensive approach to supporting wellness with physical education instruction that meets State and national PE standards as a cornerstone of that approach.

I would like to thank the City Council for its leadership on this issue, and individual Council Members' critical investments in facility upgrades, like athletic fields, gymnasiums, and playgrounds that provide students with additional spaces to be active and practice the standards-based skills taught in PE.

New York State Education Law 803 and Regulations of the State Commissioner Part 135 outline the requirements for PE instruction. Under State regulations, PE is required for all students every year, in grades K-12. State regulations also require that PE is provided by a licensed PE teacher, except in elementary school, where classroom teachers can provide PE instruction under the supervision of a licensed PE teacher or supervisor.

In addition, students in grades K-5 must have PE for a minimum of 120 minutes per week, with K-3 students receiving PE daily, and fourth and fifth grades receiving PE at least three days a week. In middle school, students must have PE class every semester for a minimum of three periods per week in one semester and two periods per week in the other semester, or a



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comparable time if the school is organized in other patterns. In high school, students must receive PE all four years and earn four PE credits to graduate.

As NYC Comptroller Stringer points out in a recent report, we have a lot of work ahead to ensure that all City students are receiving high-quality PE instruction that meets all State mandates. He aptly mentions that our PE challenges date back to New York City's near-bankruptcy in 1975. Funding was reduced and central support for PE was virtually eliminated. While some progress has been made in the last several years in building a district level office to provide supports and incentives to schools, PE continues to be unevenly prioritized and implemented not only across this City, but across the nation. First Lady Michele Obama's *Let's Move!* Active Schools campaign acknowledges the national scope of the challenges in both policy and practice, and the important role PE teachers play in ensuring that schools prioritize physical education, physical activity, and community support. While we know that addressing the challenges we collectively face will take time, we are committed to developing a thoughtful plan that aligns with the Chancellor's *Framework for Great Schools* and takes full advantage of the extensive resources and supports already in place.

Instructional support for PE is provided through the Office of School Wellness Programs (OSWP), which helps schools develop physical education as a key element of student wellness. Housed within the Office of School Health, a joint partnership between DOE and the Department of Health and Mental Hygiene (DOHMH), OSWP provides free professional learning opportunities, develops school-based wellness programs and initiatives, and creates instructional guidance for both physical and health education. This school year alone, our PE teachers participated in nearly 100 free PE trainings Citywide, hosting 2,000 participants throughout the year. Training topics included best practices on adaptive PE for students with disabilities, using non-traditional space for PE class, aligning PE with Common Core standards, and working with national trainers from *Let's Move!* Active Schools on leadership skills. PE teachers continue to receive training on *Physical Best*, our recommended fitness based PE curriculum, and thousands of classroom teachers are trained in Move-to-Improve, our classroom based fitness activity program for grades K-5.

The OSWP also provides wrap around programming and partnerships to provide students with additional opportunities to be active in addition to PE class, in order to help students meet the national recommendation of 60 minutes of daily physical activity. The CHAMPS Middle School Sports and Fitness Program, which is funded in part by the City Council, is one such program. Through CHAMPS, thousands of students in 400 schools across the City have access to a variety of before and after-school programs, with a focus on getting more girls involved, and engaging all students in both traditional and non-traditional sports and activities.

Despite this strong support for PE instruction, schools continue to struggle with meeting the State PE requirements, with staffing, class scheduling, and space contributing to these challenges—factors that we will consider as we develop a plan to improve the provision of PE for all students.



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One of our challenges is around teaching licenses. As previously mentioned, PE instruction must be provided by a certified PE teacher, except in elementary school, where classroom teachers can provide PE instruction under the supervision of a licensed PE teacher or supervisor. While the State provides a certificate for grades Kindergarten through 12 for PE instruction, NYC's corresponding credential is only for a secondary grades (7-12) license. State-certified PE teachers who work in elementary grades are technically working outside of the City license, which could make them more vulnerable to excessing. We want to ensure that this is not a barrier to recruiting or retaining licensed PE teachers in elementary schools. Currently, out of the 2,159 full-time licensed PE teachers in our schools, only about 10 percent teach in K-5 elementary schools. To address this concern, we have held initial discussions with the United Federation of Teachers regarding the creation a City K-12 PE license, and those talks are continuing. By adding a K-12 license, we believe we can recruit more certified PE teachers to work in elementary schools.

In addition to staffing, schools across grade levels struggle with scheduling PE in accordance with time and frequency requirements. Until recently, as a system, we have had inconsistent data to be able to provide targeted support. In the course of the last several years, we have made significant progress in ensuring student-specific schedules in all subject areas, including PE, are captured in a central system, known as STARS. In addition, the Office of Academic Policy and Systems provides grade-specific academic policy guides to support schools in understanding and applying course scheduling requirements.

The STARS data system has become increasingly refined over the last several years, and we now have detailed scheduling data that can be used for PE compliance reporting for middle and high schools. The availability of detailed school-level scheduling data for the first time this school year is a tremendous step forward and will help us target our efforts to improve PE compliance. A review of the STARS data for the current school year show us that 80 percent of middle school students and 84 percent of high school students are scheduled for PE according to the State time requirements, and that 61 percent of middle schools and 57 percent of high schools are scheduling more than 90 percent of their students according to the State mandates. While this suggests that schools with larger shares of the student population are more likely to schedule students appropriately, a deeper analysis of this data is required, the results of which will allow us to address specific challenges more strategically and effectively. With respect to elementary grades, we anticipate we will have STARS scheduling data next year that will enable us to target areas of need based on scheduling. STARS is also integrated with our *Progress to Graduation Tracker* for high schools as well as our new NYC Schools accounts for families.

To help elementary schools incorporate physical activity into the classroom and develop a comprehensive PE program, we have developed Move-to-Improve, a program that trains K-5 teachers to provide 10-minute fitness activities aligned with PE standards and core academic concepts in the classroom. Since 2012, we have trained more than 7,500 K-5 classroom teachers in Move-to-Improve (MTI). For schools that provide regularly scheduled PE classes with a PE teacher and use MTI school-wide, MTI can count for up to 40 minutes toward the 120 minutes



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State PE requirement. We currently have about 100 schools eligible to use MTI to help fulfill PE time requirements and we anticipate that number will continue to grow.

While space limitations in concentrated urban areas like New York City can present some challenges to physical education instruction, these challenges can be overcome with creativity and thoughtful planning. Of our approximately 1,300 buildings, there are a variety of indoor and outdoor spaces that can be used for high quality PE instruction, including gyms, multi-purpose rooms, fitness rooms, and play yards. We provide a variety of supports for schools to maximize use of available space, and provide training to help teachers utilize non-traditional PE space effectively. The Office of Campus Governance works with co-located schools to help them develop and implement best practices for all shared space. Since 2010, the Division of Space Management, working with School Construction Authority, has created 63 fitness space projects to provide schools with additional areas for PE activity. Schools may also use nearby non-DOE facilities for PE class, and we are working to expand these partnerships to provide additional options for schools in need. Across the DOE, we are committed to developing solutions for any challenges that may stand in the way of schools providing quality physical education to every one of our 1.1 million students.

We will also work with our new support structure to help provide greater accountability for physical education instruction. Superintendents will supervise, support, and advocate for schools in their district to ensure student achievement goals and instructional mandates are met within the Chancellor's *Framework for Great Schools*. Borough Field Support Centers will provide additional support, in coordination with central offices, to help ensure that efforts are aligned with schools' unique needs.

With new, detailed data for middle and high schools, and stronger supervisory and support structures, central offices are well-positioned to work with superintendents to provide more targeted support to schools, and to help them provide quality PE instruction that will support student health as well as academic achievement. Given the variety of school scheduling models and the types of available space, we need to build the capacity of superintendents and school leaders to prioritize and incorporate PE instruction into core planning.

With respect to Intro 644, we support the Council's goal to make information on PE available to the school communities, advocates, elected officials and other stakeholders. In addition, as we work towards meeting full compliance, this report will be an invaluable internal resource. We would like to work with the Council to ensure that the reporting requirements align with what we capture in our reporting system. We are also concerned that some of the reporting requirements would place an additional burden on schools.

In the end, we know that with a sustained focus and a collaborative, system-wide approach, we can make the changes necessary to ensure that all of our students receive this core instruction that has a direct impact on their achievement and well-being. Thank you again for the opportunity to testify and we are happy to take any questions.

MRNY Testimony to the New York City Council Committee on Education: Physical Education Requirements

Wednesday, June 17, 2015

Good afternoon. My name is Amy Richards. I am The Partnership for a Healthier Queens coordinator, based out of Make The Road NY, a community based organization that builds the power of Latino and working class communities to achieve dignity and justice through organizing, policy innovation, transformative education, and survival services.

For over 4 years, our members have led the "Too Crowded to Learn" Campaign to reduce overcrowding in Queens Districts 24 and 30, focusing on P.S. 19, one of the most overcrowded schools in the city, where students had been learning out of trailers for 16 years. We thank Councilmember Daniel Dromm and the Education Committee for your attention and action on this issue.

One of our community members, Rafaela Vivaldo, who fought tirelessly to eradicate the trailers at P.S.19 shared "My son, Fernando, is a second grader at one of the most overcrowded schools in the city. Students only have gym for a half hour each week and sometimes they watch movies instead. Without a gymnasium, they exercise in a big room. My child's health is as important as any other and the health of all of our children depends on adequate physical education in school."

Another member, Leticia Zacarias, expressed "my daughter goes to P.S.89," said Leticia Zacarias, Make The Road NY member and Elmhurst, Queens resident. "Students at P.S. 89 only have gym for half an hour each week. If our children want to play sports, we have to pay extra for them to join after-school programs. Our children deserve a minimum of an hour of PE at a time, in order to be mentally and physically healthy."

In my role as coordinator of The Partnership for a Healthier Queens, I speak with school administrators, health teachers, parent coordinators and PE teachers, to envision ways to incorporate Active Design into their schools, where obesity and related health problems are rife. The issues raised are space, personnel, resources. I have had the unique opportunity to work with a few school wellness champions, mostly PE teachers who have been innovating every square inch of school space, to be used for physical activity. But without enough full-time PE teacher-advocates in the city, thousands of students are left without gym or physical activity in general.

Rafaela and her son, Fernando, met me outside P.S.19 yesterday after school. While Rafaela and I talked, Fernando ran circles around the trailers, releasing some of the physical energy that was pent up from a day cramped indoors. We were holding him up and he was eager to get two Flushing Meadows Corona Park.

Intro 644, including the suggested changes, will be a critical first step to addressing PE issues in NYC by giving parents, communities and elected officials the information they need on whether City schools are meeting PE requirements. A reporting bill can also cast light on the extent to which overcrowding or lack of space serve as a barrier to providing students with quality PE instruction, rather than watching movies, as Fernando often ends up doing at P.S.19.



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**Testimony of Joanne De Simone Eichel, MA
Director, Office of School Health Programs
The New York Academy of Medicine**

**Committee on Education jointly with the Committee on Health
New York City Council Hearing**

**Int. No. 644 - In Relation to Requiring the Department of Education to
Report Information on Physical Education in New York City Schools**

**June 17, 2015
New York City**

Thank you for the opportunity to address the need for comprehensive monitoring, measuring and reporting on the status of Physical Education in New York City schools. The New York Academy of Medicine considers this local law to be a crucial step toward building a quality Physical Education program in the school system, a program that can support the goal of eliminating educational, health and economic disparities in our City.

An independent organization since 1847, The New York Academy of Medicine addresses the health challenges facing the world's urban populations through interdisciplinary approaches to policy leadership, innovative research, evaluation, education, and community engagement. Drawing on the expertise of our professional staff, diverse partners worldwide and more than 2,000 elected Fellows from across the professions, our current priorities are: to create environments in cities that support healthy aging; to strengthen systems that prevent disease and promote the public's health; to eliminate health disparities; and to preserve and promote the heritage of medicine and public health.

The Academy has taken a special interest in School Health beginning in 1979 with our collaboration with the NYC Department of Education to provide curricula, educational materials and professional development for classroom teachers to institutionalize the "Growing Healthy in NYC" program in elementary schools. Since then, the Academy has partnered with hundreds of NYC public schools citywide to establish comprehensive health education programs, K-12 and is extending this work to promote education on nutrition and physical activity for pre-K children and their parents/caregivers. The Academy's DASH-NY Obesity Prevention Coalition and Policy Center engages multiple state and community sectors to improve access to healthy food and opportunities for physical activity for all New Yorkers. Its "Improving Health and Academics through Recess in New York Elementary Schools: A Mandatory Daily Active Recess Policy Implementation Guide" supports the important role of schools in this effort.

The Academy commends the work on Int. No. 644 to require a coherent and comprehensive tracking and monitoring system for Physical Education, K-12. We believe that this mandate will provide a necessary tool to advance the development and implementation of quality Physical Education programs for all students, citywide. In addition to meeting New York State standards for teacher qualifications, facilities, frequency levels and instructional time, quality Physical Education programs need to include “instruction on physical activity, health-related fitness, physical competence, and cognitive understanding about physical activity, thereby enabling students to adopt healthy and physically active lifestyles. A quality Physical Education program enables students to develop motor skills, understand movement concepts, participate in regular physical activity, maintain healthy fitness levels, develop responsible personal and social behavior, and value physical activity.”¹

Along with public health professionals and educators nationally and globally, the Academy recognizes the research-based case for the impact that quality Physical Education can have on health and sustainable fitness for life. The evidence is irrefutable on the role of regular physical activity in the prevention of chronic diseases including cardiovascular disease, diabetes, hypertension, obesity, depression and osteoporosis, and premature death. It is also clear that people of all ages should engage in regular physical activity, since the risk of chronic disease starts in childhood and increases with age.²

Recognizing and repairing the gaps in Physical Education across grade levels is critical for children to succeed in school, as evidence continues to suggest that a laser-beam focus on academics is misguided. As summarized in a meta-analysis of research on health and learning: “School administrators, trying to raise standardized test scores, may mistakenly believe that physical education curricular time should be sacrificed and reallocated to reading, mathematics, and science. There is currently no evidence indicating that this strategy is, in fact, effective in increasing standardized test scores.”³

Evidence demonstrates that increased time for Physical Education is most often associated with a positive impact on academic outcomes. Across 50 studies examined by the Centers for Disease Control and Prevention, there were a total of 251 associations between physical activity and academic performance, representing measures of academic achievement (e.g., standardized test scores, grades), academic behavior (e.g., conduct, attendance, time on task, homework completion), and cognitive skills and attitudes (e.g., attention, concentration, memory, verbal ability). Of all the associations examined, more than half (50.5%) were positive, only 1.5% were negative, and the rest (48%) were neutral.⁴

The recent report of New York City Comptroller, Scott M. Stringer, “Dropping the Ball: Disparities in Physical Education in New York City Schools,” highlights the shortfalls of the current program. The report states that “schools across the five boroughs are failing to meet even minimal Physical Education standards, as required by New York State Department of Education regulations. These include mandates for instructional time and frequency, space and personnel.” The report notes that more than 32% of schools lack a full-time certified Physical

Education teacher; 28% lack a dedicated space for physical fitness activities; and 10% lack both. More than 41% of high schools and 35% of middle schools have no dedicated physical fitness space.⁵ The findings align with our experience in working with schools for more than three decades, and confirm the need for a drastic change in approach.

If implemented, this monitoring system will allow policymakers and stakeholders to determine the intensity and extent of efforts needed to fully establish quality Physical Education as a mainstay of school curricula system-wide. Accurate, thorough and timely reporting will help us define the reality of the challenges and barriers to this goal, the resources we need, and how and where to focus our efforts.

As the Academy works to promote Health Education for parents and children in New York City pre-K programs, and to establish obesity prevention policies that affect all New Yorkers, we look forward to working with you and all school health advocates to improve the health and academic performance of all children, through quality Physical Education programs.

References

¹ National Association for Sport and Physical Education. (2008). Comprehensive school physical activity programs. Reston, VA: National Association for Sport and Physical Education.

² Warburton, D. E. R., Nicol, C. W., & Bredin, S. S. D. (2006). Health benefits of physical activity: the evidence. *CMAJ : Canadian Medical Association Journal*, 174(6), 801–809.

³ Basch, E. (2010). Healthier students are better learners: a missing link in efforts to close the achievement gap. *Equity Matters: Research Review No. 6*. Campaign for Fiscal Equity, Teachers College, Columbia University.

⁴ Centers for Disease Control and Prevention. (2010). The association between school-based physical activity, including physical education, and academic performance. Atlanta, GA: U.S. Department of Health and Human Services.

⁵ Office of the New York City Comptroller, Scott M. Stringer. (2015) *Dropping the ball: disparities in physical education in New York City schools*. Bureau of Policy and Research: May 2015.



Date: 6/17/2015



Honorable Chairperson Dromm & esteemed City Council Members,

Thank you for this opportunity to testify in support of Intro 644 that would require the Department of Education to report the number of hours of physical education per student in City schools.

I am offering testimony on behalf of Bon Secours New York Health System (BSNY), and our “Healthy Communities” Initiative, funded through Bon Secours Health System, Inc., a \$3.3 billion not-for-profit Catholic health system, that owns, manages, or joint ventures 19 acute-care hospitals, one psychiatric hospital, five nursing care facilities, four assisted living facilities, and 14 home care and hospice services.

As the community liaison for the BSNY Healthy Communities Initiative, our population-level health program in New York City, I have the privilege of working with a wide coalition of community partners offering community focused health programming, primarily in the West Bronx. Many of our programs serve school-aged children. According to the New York City Department of Health and Mental Hygiene, obesity is at epidemic levels and begins early in life.*

Those of us who work in economically disadvantaged communities see first-hand the gross inequality in health outcomes between those who have and those who have not. We see how poor health creates a crushing burden on those individuals and families who are living in or close to poverty.

Physical activity is an essential part of a healthy life style. As a health system Bon Secours is aware that to be successful in combatting obesity, a multi-pronged approach must be taken. In other words, it is not enough to tell people ‘not to drink soda,’ or to provide free healthy breakfasts and lunches. Rather physical activity must be a component of the strategy as well.

Child advocates are encouraged by efforts to increase access to healthier foods in schools as well as various educational initiatives aimed at products (such as sugary drinks) that contribute to public health problems. However, as stated above, without the right amount of physical activity, education and food accesses is not enough to have a lasting impact on an individual's health.

Fortunately New York State mandates a set amount of Physical Education as well as who should teach those courses. Much has been written about the benefits children of all ages can have from the developments in Physical Education which now aim to promote life-long health, not just recreation. Much has also been written about the correlation between regular physical activity and better academic performance. The single greatest social determinant tied to good health is education. As such we owe it to our school-aged young people to promote education, and this includes physical education, not only to increase their chances of future economic successes but also for the sake of their health and spiritual well-being

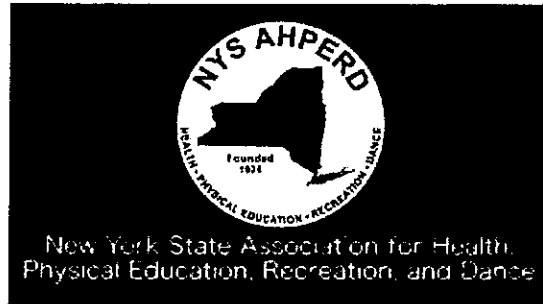
The oversight and transparency created by this bill will go a long way toward ensuring that the mandated and appropriate amount of physical education will be provided to public school students, regardless of which they attend school. A mantra of public health is to 'make the healthy choice the easy choice.' We strongly support this concept. We respectfully urge this Committee to support this bill and see it passed into law.

Respectfully,

Ian Christner
Healthy Communities Liaison
Bon Secours New York Health System

1. <http://www.nyc.gov/html/doh/html/living/obesity.shtml>

In New York City, obesity is epidemic: more than half of adult New Yorkers are overweight (34%) or obese (22%). Data show that obesity begins early in life: nearly half of all elementary school children and Head Start children are not a healthy weight. In New York City, 1 in 5 kindergarten students, and 1 in 4 Head Start children, is obese.



FOR THE RECORD

**Testimony Before the New York City Council Committee on Education
Hearing on Meeting Physical Education Requirements
June 17, 2015**

I would like to thank the Committee on Education for giving the NYS AHPERD the opportunity to provide testimony today regarding a Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Education to report information on physical education in New York City schools.

The New York State Association for Health, Physical Education, Recreation & Dance (NYS **AHPERD**) is a professional organization that supports, encourages, facilitates, advocates and promotes physically active and healthy lifestyles through school and community programs in health education, physical education, recreation and dance. Both quality physical education and health education are critical components of educating the whole child, helping students to become health literate, understand the benefits of a physically active lifestyle, model and practice healthful behaviors, and adopt a lifelong commitment to healthy living. Moreover, recent CDC review of research findings provides substantial evidence that physical education and physical activity can help improve academic achievement, including grades and standardized test scores. It also positively affects cognitive skills and behavior, and enhances concentration and memory.

I would like to mention that most New York City public schools administrators have very positive perceptions of physical education. Research paper 'Principals' Physical Education Perception in New York City Public Schools' (Howard Z. Zeng, Brooklyn College) published in the Supplement to Research Quarterly for Exercise and Sport (March 2011) reflects that principals truly view physical education as an academic discipline. They also agree that without PE, our students will not be fully developed.

Parents' perceptions of physical education are positive as well. According to a 2002 study by the National Association for Sport and Physical Education (NASPE), 84% of parents had a positive perception of physical education in general, and 81% of parents believed that daily PE should be mandatory. Additionally, research has shown that 79.3% of parents revealed that their child's physical education grade was as important as grades earned in academics (James, Griffin and France, 2005).

Unfortunately, in many instances, at the elementary level where the foundation for embracing a healthy lifestyle is introduced, schools are out of compliance with Commissioner's Regulation 135.4. For the first time in two centuries, the current generation of children in the US may have shorter life expectancies than their parents, according to the report published in The New England Journal of Medicine (March 2005). At a time when one-third of the US children are overweight or obese, we must take advantage of every strategy to encourage NYC schools to provide New York State mandated physical education.

As President of the New York City Zone of the NYS AHPERD, I fully support adding a new Chapter 7 to title 21-A of proposed Int. No. 644-A.

On behalf of the NYS AHPERD, I would like to thank the entire City Council for your attention to this important issue.

Thank you,

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June 17, 2015

Testimony

**New York City Council Oversight Hearing:
Meeting Physical Education Requirements**

and

In Support of

Int. No. 644 - In relation to requiring the Department of Education to report information on Physical Education in New York City Schools

Submitted by:

American Heart Association / American Stroke Association

Yuki Courtland – Member, American Heart Association Advocacy Committee

Thank you Chairman Dromm and the members of the New York City Council Committee on Education. My name is Yuki Courtland, and I serve as a member of the American Heart Association's Advocacy Committee in New York City. I am honored to sit in front of you today to address a priority issue of concern for the AHA.

I would like to take a moment to applaud Chairman Dromm, Chairman Johnson of the Council Committee on Health, Council Members Kallos, Rosenthal and Levin and of course our bill sponsor Council Member Elizabeth Crowley for your stalwart dedication to improving physical education in NYC schools. Thanks to you, our city is poised to take a much-needed step forward in the fight against cardiovascular diseases and stroke.

The American Heart Association is gravely concerned about the current state of childhood obesity in New York City. Excess weight at a young age has been linked to earlier death rates in adulthood. In fact, obese children as young as age 3 show indicators for developing heart disease later in life.¹ Furthermore, overweight adolescents have a 70 percent chance of becoming overweight adults.² As

¹ Krebs N, Himes J, Jacobson D, Nicklas T, Guilday P, Styne D. Assessment of child and adolescent overweight and obesity. *J Pediatr.* 2007;120:S193–S228.

² Skinner AC, Steiner MJ, Henderson FW, et al. Multiple Markers of Inflammation and Weight Status: Cross-sectional Analyses Throughout Childhood. *Pediatrics* 2010;125(4):e801–e809.

cardiovascular diseases and stroke remain New York City's number one risk of mortality³, it is clear that we must intervene. Compounded with persisting evidence of existing disparity among our youngest students and their rates of obesity, New York City is facing an urgent call-to-action.⁴

It is recommended that children engage in at least 60 minutes of moderate to vigorous physical activity each day. It is reasonable that students should get at least 30 minutes of that time in school.⁵ Regular physical activity is associated with a healthier, longer life and lower risk of obesity, cardiovascular diseases, high blood pressure and diabetes.⁶ By denying any group of NYC students access to regular, quality physical education, we are potentially permitting health disparities to deepen in our young people. A quality PE program, offered to every student, can serve to equalize opportunities for physical activity now and inspire a lifetime of healthier behaviors for children in all communities.

The existing state law as found in the New York State Commissioner's Regulation Part 135.4, or the section pertaining to Physical Education requirements for every school, outlines that PE is a requirement for every grade level⁷. These regulations are not optional guidelines. The law states that every student 'shall' participate in a mandated PE program in every school.

Despite these requirements, numerous reports have identified significant gaps in the implementation of PE programs in most city schools.⁸ The American Heart Association in 2012 undertook its own effort to analyze Physical Education in our city schools. Our survey assessment showed that the majority of responding schools did not comply with the state law, shortchanging students on time spent in PE and exceeding quality guidelines for class size.⁹ Additionally, one of the limitations from our survey was the voluntary participation in the research project resulting in just 16% of city schools responding. While our goal was to help establish a baseline re: PE compliance, it was also clear that this would not be possible without a greater involvement from the NYC Department of Education (DOE).

³ <http://www.nyc.gov/html/doh/html/cardio/cardio.shtml>

⁴ Day SE, Konty KJ, Leventer-Roberts M, Nonas C, Harris TG. Severe Obesity Among Children in New York City Public Elementary and Middle Schools, School Years 2006–07 Through 2010–11. *Prev Chronic Dis* 2014;11:130439. DOI: <http://dx.doi.org/10.5888/pcd11.130439>

⁵ US Dept. of Health and Human Services. Physical activity guidelines advisory committee report, 2008. Washington, DC: 2008: A1-H14.

⁶ Shortreed SM. Estimating the effect of long-term physical activity on cardiovascular disease and mortality: evidence from the Framingham Heart Study. *Heart*: 2013; 99.9: 649-654.

⁷ <http://www.p12.nysed.gov/sss/schoolhealth/schoolhealtheducation/CR135.pdf>

⁸ http://comptroller.nyc.gov/bureaus/audit/PDF_FILES_2011/MD11_083A.pdf,
<http://publicadvocategotbaum.com/policy/pdfs/AllWorkandNoPlay3-23-04.pdf>,
http://publicadvocategotbaum.com/new_policy/PhysicalEducationMay2008.html, <http://wccny.org/wp-content/uploads/2013/02/PETF-Position-Paper-IBO-Letter-Tables-Final.pdf>,
http://comptroller.nyc.gov/wp-content/uploads/documents/Phys_Ed.pdf,

⁹ Preliminary Results of the American Heart Association's Survey on Physical Education. January 2013. *Physical Education in New York City: Ignoring the 800 lb. Gorilla*. <http://bit.ly/Xpms2B>

Intro 644, sponsored by Council Member Crowley, will serve to motivate a greater prioritization of Physical Education by the DOE. By mandating an annual report on PE programs, this legislation will empower parents and advocacy organizations like the American Heart Association to support schools' efforts to achieve the state law. This reporting mechanism is a necessary strategy to make sure NYC schools move toward equal accessibility to quality PE.

The purpose of Intro 644 is to dramatically improve the transparency of individual schools' PE programs. The American Heart Association concurs with the consensus of the Phys Ed for All Coalition and recommends that the legislation be updated to include a comprehensive outline of various factors impacting the quantity and quality of Physical Education in NYC schools. This information should be posted in an accessible manner, allowing for parents, parents, researchers and advocates to easily review data for each individual school.

- The report must include information for each school's individual PE program, including:
 - duration and frequency of classes
 - size of classes
 - number of instructors designated per class
 - credentials of class instructors, including full-time and part-time status
 - a description of all PE curricula
 - a description of other physical activity initiatives at the individual school
 - the expected time spent in recess, with a description of any physical activity curricula included during that time
- Regarding an individual school's built infrastructure, the report must include detail to:
 - identify all schools sharing PE spaces
 - identify all schools sharing PE instructors
 - identify all schools using non-gymnasium space for PE
 - identify all schools using space off-campus for PE instruction, including a description of such space
 - identify all schools engaged in the 'No Gym? No Problem' program

Another overarching concern was effectively highlighted in the recent report by the NYC Comptroller's Office. The city has not updated the school district's Physical Education Plan (required to be current by state law) since 1982.¹⁰ This plan establishes the framework for the school district's PE program, allowing for greater transparency and accountability. An update to the city's PE Plan must be completed and processed by the state as soon as possible.

¹⁰ NYC Comptroller Scott Stringer, "Dropping the Ball: Disparities in Physical Education in New York City Schools" (May 2015), at 4. Report is available at http://comptroller.nyc.gov/wp-content/uploads/documents/Phys_Ed.pdf.

The American Heart Association looks forward to the implementation of Intro 644, the PE Reporting Bill, as a means to help the city further improve our PE programs for students. For example, current state requirements do not yet meet nationally recommended guidelines. These would suggest increasing time spent in Physical Education classes to be increased to 150 minutes per week in elementary schools and 225 minutes per week for middle schools.¹¹ However, before we can begin to consider opportunities to strengthen our PE programs to meet national criteria, we must ensure that individual schools are prioritizing Physical Education appropriately and are encouraged to overcome obstacles that may impede quality PE currently. The passage and implementation of Intro 644 is an excellent step toward improving access to physical activity for every New York City child. The American Heart Association appreciates your championship on this issue and looks forward to our continued collaboration to address childhood obesity.

¹¹ National Association for Sport and Physical Education. (2009). *Appropriate maximum class length for elementary physical education* [Position statement]. Reston, VA: Author.

FOR THE RECORD

To whom it may concern,

I am a concerned parent and PTA co-President at PS 84 in Manhattan. I am relieved to know that you are considering a bill that will at least require schools to report on the state of their physical education programs. When my son started going to PS 84, I was appalled to see how little time he was being given, especially in Kindergarten, to move and just generally be physically active. As he has progressed through the school (he is now in 2nd grade) I have learned that, while technically he is supposed to be having some form of Physical Education every day, he receives it only once a week, with the rest of that time being met, according to the principal, through things like making salads with Wellness In The Schools or similar programming. No Physical Education during testing - too noisy. They watched a movie instead - Scooby Doo.

While I recognize that Physical Education included learning about how to eat healthily, I do not believe that this is in the spirit of the law which requires our kids to have P. E. When I was growing up, P. E. meant running around, engaging in organized sports, and just generally keeping the body in good physical shape. This kind of workout not only promotes a healthy body, but also promotes teamwork and learning to overcome obstacles and how to challenge oneself with others. It also helps a child to be more focused while in class and promotes a healthier brain.

Lately, our educational philosophy seems to have taken a turn down a blind alley when it comes to understanding the child as a whole. In a panic, realizing that our children are falling behind, not meeting basic reading and arithmetic abilities and scoring behind their counterparts in other countries, we have decided that the solution is to have them sit for longer periods of time and at younger ages, focusing more on math and reading and less on other subjects, and virtually cutting out physical education altogether. Our priorities have swung so far in this direction that we have actually allowed schools to be built without gyms, without playgrounds, and we have allowed schools to share space in such a way that it has limited the ability of children to use what facilities they share in a meaningful way. At my son's school, for example, they share a gym with a middle school. We have been told that, due to scheduling conflicts and a school day where the hours are not aligned, it is not possible for our kids to use the gym even for recess on days when there is inclement weather or unsafe conditions on the playground. By the way, recess does not count as P.E. This is just a time for the kids to be able to run around and play with each other in free play.

One of the ways that we have improved the situation at our school has actually been through recess. When we started at PS 84, the kids would watch movies in the auditorium if they couldn't go outside to play. Working with other parents and overcoming resistance from the administration, the PTA put a program in place through Coaches for Kids, a WITS program, at a price tag of \$20,000 per year. Lucky for us, we have the money to be able to support this program. Otherwise, our kids would have watched movies for 6 solid weeks this winter. Part of why they were indoors for so long, by the way, is because the Parks Department failed to clear the snow from the playground before it turned to ice. It then stayed solid ice for 6 weeks. Thus, this is not just a DOE problem. With Coaches for Kids in place, we had enough staff, including the recess aides for whom the PTA also pays, to make sure that our kids were up and moving and interacting during recess indoors. A far cry from a couple years ago.

Now, given all of the research that is out there suggesting that P.E., 60 minutes a day, is essential to a healthy brain and actually causes grades to improve and behavior problems to decrease, I am confused as to why there has been so much resistance from the DOE, and from our own administrators, to making these changes. I'm guessing that part of why has to do with the fact that there is still an ingrained belief in the minds of decision makers that more 'serious academics', read testing and more testing, is what leads to better academic performance. In my experience, more testing simply leads to better performance on tests. It does not lead to healthier, happier or smarter kids. If we want to send the message to our children that we want to prepare them for college, career and success, but that it's okay for them to drop dead from a heart attack at 45, then we are on the right track. If, however, we want to send the message that we care for the long-term well being and happiness of our kids, no matter what path they may choose in life, then the place to start is with their physical, emotional, and spiritual well being in the school. A big part of making that happen is by making space for them to be physically active and to engage with each other physically.

I realize that it has taken decades for us to arrive at this point. When my father was in school, they were climbing ropes to the top of the gym and back and playing sports, not to mention playing music and putting on plays in the auditorium. The school was a vibrant center of life for the community. It will take us some time to move towards a new place where community and health are a priority again, but there is no better time to begin than now and this bill is one step in the right direction, down a path towards health and well-being. I am hopeful that others, in their testimony, are attaching the research and citing the studies which demonstrate why this is so important. I have a folder about an inch thick of articles that I have collected and will attach here the articles that I have collected digitally to back up the statements I am making here.

Thanks for your time and for adding my testimony to the record.

In future, if you could schedule the time to take testimony from the public at a time that doesn't coincide with the end of the school day and pickups from the bus, that would be most appreciated.
Sincerely,

Martin Wallace
Co-President PS 84 PTA
629 W 115th St #6D
NY, NY 10025
212-662-3255

Member Community Board 9
Member - Senior Issues Committee
Member - Uniformed Services/Transportation Committee

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Testimony of

Alexis Henry
Policy Associate for Early Childhood Education, Education, and Youth Services
Citizens' Committee for Children

Before the
New York City Council
Education Committee

Oversight: Meeting Physical Education Requirements
Intro 644-2015: Requiring the Department of Education to report on physical education in NYC schools

June 17, 2015

Good afternoon. My name is Alexis Henry and I am the Policy Associate for Early Education and Education at Citizens' Committee for Children of New York, Inc. (CCC). CCC is a 71-year old, privately supported, independent, multi-issue child advocacy organization dedicated to ensuring every New York child is healthy, housed, educated and safe.

I would like to thank City Council Education Chair Dromm, as well as the members of the City Council Education Committee, for holding today's oversight hearing regarding meeting physical education requirements and Intro 644-2015, a data reporting bill regarding physical education in NYC schools. CCC would also like to thank Council Member Crowley for her efforts to introduce and move this legislation, as well as the 37 Council Members who have signed on as co-sponsors.

Physical education is critical to combatting childhood obesity, decreasing the risk of chronic illnesses like heart disease and cancer, and has also been shown to boost children's academic achievement and socio-emotional skills.

We believe that it is critical that New York City's public schools meet the minimum physical education requirements related to time, frequency, personnel and space, set by the State Board of Education. Unfortunately, numerous studies, reviews and audits, including the recent May 2015 review by Comptroller Scott Stringer have documented that NYC is woefully out of compliance. For example, the Stringer report found that over 32% of schools, including 59% of elementary schools, lack a certified physical education teacher and that 28% of schools lack a dedicated "physical fitness space."¹

While we appreciate the efforts to document the extent of the problem by the Comptroller's Office (both Stringer and his predecessor), as well as the American Heart Association, the Women's City Club, and the Campaign for Educational Equity, one of the key issues is that there is insufficient data available to fully document the current status of physical education throughout the City's public school system. This is why CCC supports Intro 644-2015, which would require the Department of Education (DOE) to publicly report by school and citywide, data with regard to the frequency and number of minutes of physical education, as well as the number of certified PE teachers in each school. We believe that this type of data will help DOE document the full extent of the problem and assist in the development of solutions.

1) Physical Education is Critical for School Children

Physical education (PE) is a critical tool in the fight against childhood obesity and through teaching children and youth about physical fitness, it lays the groundwork for a lifetime of health and well-being.

In addition to addressing childhood obesity and instilling good habits for a healthy adulthood, physical education has been shown to enhance learning, lead to better academic outcomes, and

¹ Office of the New York City Comptroller, Scott M. Stringer, *Dropping the Ball: Disparities in Physical Education in New York City Schools*, May 2015. <http://physed4all.org/wp-content/uploads/2015/05/2015-Comptroller-Report.pdf>.

increase a child's focus in school. PE also teaches children and youth critical skills related to teamwork and problem-solving.

a) Childhood Obesity

Childhood obesity is a national epidemic. According to the Centers for Disease Control, 17% of American children and adolescents aged 2-19 were obese in 2011-2012—a percentage that has doubled in the past 30 years.² In New York City, the situation is even more concerning, given that in 2011, 20.7% of NYC children were obese.³ Notably, this was a slight decline from 2010 when 21% of children were obese and gives hope that initiatives being implemented in NYC are starting to work.

That said, approximately, one in every five New York City public school students (K-8) is classified as obese. There is some disparity among boroughs, with 23.3% of Bronx children obese, 21% in Staten Island, 20.6% in Brooklyn, 19.7% in Queens and 19% in Manhattan. A recent Robert Wood Johnson Analysis of obesity, documented that in 2013, New York State ranked 37 out of 43 states for the level of obesity amongst high school students (10.6%).⁴

Additionally, the obesity epidemic disproportionately affects students of color. Black and Latino children and youth have disproportionately higher obesity rates. One study found that while nationally 16.9% of children and youth are obese, the rate is 20.2% for Black children, 22.4% for Latino children and 14.3% for white children.⁵ The CDC also found obesity rates to be higher for low income preschool students than their wealthier peers.⁶

We know that daily, quality physical education can help combat childhood obesity in New York City. Quality physical education has long term health benefits for students, leading to increased participation in physical activity and sports outside of school. Regular Physical Education classes will produce students who grow into adults that will have healthier habits, live longer and have lower risk for heart disease, stroke, type 2 diabetes, depression, and some cancers.⁷

b) Academic Achievement and Socio-emotional Health

Physical education not only improves health outcomes, but also impacts overall well-being and has a positive impact on academic achievement and socio-emotional health.⁸ Children who have low levels of physical activity are less likely to be able to focus attention and persist in learning. In addition to the benefits of regular exercise, Physical Education classes are a place for students

² Centers for Disease Control and Prevention. *Childhood Obesity Facts*. Retrieved from: <http://www.cdc.gov/obesity/data/childhood.html>. Accessed June 15, 2015.

³ Citizens' Committee for Children, *Keeping Track Online*. <http://data.cccnewyork.org/data/map/94/obesity-among-public-elementary-and-middle-school-students#94/a/2/143/9:a>.

⁴ Better Policies for Healthy America, *The State of Childhood Obesity*. <http://www.stateofobesity.org/states/ny/>

⁵ Better Policies for Healthy America, *The State of Childhood Obesity*. <http://stateofobesity.org/disparities>.

⁶ Centers for Disease Control and Prevention. *Childhood Obesity Facts*. Retrieved from: <http://www.cdc.gov/obesity/data/childhood.html>.

⁷ Ibid.

⁸ For studies showing the link between physical education and academic performance please see, Leadership for a Healthy Community, *Making the Connection: Linking Academic Achievement to Policies to Promote Physical Activity*. June 2011. <http://activelivingresearch.org/making-connection-linking-academic-achievement-policies-promote-physical-activity>; National Institute of Health, *Effects of Health-Related Physical Education on Academic Achievement: The SPARK Study*. 1999. <http://www.sparkpe.org/resultsSallis.pdf>.

to learn valuable teamwork, leadership, and psychomotor skills that translate into the classroom and beyond.⁹

II. Lack of Compliance with State Physical Education Requirements in New York City

Unfortunately, many New York City schools are not meeting New York State’s minimum physical education requirements. We know from several studies, audits and reports, as well as anecdotal evidence from parents, students and educators, that the non-compliance is especially acute in the elementary schools and in co-located schools.

As seen in the chart below, the State requires that students in grades K–6 must receive a minimum total of 120 minutes of physical education per week (including daily physical education for students in grades K–3 and physical education at least three times per week for students in grades 4–6). 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 for a minimum total of 90 minutes a week. 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.

In addition, the state law requires middle and high school students to be taught physical education by a certified physical education teacher. The mandate for elementary school students is that they be taught either by a certified physical education teacher or a teacher who is under the direction and supervision of a certified physical education teacher.

NYSED PHYSICAL EDUCATION REQUIREMENTS

Chart produced by PhysEd4All Coalition¹⁰

<u>Grade Level</u>	<u>Frequency of required PE</u>	<u>Duration of required PE</u>	<u>Who may teach PE?</u>
<u>K-3</u>	Daily	120 minutes/week	Certified PE teachers; Classroom teachers under the direction and supervision of a certified PE teacher
<u>4-6</u>	at least 3 times/week	120 minutes/week	Certified PE teachers; Teachers under the direction and supervision of a certified PE teacher. If housed in a middle school, grades 5, 6 must be taught by a certified PE teacher.

⁹ Florence MD, Asbridge M, Veugelers PJ. Diet quality and academic performance. Journal of School Health. 2008 Apr; 78(4):209-15.

¹⁰ Phys Ed 4 All web site accessed 6/15/15. <http://physed4all.org/how-much-pe/>, CCC is a member of the PhysEd4All Coalition.

<u>7-8</u>	3 class periods/week in one semester; 2 class periods/week in the other semester	3 class periods/week in one semester; 2 class periods/week in the other semester	Certified PE teachers only
<u>9-12</u>	3 class periods/week in one semester; 2 class periods/week in the other semester	3 class periods/week in one semester; 2 class periods/week in the other semester	Certified PE teachers only

With access to limited data, a recent report by NYC Comptroller Scott Stringer highlights the severity of the disparities in physical education in the City. Over 32% of schools lack a full time certified Physical Education teacher. The situation is most stark for elementary schools, 59% of which lack a full-time, licensed Physical Education instructor compared to 16.5% of middle schools and 8% of high schools.¹¹

Access to adequate physical fitness spaces can also be a limitation. Even though 1,798 rooms are designated as physical fitness spaces throughout 1,116 schools, 28% of New York City schools (435 schools) do not have a physical fitness space, with the majority of these schools located in the Bronx and Queens. The lack of adequate facilities is most troubling for middle and high schools—over 41% and 35% of high schools and middle schools, respectively, have no physical fitness space. 149 schools (10% of all City schools) lack both a full-time, certified PE teacher, and a physical fitness space. 87 of these schools (58 percent) are co-located.¹²

Sadly, this problem is not new. A 2011 audit conducted by New York City Comptroller Liu found that, of the 31 elementary schools audited, none were in full compliance with the State requirements for physical education. Schools in the sample also lacked certified Physical Education teachers and space in which to offer physical education.¹³

III. Barriers to Providing Physical Education in NYC Schools

In a City with 1.1 million school children attending over 1,800 schools, it is not an easy feat to meet the physical education requirements. Schools face many barriers. About a year ago, CCC interviewed several principals, teachers, and experts in the area and documented many of the same barriers that have been documented by others.

¹¹ New York City Comptroller, *Dropping the Ball: Disparities in Physical Education in New York City Schools*. May 2015. http://comptroller.nyc.gov/wp-content/uploads/documents/Phys_Ed.pdf

¹² Ibid.

¹³ New York City Comptroller, *Audit Report on the Department of Education's Compliance with Physical Education Regulations in Elementary Schools*. October 2011. http://comptroller.nyc.gov/wpcontent/uploads/documents/MD11_083A.pdf

These include:

- Space/facilities for physical education: This issue is even more dramatic and harder to rectify in co-located schools where gymnasiums, auditoriums and cafeterias are often shared.
- Lack of certified physical education teachers: While space can be a challenge, a certified PE teacher will be able to use available space more creatively. In addition, there is no substitute for learning PE from a certified PE teacher. For example, an English teacher under the supervision of a PE teacher will not be able to provide the same learning experience. CCC is grateful that programs like PEP (Phys Ed Plus) and the YMCAs are able to assist some schools by providing them with a PE teacher. We know that this is a very large issue in elementary schools, where certified teachers are not mandated by state law.
- Finances: It has been noted numerous times that the PE crisis became worse after principals were given a budget and told to use it to fund all school services. Prior to this arrangement, principals would have line items for PE. Principals face many competing priorities such as academics, academic support, art, on-site health and mental health services, etc. With so many competing demands, PE can be left unfunded.
- Data: As reiterated by the Comptroller and many other reviews and audits, there is a dearth of data in this area and the data that does exist may be inconsistent. For example, different schools may have different titles for their PE class.

IV. Recommendations

Although a number of factors contribute to the lack of physical education, these barriers should not prevent the City from prioritizing physical education in every school. Every child deserves a healthy, positive school environment as children's physical, emotional and social development all benefit from daily physical activity and better fitness levels are also associated with better academic performance.

a) Pass Intro 644-2015 with modifications:

CCC urges the City Council to enact Intro 644, to require DOE to report data on physical education in New York City schools. Specifically, this bill would require DOE to report on the frequency and total minutes provided to students by grade level at each school disaggregated by whether it is provided by a certified teacher; information about the facilities for PE at each school; data related to ESL students and racial and ethnic disparities; and information about the number of schools in compliance.

It is critical that all schools have the resources they need to comply with New York State physical education requirements, as well as to incorporate regular physical activity into the daily schedules of all students. Intro 644 is a necessary step towards meaningfully addressing the current state of physical education in New York City because it will

ensure that DOE, City Council Members, advocates, parents and children know the current status of PE in schools.

To make Intro 644 even stronger, we respectfully request that it be amended to:

- 1) Be reorganized in the manner submitted by the PhysEd4All Coalition, which we feel elicits the same information in an easier to follow manner;
- 2) Add questions about non-PE physical activity;
- 3) Add questions about how the DOE monitors and ensures compliance with state regulations.

b) Hire more PE Teachers:

While the data from Intro 644 will be invaluable for quantifying the full scope of the problem, we already know from the Stringer audit that there are 506 NYC public schools that lack a full-time, certified PE teacher and we know where these schools are. There is no reason to wait for the data. NYC should begin hiring PE teachers to start in September immediately. It may be important to note that last year there was a similar data reporting bill for art instruction, but art teachers were added to the budget prior to the report's first due date. In these last few days of budget negotiations, we urge the Mayor and the City Council to include more PE teachers in the adopted budget for FY16.

c) Technical Assistance

We believe that more TA to schools could go a long way towards helping principals and teachers increase children's access to both PE and physical activity. For example, the recently released A+ "School Wellness" recommendations could be a valuable tool.¹⁴

We hope that the DOE budget can also include increased staffing and support for PE at the DOE's Office of School Wellness.¹⁵

CCC thanks the City Council and the Comptroller for your interest in the need to ensure NYC schools comply with state PE mandates. We urge you to pass Intro 644 and work with the Administration to ensure that all schools have the resources they need to comply with New York State physical education requirements, as well as to incorporate regular physical activity into daily schedules.

Thank you for the opportunity to testify.

¹⁴ The School Wellness Recommendations can be accessed here: <http://physed4all.org/wp-content/uploads/2014/12/School-Wellness.pdf>.

¹⁵ See <http://schools.nyc.gov/Academics/FitnessandHealth/default.htm>.

The Campaign for Educational Equity

TEACHERS COLLEGE COLUMBIA UNIVERSITY

Testimony by the Campaign for Educational Equity
at Teachers College, Columbia University
New York City Council Education Committee Hearing re: Intro 644

June 17, 2015

Testimony delivered by Joseph R. Rogers, Jr., Senior Researcher

Good afternoon. My name is Joseph Rogers, Jr., and I serve as a senior researcher and public-engagement specialist with the Campaign for Educational Equity at Teachers College, Columbia University.

I am here today on behalf of my Campaign colleagues, including our executive director, Michael A. Rebell, to testify in support of Intro 644. We also support the proposed amendments to the bill that have been suggested by the PE for All Coalition. These amendments would strengthen the bill by ensuring that the DOE provides comprehensive data about physical education, including information about recess and other physical activity during the school day; and that the DOE also promotes compliance with state regulations and monitors what is happening in the schools.

In my testimony today I would like to bring to your attention the serious problems the Campaign for Educational Equity identified in site visits we made to review resource deficiencies in a sample of high need schools in New York City. We found extensive violations of specific requirements regarding student access to physical education that are set forth in state statutes and regulations. I will also discuss our recommendations that the DOE undertake further investigation of these problems, rectify them where they exist, and take effective action to ensure full compliance with legal requirements for the future.

The Constitutional Requirement for Physical Education

New York's highest court, the Court of Appeals, has held all students are entitled under Article XI, §1 of the New York State Constitution to "opportunity for a sound basic education." This means that all schools must provide their students with a suitable, up-to-date curriculum, sufficient qualified personnel, adequate and appropriate facilities, reasonable class sizes, up-to-date books and technology, supports for English language learners and students with disabilities, and extra services for so-called "at-risk" students.

The Regulations of the Commissioner of Education, which implement the constitutional requirements specifically mandate *sufficient instructional time and course offerings in physical education*, and that all schools provide reasonable access to specialized spaces including those required for physical education.

As outlined in *Essential Resources*—a compendium of educational rights under New York State law that the Campaign for Educational Equity published in December 2012—schools must be able to provide students in kindergarten through 6th grade at least 120 minutes per week of physical education (PE).¹ 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. Our research and that of others indicates that this right is routinely violated in New York City's schools.

The Research

Our 2011-2012 detailed study of 33 high-need schools throughout New York State, 12 located in NYC, found serious deficiencies in schools' ability to provide students with physical education that meets state standards.

In the fall of 2013-2014, building on the 2011-2012 study, we conducted open-ended, confidential interviews with 19 New York City teachers, administrators, and student support personnel. Interviewees represented 18 different elementary, middle, and high schools, which included both large and small schools in four of the five boroughs. Thirteen of the schools were not part of our prior study. Though this is a small sample, we believe it is representative of a subset of the city's public schools that serve large numbers of high-needs students.

Documented Violations of New York City Students' Right to Adequate and Appropriate Physical Education

- In three schools, we found that 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 of those two schools assigned social studies teachers—none certified in physical education—to teach PE once a week; as a result, that school fulfilled requirements for neither PE nor social studies.
- 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.

¹ Rebell, M.A. (2012). *Essential resources: The constitutional requirements for providing all students in New York State the opportunity for a sound basic education*. New York: Campaign for Educational Equity. Retrieved from www.equitycampaign.org/i/a/document/25757_EssentialResourcesfinal2_6_13.pdf.

- Because of a shortage of physical-education teachers, class sizes in some schools were above 50 students, and, in some cases, up to 70, preventing students from receiving proper instruction and supervision.
- For lack of adequate and appropriate space, some schools provided adaptive physical education and physical and occupational therapy to students with disabilities in hallways and other public spaces. Some schools lacked adequate access to their building's shared yard.

Co-Location: A Major Driver of Inequities and Educational Rights Violations Related to Physical Education

A primary reform strategy during the Bloomberg administration was closing or scaling down large schools and increasing the number of small schools; often, a number of small schools were co-located within large school buildings. Co-located schools have their own administrative and classroom spaces, but they share spaces such as the cafeterias, gymnasiums, and auditoriums.

The New York City Department of Education's implementation of co-locations during the Bloomberg years was extremely controversial. Critics, including then public advocate Bill de Blasio, charged that the required analyses of the educational impact of co-location were perfunctory and were based on unreliable information about building utilization, that the city had not sufficiently engaged affected communities in its decision-making process for co-location, and that co-location has created inequitable and substandard learning environments for affected students (see, e.g., de Blasio & the Alliance for Quality Education, 2010; New York Coalition for Educational Justice, 2010; Solomon, 2013).

A brief CEE issued in June 2014, entitled *The Effects of Co-Location on New York City's Ability to Provide All Students a Sound Basic Education*², drew attention to an additional, related dimension of the impact of this policy: how the implementation of this strategy has affected the provision of students' New York State constitutional right to the opportunity for sound basic education.

Our cumulative school-level research in high-need NYC schools suggests that many small, co-located NYC public schools suffer from inadequate facilities, oversized classes and instructional groupings, inadequate course offerings, insufficient student supports, and inadequate extracurricular activities that exacerbate resource inadequacies and, in many cases, violate state statutory, regulatory, and constitutional requirements.

Some of these problems stemmed from the inadequacy of current funding for schools throughout New York City and New York State, but this overall resource inadequacy was exacerbated by the fact that small schools in general, and co-located schools in particular, require additional resources as well as attention to the strains on already limited resources that are created when basic school facilities must be shared among different entities.

² Retrieved from http://equitycampaign.org/i/a/document/31783_Co-location_and_SBE_6.3.pdf.

- Several co-located schools located on different campuses lacked adequate access to the shared gyms in their respective buildings.
- Two co-located schools that served middle school students had gyms scaled for early childhood or elementary school students.
- Some schools had no gymnasium at all.
- Some schools were required to use their building's shared gymnasium as their auditorium, though it was only available for that purpose when none of the schools in the building were providing physical education.
- Principals of co-located schools reported spending 20-80% of their time in any given week managing building-related issues—such as the sharing of space, staff, security, and maintenance issues with other principals—and other co-location challenges, like tensions between students from different schools in the building.

For example, co-located high schools fought over which school could access the gymnasium to offer physical education first period and last period; because many students arrive at school late and leave early, schools that had core classes during these periods were at a disadvantage. The huge time drain of managing these kinds of co-location-related responsibilities dramatically reduced the amount of time principals could devote to supporting students and providing instructional leadership to teachers.

Conclusion and Recommendations

We do not claim that these violations exist in all small and co-located schools, but we nevertheless believe that our findings of extensive violation of students' educational rights merit serious further investigation. It is incumbent upon city and state education officials to assess the extent to which all students in small and co-located schools are being afforded the educational rights and opportunities to which they are entitled. If the de Blasio administration plans to continue the practice of co-location and the proliferation of small schools, it must ensure that every school has the staffing, space, and other essential resources necessary to meet all sound basic education requirements.

The mayor and the chancellor must align funding, policy, and practice to ensure that New York City's already-under-resourced schools, particularly those serving large numbers of students with extraordinary needs, are not forced to sacrifice or take short cuts in the provision of the basic resources, services, and supports to which students are constitutionally entitled and that they need to succeed.

In our June 2014 report, set forth a number of recommendations regarding actions that the New York City Department of Education needs to take in order to come into compliance with constitutional, statutory and regulatory requirements. These concepts are consistent with the amendments that the PE for All Coalition has suggested should be included in Intro 644. Specifically, we believe that the DOE needs to:

- Assess the prevalence and extent of the violations of students' rights in co-located schools, including those related to the provision of adequate physical-education instruction.
- Broadly disseminate information about the physical-education resources, services, and supports to which all students in all schools are entitled under state statute, regulations and constitutional law. (Parents, students, educators, policymakers, and the community at large must understand that all sound basic education requirements apply whatever the school size or configuration.)
- Review and revise the Instructional Footprint to ensure sufficient classrooms, gymnasiums, laboratories, libraries, and other instructional spaces, cafeterias, offices, and storage for all schools to meet all sound-basic-education requirements, including appropriate class sizes and suitable curricula.
- Amend the educational impact statement (EIS) to include a review of the impact of any proposed co-location on students' sound-basic-education rights, including those related to physical education.
- Quantify the number of personnel, including administrators and safety personnel that must be added in order to administer building issues resulting from co-location.
- Impose a moratorium on all new co-locations until the rights' violations in all existing schools are remedied.

Intro 644, with the proposed amendments, is consistent with these recommendations. The Campaign for Educational Equity therefore encourages the City Council to pass this bill at the earliest possible opportunity.

Even one more day of violating NYC students' right to physical education and other basic educational opportunities is one day too many.



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**Testimony of American Cancer Society Cancer Action Network
to the New York City Council Committee on Education**

June 17, 2015 • New York, NY

Chair Dromm, members of the education, thank you for the opportunity to testify today. My name is Michael Davoli and I am the Director of Government Relations in Metro New York for American Cancer Society Cancer Action Network (ACS CAN), the nonprofit, nonpartisan, advocacy affiliate of the American Cancer Society. I am pleased to be able to speak in support of Intro #644 requiring the New York City Department of Education to report information on physical education in New York City schools.

Obesity, physical inactivity, and poor nutrition are major risk factors for cancer, second only to tobacco use. Approximately one in three cancer deaths in New York City can be attributed to poor diet, physical inactivity, and overweight and obesity. The prevalence of obesity among youth in New York City is at a dangerous level. Approximately 1 out every 5 NEW YORK CITY kids is overweight or obese according to the New York City Department of Health and Mental Hygiene.

Overweight and obesity are clearly associated with an increased risk of many cancers, including cancers of the breast (postmenopausal), colon and rectum, endometrium, kidney, esophagus, and pancreas. Excess weight may also be associated with increased risk of cancers of the gall bladder, liver, cervix, and ovary and non-Hodgkins lymphoma, multiple myeloma, and prostate cancer.¹ Overweight and obesity increase risk for cancer recurrence and decrease likelihood of survival for many cancers

Regular physical activity helps maintain a healthy body weight by balancing caloric intake with energy expenditure. Physical activity may also reduce the risk of breast, colon, endometrium, and advanced prostate cancer, independent of body weight.

Despite the evidence linking overweight and obesity, poor nutrition, and physical inactivity to increased cancer risk, the majority of Americans are not meeting recommended nutrition and physical activity targets. Reversing obesity trends and reducing the associated cancer risk will require a broad range of strategies that include policy and environmental changes that make it easier for individuals to regularly make healthy diet and physical activity choices.

Thus, ACS CAN advocates for frequent, quality physical education in all K-12 schools. Physical education teaches students the basics of physical literacy and how to integrate exercise into their lives. It also provides time for regular physical activity in schools, which with increased intensity leads to improved fitness.

Many youth are increasingly sedentary throughout their day, meeting neither physical education nor national physical activity recommendations. Moreover, physical education in schools has been decreasing in recent years due to budgetary cut backs and competing academic demands.ⁱⁱ

ACS CAN and many other national groups recommend 150 minutes of quality physical education each week for children in elementary school and 225 minutes per week for middle school and high school. At least 50 percent of physical education class time should be spent in moderate to vigorous physical activity. Additionally, high schools should make physical education a graduation requirement. A high quality physical education program should enhance the physical, mental, and social/emotional development of every child and incorporate fitness education and assessment to help children understand, improve and/or maintain their physical well-being.

For years now New York City schools have been failing to deliver quality and regular physical education to many of the 1.1 million school aged children in New York City. Multiple studies and surveys have shown that a majority of New York City schools are out of compliance with state standards for physical education. Most schools are not meeting the mandated time allotment for physical education, and most are not using physical education certified teachers for the program's instruction.

Physical education, implemented by a certified instructor, is the best platform to inspire a lifetime of physical fitness for our young people. Our kids need to leave the New York City school system prepared for a productive, healthy life. By shortchanging physical education programs, we are potentially putting students at risk for a lifetime of disease.

ACS CAN strongly supports the proposed legislation (Intro. 644-2015) by Councilmember Elizabeth Crowley which will require all New York City schools to publicly report details of their physical education programs, including information on the time spent in physical education, who is instructing it, and other aspects which can indicate the quality and quantity of the program. This legislation will empower advocates and parents across the city, to help motivate schools toward improved compliance with the state law.

Please schedule a vote right away on Intro 644-2015! All kids deserve quality physical education.

ⁱ <http://www.acscan.org/content/wp-content/uploads/2013/08/Obesity-Scientific-Link.pdf>

ⁱⁱ Eyre H, Kahn R, Robertson RM, Clark NG, Doyle C, Hong Y, Gansler T, Glynn T, Smith RA, Taubert K, Thun MJ. Preventing cancer, cardiovascular disease, and diabetes. *Circulation* 2004 Jun 29;109(25):3244-55.



**THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
SCOTT M. STRINGER**

TESTIMONY OF NEW YORK CITY COMPTROLLER
IN SUPPORT OF INT. 0644-2015

BEFORE MEMBERS OF THE
COMMITTEE ON EDUCATION
OF THE NEW YORK CITY COUNCIL

JUNE 17, 2015

Thank you Chairperson Dromm for holding this hearing today and Council Member Crowley for your leadership on Intro. 644, a bill requiring the Department of Education to report information on physical education in New York City schools. I strongly support the bill, which would provide us with the data necessary to ensure that every child in every public school is receiving the physical education to which they are entitled.

Although the New York State Department of Education has issued extensive regulations governing the provision of physical education to K-12 students,¹ a recent study by my office, “Dropping the Ball: Disparities in Physical Education in New York City Schools.” found widespread deficiencies in two key indicators that speak to the Department of Education’s (DOE) capacity to meet these mandates: access to certified teachers and physical fitness space.² Using DOE’s own data, we mapped every district school in the City and what we found was truly disturbing:

- 506 New York City schools—over 32 percent—lack a full-time, certified physical education (P.E.) teacher, including 59 percent of all elementary schools.
- 435 schools (28 percent) lack a dedicated “physical fitness space.” The problem is particularly acute for high schools, middle schools, and co-located schools, where,
 - Over 41 percent of high schools and 35 percent of middle schools report having no dedicated physical fitness space.
 - Nearly 80 percent of schools without a dedicated physical fitness space are co-located.
 - Over 46 percent of DOE buildings with co-locations have schools with no designated physical fitness space.
- Nearly 10 percent of schools throughout the city do not have access to an outdoor physical fitness facility, such as a school yard or nearby park.

All told, over 400,000 students lack some facet of the infrastructure needed for high quality PE. This is particularly alarming given that over 26 percent of New York City students aged 5-14 in grades K-8 are classified as obese or severely obese.

Those numbers are bad enough, but it’s what we don’t know and could not find out from available data that is truly worrisome. Indeed, due to gaps in DOE-provided data, we were unable to assess compliance with a number of critically-important requirements.

For instance, we could not determine whether schools are meeting the benchmarks for instructional time because DOE does not require elementary grades to report the minutes and frequency of P.E. instruction. For middle school and high school, the data we received did not allow for an analysis by grade level, and lacked critical information on class sizes and other variables needed to calculate the duration and frequency of P.E. received by students.

With regard to P.E. teachers, DOE noted that the data “reflects licensed P.E. teachers in the system, and not necessarily whether they are teaching.” In addition, while my office requested

information on both full-time and part-time certified P.E. teachers, as well as schools that are sharing P.E. teachers, the DOE did not give us any data on part-time teachers for general education schools, stating that it, "...does not centrally track P.E. teacher sharing."

To address these failings, my report recommended that the DOE should:

- Comply with State regulations requiring that all children receive physical education from, or under the supervision of, a certified physical education teacher.
- Update the DOE's District Physical Education Plan and submit it to the New York State Education Department, as required. DOE should also post a copy on the DOE website.
- Develop instruments for tracking and monitoring schools' provision of PE to all students.

As such, I strongly support the passage of City Council Intro-644, which requires the DOE to report the types of data and other critical information needed to assess which schools lack appropriate physical education teachers and fitness space, and which are not meeting mandated instructional time requirements.

Based on my office's experience in preparing our study, I believe this valuable piece of legislation would benefit from a number of technical amendments to strengthen the reporting requirements, and I look forward to reviewing our recommendations with your offices.

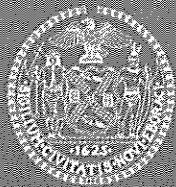
The cost of continued failure in this arena will not only be felt in the health and wellbeing of our children, but also by our City's budget and the broader economy. In New York City alone, obesity is projected to cost over \$4 billion in annual healthcare expenses, while reducing productivity.

The bottom line is that physical education isn't a luxury. It's a necessity for optimal achievement by our city's kids. We cannot continue to fail them. They are our future – failure for them is failure for us all.

Thank you again for the opportunity to testify. I will now answer any questions.

¹ 8 NYCRR § 135.1.

² <http://comptroller.nyc.gov/reports/droppingtheball/>.



Office of the
New York City Comptroller
Scott M. Stringer
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www.comptroller.nyc.gov

May 2015



DROPPING THE BALL:

Disparities in Physical Education
in New York City Schools

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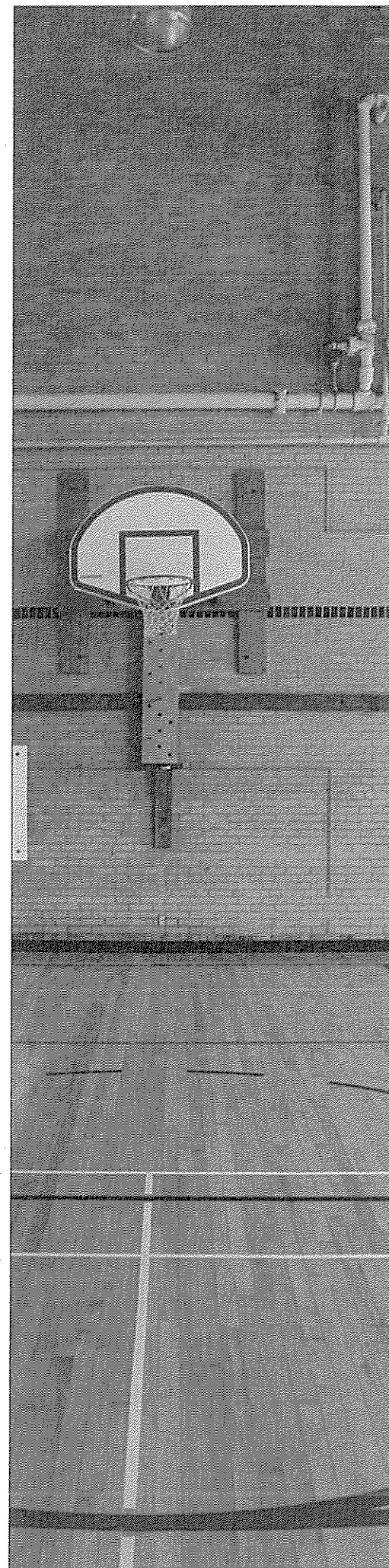


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I. EXECUTIVE SUMMARY

Consistent and meaningful physical education is known to bolster student academic achievement and engagement in school, as well as instill vital knowledge and healthy behaviors in children that can last a lifetime. As U.S. Secretary of Education Arne Duncan declared when First Lady Michelle Obama launched the *Let's Move* Active Schools initiative, “Good health is not an add-on to a good education. Our children need to be healthy to be prepared to learn, and we know active students are better able to engage in the classroom and excel academically.”¹

Nowhere is this truer than in New York City, where more than 26 percent of students aged 5-14 years in Kindergarten through 8th grade (K-8) are obese or severely obese.² This crisis not only threatens the health and academic achievement of our youth, but also carries significant costs for taxpayers and the City’s economic competitiveness.

Unfortunately, schools across the five boroughs are failing to meet even minimal physical education (“PE”) standards, as required by New York State Education Department (NYSED) regulations. These include mandates for instructional time and frequency, space and personnel. For example, children in grades K-12 must participate in regular physical education classes taught, in the case of all elementary schools, either by a certified physical education teacher, or a classroom teacher “under the direction and supervision of a certified physical education teacher” for grades K-6; or in the case of middle and high schools for grades 7-12, directly by a certified physical education teacher.³

Providing robust physical education to some 1.1 million students in a city as dense as New York City is a significant challenge. Many schools lack physical fitness spaces, as will be documented in this report. But just as the First Lady has said about providing physical education in schools, “Just because it’s hard doesn’t mean we should stop trying – it means we should try harder.”⁴

There is no question that New York City must try harder. This analysis by New York City Comptroller Scott M. Stringer of physical education data – as provided by the Department of Education – reveals a troubling picture of students’ disparate access to school-day physical education instruction. A digital, interactive map of these disparities can be found at <http://comptroller.nyc.gov/reports/droppingtheball/>.⁵

Findings include:

- **506 schools in New York City (over 32 percent) lack a full-time, certified physical education teacher, including 59 percent of elementary schools (375), 17 percent of middle schools (49) and 8 percent of high schools (33). While some of these schools may have access to a part-time, certified PE teacher, the DOE failed to provide data that would substantiate that possibility.**⁶
- **435 schools in New York City (28 percent) lack a dedicated “physical fitness space” – a problem that is most acute for high schools and middle schools:**
 - **Over 41 percent of high schools have no physical fitness space; and**
 - **More than 35 percent of middle schools have no physical fitness space.**

- Nearly 80 percent of the 435 schools that have no physical fitness space are co-located. More than 46 percent of the 519 DOE buildings with co-locations have schools with no physical fitness space.
- 149 schools (or nearly 10 percent) lack both a full-time, certified physical education teacher and a physical fitness space.
- Nearly 10 percent of schools citywide do not have access to an outdoor school yard or nearby park.
- In total, over 400,000 students in New York City public schools lack one of the following three physical education attributes:
 - 230,000 students lack a full-time, certified PE teacher;
 - 153,000 students attend a school without a physical fitness space; and
 - 91,000 students attend a school that does not have access to an outdoor school yard or nearby park.⁷

This information reinforces years of findings that the DOE has failed to provide appropriate physical education programming and instruction to all City students. Indeed, a 2011 audit by the New York City Comptroller’s Office revealed that 100 percent of 31 elementary schools examined were out of compliance with State PE regulations for elementary- and middle-school students. Additional analyses of physical education in City schools conducted in 2012 – by the American Heart Association, the New York City Independent Budget Office in conjunction with the Women’s City Club, and the Campaign for Educational Equity – further support the conclusion that shortfalls in physical education are longstanding and widespread.⁸

Over the past decade the DOE has provided little data on the state of physical education in City schools, making it difficult to identify or assess ways to address the full scope of the problem. Indeed, given the poor quality of tracking data provided by the DOE, it was impossible to determine whether the DOE was meeting State requirements related to PE instructional time or class size mandates agreed to as part of collective bargaining between the City and the United Federation of Teachers (UFT). While the DOE responded to the Comptroller’s request for information on physical education in City schools in good faith, the partial nature of information returned – including a *District Physical Education Plan* dated 2012 that is incomplete and labeled “DRAFT” – suggests that there continues to be room for improvement in how the DOE gathers, tracks and uses the data it collects to inform its work in delivering services to students.⁹

To address these issues, the Comptroller’s Office recommends that the DOE:

- **Comply with state regulations requiring that all children receive physical education instruction from, or under the supervision of, a certified physical education teacher.**

The DOE should immediately undertake a system-wide assessment of certified physical education teaching positions and fitness spaces, in order to comply with state law and to target investments toward neighborhoods of greatest need. Every school should provide access to at least one certified physical education teacher. And district superintendents should identify neighborhood spaces with excess capacity – including school gyms and

fitness areas, outdoor play spaces and local recreational facilities – as part of a broader plan to provide improved access to physical fitness activities to all children.

- **Update the DOE’s *District Physical Education Plan*, submit it to NYSED as required and post a copy on the DOE website.**

Per NYCRR 135.4, every school district in New York State must regularly update and submit to NYSED a *District Physical Education Plan*, outlining how they will deliver mandated physical education instruction to students under their purview. The last known time that the City Education Department submitted a *District Physical Education Plan* to NYSED was 1982.¹⁰ Furthermore, the draft plan that the DOE shared with the Comptroller’s Office in December 2014 was dated October 16, 2012 and is missing information. The DOE should regularly update and submit this plan to NYSED, and make a copy available on its website that is easily accessible to parents and the public.

- **Develop instruments for tracking and monitoring schools’ provision of physical education to all students**

The DOE’s partial response to the Comptroller’s request for information on schools’ provision of physical education to City students suggests that no centralized tracking or monitoring system exists to meaningfully assess whether schools are providing PE programming, as required by the State. For example, the DOE did not provide the Comptroller’s Office with information on PE instructional time for students in elementary grades because, it said, “elementary schools are not required to report this information.” Further, the DOE indicated that it could not provide information on how many general education schools – or which ones – might be sharing PE teachers because, “The DOE does not centrally track PE teacher-sharing.” The DOE should develop appropriate internal systems that allow the agency to track and monitor schools’ compliance with State PE regulations.

- **Post physical education data for every City school in a single, clear location on the DOE website**

The Comptroller’s report provides a snapshot of the DOE’s uneven provision of physical education across City schools, based on a selection of data provided by the DOE that could be meaningfully analyzed. The DOE should make a comprehensive range of PE data available to the public on an annual basis so that City families can determine whether their child’s school is in compliance with State PE regulations. This information should be consolidated in a single place on the DOE’s website and include: numbers of full- and part-time certified PE teachers providing school-day physical education instruction directly to students; whether schools are meeting requirements related to instructional time and class size; numbers and types of indoor and outdoor spaces to which schools have access; and the percent of time each day and week that every school co-located with another school in a DOE building has access to shared PE space. Passage of a bill such as City Council Intro 644-2015, which requires the Department of Education to report physical education data, will help ensure that accurate, complete and timely information is made available to all stakeholders.

II. INTRODUCTION

Physical education is critical for both the health and wellness of youth, as well as their academic achievement. Extensive research finds that children's engagement in regular physical activity – including through consistent and meaningful school-day physical education – can help stave off a range of debilitating health and mental health conditions and lead to improved concentration, attentiveness and success in the classroom.¹¹

This is critically important in New York City, where according to a report by the Centers for Disease Control (CDC) more than 26 percent of students aged 5-14 in grades K-8 are classified as obese or severely obese.¹²

Research has linked obesity and severe obesity in children to a host of short- and long-term academic, socio-emotional and health problems that can last well into adulthood. These include lower performance in cognitive functioning and on standardized tests, lower self-esteem, feelings of stigmatization and social isolation, and increased risk of pre-diabetes, musculoskeletal problems and cardiovascular and liver disease.¹³ While children's health and well-being are issues of universal concern, there are clear reasons why they should be a top priority in New York City.

Indeed, while touting slight declines in obesity and severe obesity rates among City school children between School Year 2006-2007 and School Year 2010-2011, the CDC also acknowledged that students who experienced the most positive impacts in these areas were considered at lowest risk, including “non-minority and wealthy students.” By contrast, the CDC found that larger proportions of Hispanic or non-Hispanic Blacks were severely obese than non-Hispanic Whites or Asian/Pacific Islanders. Moreover, severe obesity was greatest among poor students and lowest among those who were wealthy.¹⁴

This is troubling news for the New York City public school system, where 40 percent of students are Hispanic, 28 percent are Black and 78 percent qualify for Free and Reduced Price Lunch, and many City schools lack the capacity to provide school children with regular PE instruction, let alone meet minimal State physical education requirements.¹⁵

In addition to the immense academic and health consequences of obesity, its economic costs are truly staggering. In New York City alone, obesity is projected to cost the City over \$4 billion in health care expenses annually.¹⁶ Nationwide, in 2010, obesity-related care added over \$315 billion to our medical costs, up from an inflation-adjusted \$213 billion in 2005, according to Cornell Professor John Cawley.¹⁷ Childhood obesity alone accounts for \$14.1 billion of these direct costs.¹⁸

The impact of these expenditures is of serious concern, regardless of who foots the bill, as they raise the cost of health care for every American. An obese child costs Medicaid an average of \$6,730 annually, 175 percent higher than the average health costs for all children under Medicaid—\$2,446.¹⁹

Obesity not only costs Americans billions in health care, but also makes our economy less productive. Nearly 10 percent of costs related to absenteeism—\$8.5 billion—are the product of obesity.²⁰ Studies have also shown that the health effects of obesity lead to lower productivity even when individuals are at work.²¹

While the need for physical education in schools could not be clearer, the unfortunate truth is that the DOE's failure to provide adequate physical education to City students is not a new phenomenon. A 2011 audit conducted by the New York City Comptroller's Office, for example, revealed that 100 percent of 31 elementary schools examined were out of compliance with State PE regulations. Additional analyses of PE in City schools conducted in recent years – by the American Heart Association, the New York City Independent Budget Office in conjunction with the Women's City Club, and the Campaign for Educational Equity – lend further credence to years of reports that problems related to PE instruction in schools are both widespread and longstanding.²²

A 2001 study conducted by a local non-profit group, Educational Frameworks Inc., in partnership with the NYC Board of Education (BOE), reveals the historic roots of the DOE's inadequate delivery of physical education programming and instruction to City students. That study, which analyzed 391 schools – one third of the system in that year – concluded that “physical education [was] among the last areas of the New York City school system to recover from the fiscal crisis of the mid-1970s” and that it had been “persistently undervalued” and “sacrificed to the push for academic achievement, despite research showing that organized sports and physical fitness improve children's performance both academically and socially.”²³

The report concluded that the examined schools exhibited the lingering effects of an ever-eroding physical education program, including that physical education teachers continued not to be “accorded the same importance [as] their academic colleagues.”²⁴ At the time of the report, a dearth of physical education instructors resulted in a bulging student-to-teacher ratio of 730-to-one. Meanwhile, spaces dedicated for physical education disappeared and fell apart as the Board of Education converted gyms and school yards into classrooms and parking lots, permitted athletic facilities to fall into severe disrepair, and failed to build dedicated spaces at schools that had no gyms or athletic facilities at all.

The decline of PE in New York City schools was abetted by a broader failure at the State level to enforce its own regulations around physical education. When pressed about City schools' failure to meet State physical education requirements, State officials responded that they “counted on local school districts to monitor their own compliance.”²⁵

As the Chief Financial Officer of the City, the Comptroller will continue to advocate for policies—including robust physical education in every public school—that make our residents healthier and more productive, reduce burdens on taxpayers, strengthen our economy and ensure that our workforce is the most competitive in the world.

III. NEW YORK STATE AND NEW YORK CITY PHYSICAL EDUCATION REQUIREMENTS

District Physical Education Plan

The New York State Education Department requires every school district to submit a copy of its *District Physical Education Plan* to the State’s Division of Physical Education, Fitness, Health, Nutrition and Safety Services.²⁶ According to NYSED and State Department of Health (NYS DOH) documentation, the purpose of this plan, among other things, is for school districts to explain:

- Physical education program goals and objectives for the schools under their purview;
- The manner in which they will schedule physical education programming for their students, by day, week month and/or year;
- PE program activities they will offer at each grade level and/or by year of instruction; and
- Assessment activities they will use to determine whether students are meeting stated goals and objectives.²⁷

A 2011 New York City Comptroller audit of physical education in 31 DOE elementary and middle schools found that the DOE had failed to submit a PE plan to NYSED since 1982, despite the State’s recommendation that school districts “review and re-file their plan at least every seven years to ensure appropriate practice, to stay abreast of current research, and to update their curriculum as needed.”²⁸

In 2012, a *New York Times* article profiling the rise of obesity among children and the decline of physical education in City schools revealed that the City still had not submitted an updated PE plan to NYSED.²⁹ At that time, DOE officials indicated they would present a new plan that September. Three years later, however, it remains unclear whether the DOE has followed through on this promise. In response to the Comptroller’s October 2014 request for the “most recent school district physical education plan submitted to NYSED,” the DOE provided a PE plan dated October 2012 that is incomplete and labeled “DRAFT.” The plan is not available on the DOE’s website.

Certified Teachers, Instructional Time, and Class Size

Title 8 of New York’s Codes, Rules and Regulations clearly delineates NYSED physical education personnel and instructional time requirements for students in grades K-12. Additionally, contractual agreements and guidelines for physical education class sizes exist between New York City and the United Federation of Teachers for students in grades K-12. These requirements are as follows:

Physical Education Requirements

Requirement	Elementary School Grades	Middle School Grades	High School Grades
Certified Teachers	<p>The State recommends that certified physical education teachers provide PE instruction in elementary schools. However, classroom teachers may provide PE instruction “under the direction and supervision of a certified physical education teacher.”³⁰</p> <p>When grades five and six are housed in middle schools, students in these grades must be taught by a certified PE teacher.³¹</p>	<p>Students in grades 7 and 8 must be taught by a certified PE teacher.³²</p> <p>When grades five and six are housed in middle schools, students in these grades must be taught by a certified PE teacher.³³</p>	<p>Students in grades 9-12 must be taught by a certified physical education teacher.³⁴</p> <p>Students in Grades 10 through 12 may substitute “extra-class” or outside school activities that are led by a non-certified instructor, with approval from NYSED.³⁵</p>
Instructional Time	<p>120 minutes per week:</p> <ul style="list-style-type: none"> - Grades K-3: On a daily basis - Grades 4-6: No less than three times per week³⁶ <p>*The State offers elementary schools some flexibility in meeting PE requirements through the integration of PE curriculum in the classroom. However, to engage in such programming, the DOE must “Update the District Physical Education Plan” (required by Part 135.4) and submit a copy to the State Education Department's Office of Curriculum, Instruction and Instructional Technology.”³⁷</p>	<p>Every semester for a minimum of three periods per week in one semester and two periods per week in the other, or comparable time if schools are organized in different patterns. Physical education times/periods are equivalent to instructional classes.³⁸</p>	<p>Daily for a minimum of 180 minutes per week for seven semesters.³⁹</p> <p>OR</p> <p>Three periods per week in one semester and two periods per week in the other semester, for a minimum of 90 minutes per week for eight semesters.⁴⁰</p>
Class Size	<p>“The size of PE classes in Elementary School shall not exceed classroom size per the UFT contract.”⁴¹</p>	<p>“The size of PE classes in Middle School shall not exceed 50 students to 1 teacher per the UFT contract.”⁴²</p>	<p>“The size of PE classes in High School shall not exceed 50 students to 1 teacher (UFT Contract).”⁴³</p>

IV. FINDINGS

The following findings are based on a Comptroller's Office analysis of data provided by the DOE in response to an October 2014 request for information regarding the provision of physical education instruction and programming in DOE schools.⁴⁴ This request sought a variety of information on physical education in City schools, including whether schools have certified physical education instructors; are offering appropriate minutes of instruction per calendar week; have appropriate class sizes; and have access to indoor and/or outdoor space for PE instruction.

The partial nature of data provided by the DOE to the Comptroller's Office did not permit a complete analysis of whether NYC schools are meeting NYS physical education instructional time requirements or contractually agreed-upon class size mandates.⁴⁵ Indeed, it is possible that the state of physical education in City schools is an even greater problem than identified in this report.⁴⁶

Despite the incomplete data provided by DOE, the Comptroller's Office was able to analyze information on three key metrics:

1. Whether schools have full-time, certified physical education teachers;
2. Whether schools have indoor physical fitness space; and
3. Whether schools have access to outdoor facilities where they can provide physical education programming.

A digital, interactive map of students' disparate access to physical education in City schools can be found at <http://comptroller.nyc.gov/reports/droppingtheball/>.

Full-Time Certified Physical Education Teachers

Highly qualified, certified physical education teachers play a critical role in schools, both by engaging and encouraging students to develop healthy habits and by helping build a culture in schools that recognizes the importance of physical education in shaping and improving students' lives. A 2008 article in the *Journal of Physical Education, Recreation and Dance (JOPERD)* speaks to this vital role, stating: "[T]he physical educator is both the number one advocate for healthy, active lifestyles and a vital ambassador and liaison to ensure that strong school and community connections are valued, developed, and maintained."⁴⁷

Data Analysis⁴⁸

The DOE's physical education data set contained a list of 2,439 full-time, licensed PE teachers, 2,216 of whom were assigned to general education district schools in Fall 2014. The remaining 223 PE teachers assigned to District 75 schools fell outside the scope of the Comptroller's analysis.⁴⁹

According to the DOE, this data "reflects licensed PE teachers in the system, and not necessarily whether or not they are teaching." Moreover, the DOE did not provide information on part-time, certified PE teachers assigned to or working at general education schools, or information on whether any schools are sharing part-time teachers, and noted that: "the DOE does not centrally track PE teacher-sharing."

According to DOE data, the 2,216 full-time, licensed PE teachers at general education schools are assigned to 1,072 schools.⁵⁰ This leaves **506 schools citywide (over 32 percent) without a full-time, certified PE teacher.**⁵¹

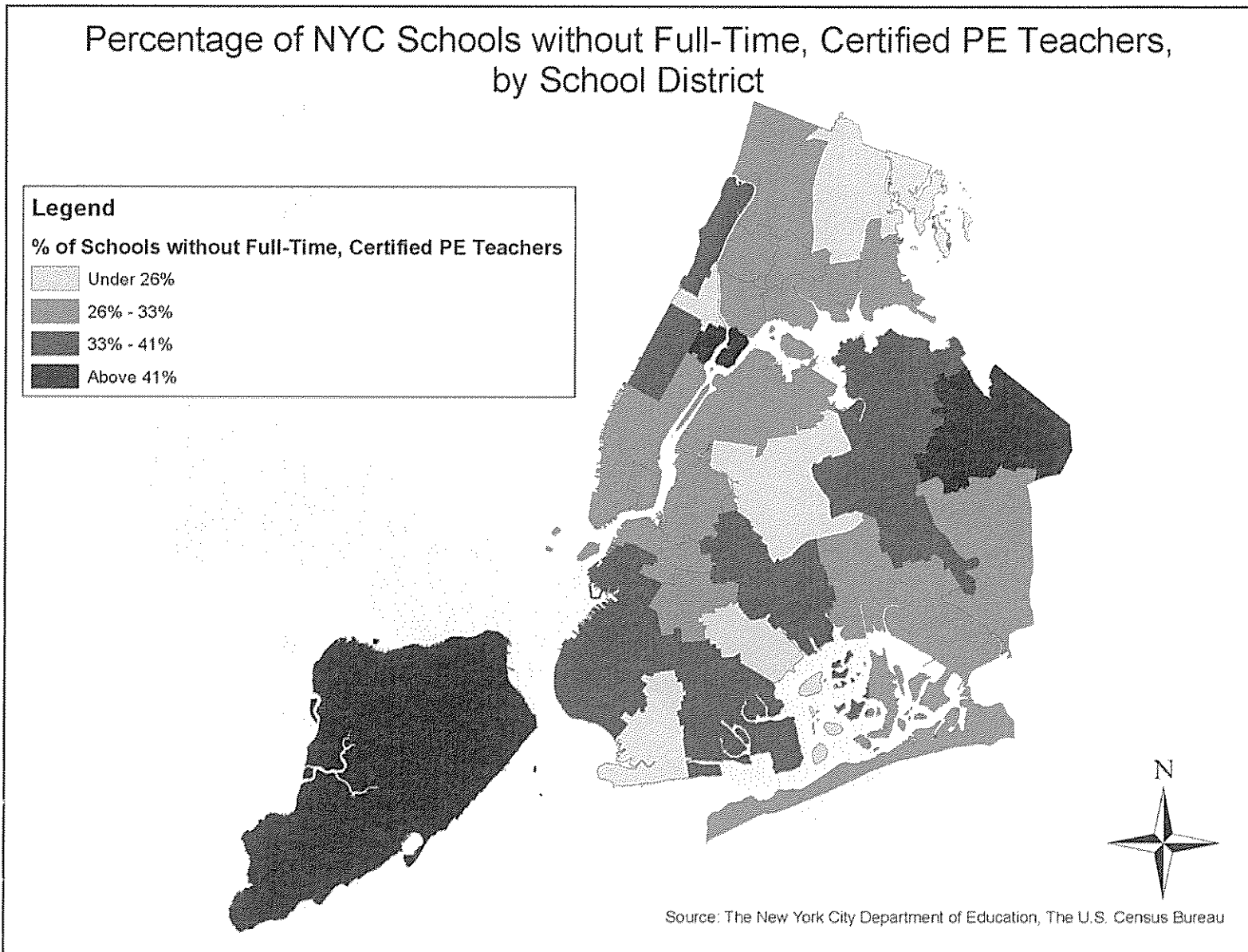
As seen in Table A below, **59 percent of City elementary schools lack a full-time, licensed physical education instructor.**⁵² In addition, **10 percent of secondary schools and eight percent of high schools lack a full-time, certified PE teacher**, despite the fact that students in grades 7-12 must be taught by a licensed physical education instructor and meet minimum PE instructional time requirements in order to graduate high school.⁵³

Table A: NYC Schools without a Full-Time Certified PE Teacher, 2013-2014

School Type	Number of Schools	Number of PE Teachers	Number of Schools with PE Teachers	Number of Schools without PE Teacher	Percent of Schools without a PE Teacher
Early Childhood	29	18	17	12	41.38%
Elementary	635	313	259	375	59.05%
High School	404	1056	371	33	8.17%
Junior High - Intermediate - Middle	297	481	248	49	16.50%
K-12 all grades	3	9	2	1	33.33%
K-8	131	173	103	28	21.37%
Secondary School	80	166	72	8	10.00%
Total	1579	2216	1072	506	32.11%

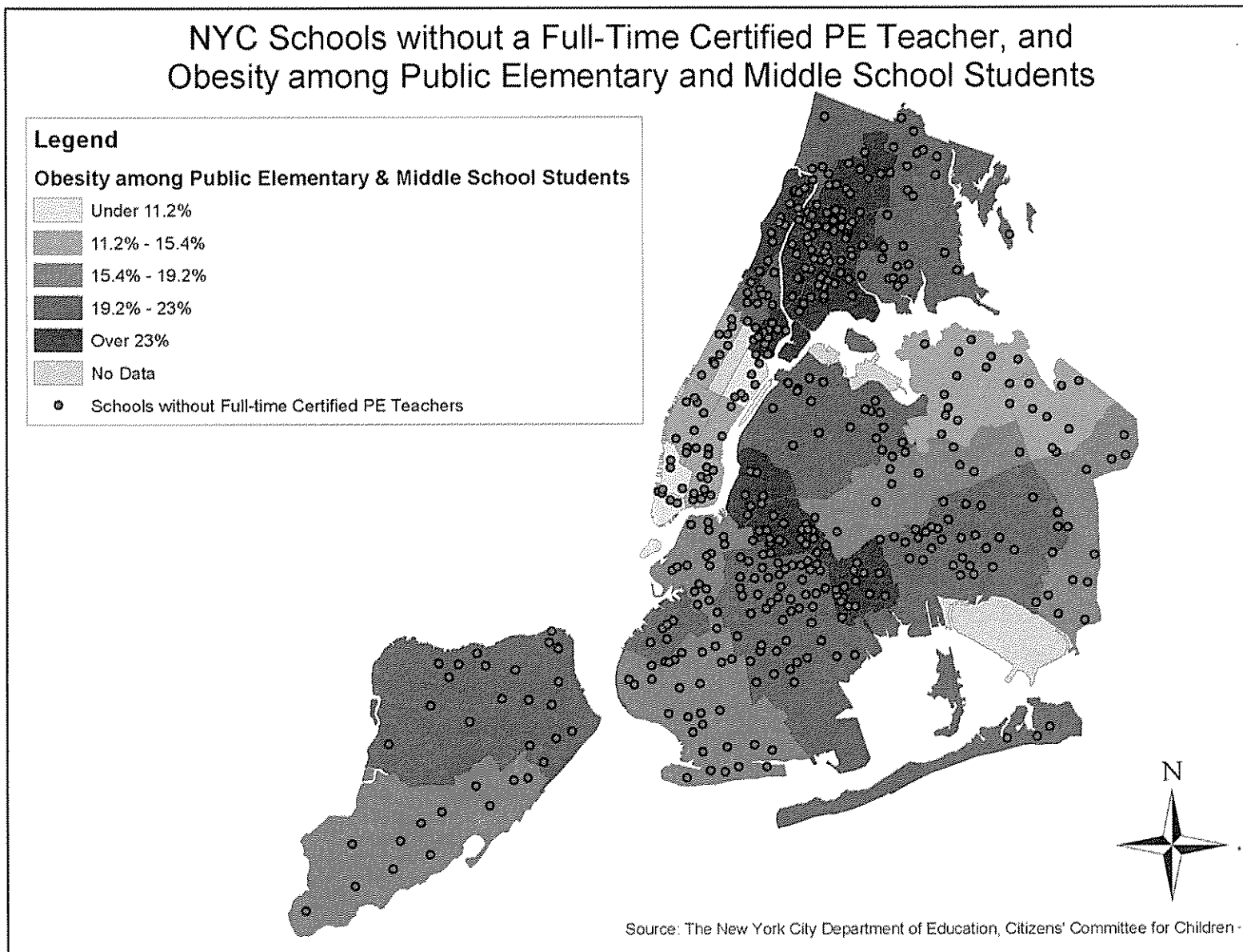
Map 1 shows the percentage of schools that lack a full-time, certified PE teacher compared against the total number of schools in their school district. Although the problem of schools lacking full-time, certified PE teachers is widespread and impacts neighborhoods of varied backgrounds, East Harlem, Staten Island, and Bayside, Queens have the greatest percentage of schools lacking a full-time, certified PE teacher. The issue is also prevalent in Northern Manhattan and throughout Brooklyn and Queens.

Map 1: Percentage of NYC Schools without Full-Time, Certified PE Teachers, by School District⁵⁴



Map 2 shows New York City schools that lack a full-time, certified PE teacher overlaid against childhood obesity rates – which are highest in Northern Manhattan, the Bronx and parts of Central Brooklyn. Although the problem of schools lacking a full-time, certified PE teacher affects all neighborhoods, it is particularly pronounced in East Harlem, where over 54 percent of schools lack a full-time, certified PE teacher, and childhood obesity rates are extremely high.⁵⁵

Map 2: NYC Schools without a Full-Time, Certified PE Teacher, and Obesity among Public Elementary and Middle School Students⁵⁶



Space for Physical Education Instruction

The DOE has publicly acknowledged that it has work to do in providing “better supports” to City schools so they can deliver required physical education programming to students. The agency also acknowledges that inadequate space is among the challenges that some principals confront in their efforts to provide mandated PE instruction.⁵⁷

At the same time, State regulations require “adequate indoor and outdoor facilities for the physical education program at all grade levels.”⁵⁸ In addition, the DOE’s *District Physical Education Plan* asserts that while “space limitations are sometimes referred to as a barrier to providing a high quality PE program,” schools are “not exempt from the PE requirement because of space challenges.” The DOE’s plan encourages schools to explore partnerships and the use of spaces both within and outside of DOE facilities for the delivery of PE to students. These include:

- NYC Parks and Recreation Centers and NYC Play Streets (organized via the NYC Department of Health and Mental Hygiene);
- Partnerships with “local gyms, fitness centers, pools, YMCAs, and community centers”;
- Empty classroom spaces – which can be used as fitness rooms for “fitness, dance and aesthetic, cooperative and personal performance activities” – so long as schools limit the number of students in these classroom spaces “based on the per pupil space per classroom size in the UFT contract”; and
- Community space to teach areas of PE such as “team sports, individual and dual sports, and adventure activities.”⁵⁹

Local Law 60

Enacted in 2011, Local Law 60 requires the Chancellor of the New York City School District to submit an annual report to the New York City Council that offers information on school capacity and utilization data for the prior school year. LL 60 incorporates DOE building data that is self-reported by a designated school leader on the Principal Annual Space Survey (PASS). The DOE posts both LL 60 and the PASS on each individual school’s website.⁶⁰

Included in the LL 60 report is information on the location and building in which each school is sited, classifications for each room in a given school building, the type/classification and square footage of each room in a school building and information on whether each room is shared with any other co-located school or program in the building.

Local Law 60 data provides information on the following facilities:

- Academic Intervention Service rooms
- Auditoriums
- Cluster rooms or specialty rooms
- Health clinics (including nurse’s offices and School-Based Health Centers)
- Libraries
- Lunchrooms/cafeterias
- Non-instructional spaces used for instructional and other student services
- Outside organizations/spaces occupied by non-school organizations
- **Physical fitness space (e.g., gymnasium, weight room, pool, basement)**
- Special Education services and supports (“SPED Support”): rooms utilized for occupational and physical therapy, speech, hearing, vision, etc.)

- Student locker rooms
- Student bathrooms
- Teachers' lounges

*Data Analysis*⁶¹

According to LL 60 data from SY 2013-2014, 1,798 rooms are designated as physical fitness spaces throughout 1,116 DOE general education schools in New York City. The Comptroller's analysis found that **435 New York City schools (over 28 percent) do not have a physical fitness space.**⁶² Table B shows that the problem is most severe for high schools and middle schools:

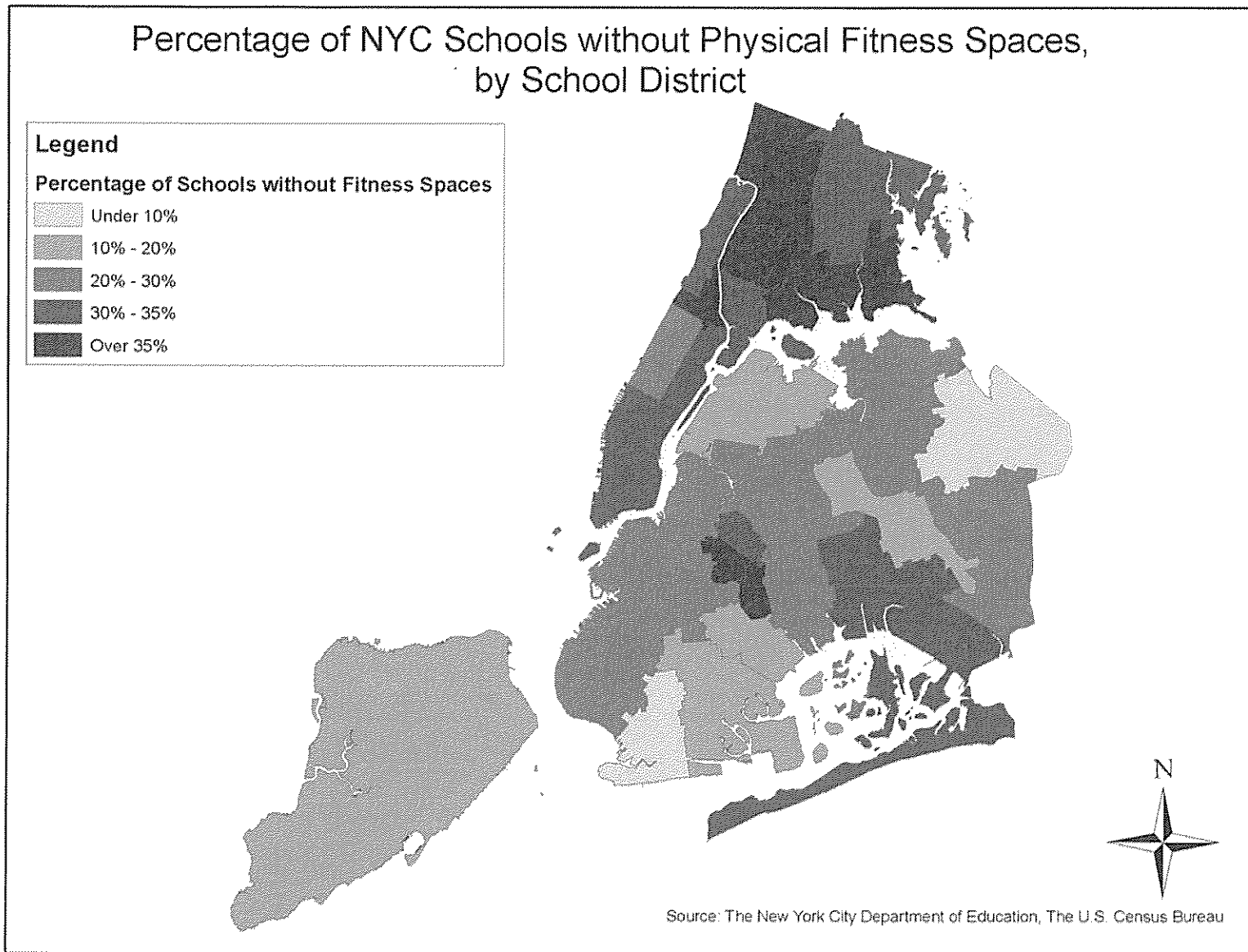
- **Over 41 percent of high schools** have no physical fitness space; and
- **More than 35 percent of middle schools** have no physical fitness space.

Table B: NYC Schools with and without Physical Fitness Spaces in DOE buildings

School Type	Total Schools	Fitness Spaces	Schools with Fitness Spaces	Schools without Fitness Spaces	Percent of Schools without Fitness Spaces
Early Childhood	29	18	15	14	48.28 %
Elementary	626	661	511	115	18.37 %
High School	394	554	230	164	41.62 %
Junior High - Intermediate - Middle	289	300	186	103	35.64 %
K-12 all grades	3	6	3	0	0 %
K-8	130	161	117	13	10.00 %
Secondary School	80	98	54	26	32.50 %
Total	1551	1798	1116	435	28.05 %

Map 3 shows that schools in the Bronx, Northern Manhattan, and Central Brooklyn – are less likely to have physical fitness spaces than schools in other parts of New York City. This is likely the result of a variety of factors, including the high frequency of co-locations in these neighborhoods.⁶³

Map 3: Percentage of NYC Schools without Physical Fitness Spaces, by School District



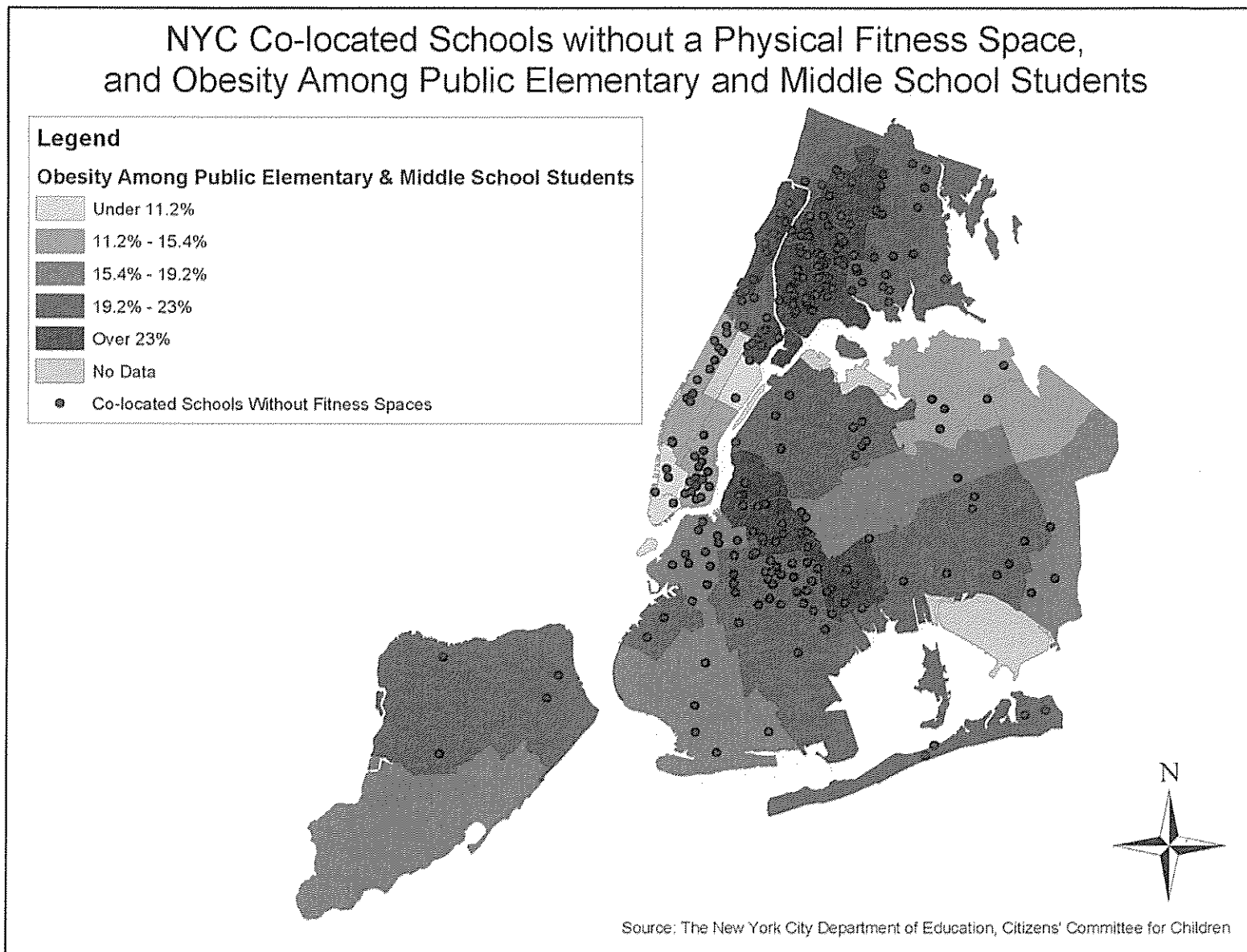
In addition, nearly 80 percent of district schools examined in this report that lack a physical fitness space, are co-located.⁶⁴ Furthermore, more than 46 percent of DOE buildings that are home to co-located schools, have schools with no physical fitness space.⁶⁵

Table C: Co-located Schools without a Physical Fitness Space

School Type	Co-located Schools without a Physical Fitness Space
Early Childhood	5
Elementary	54
High School	153
Junior High - Intermediate - Middle	98
K-8	6
Secondary School	26
Total	342

Map 4 shows NYC schools that lack a physical fitness space and are also co-located. A large number of these schools are in the Bronx, Central Brooklyn, and East Harlem where obesity rates are also highest.

Map 4: NYC Co-located Schools without a Physical Fitness Space, and Obesity among Public Elementary and Middle Schools Students⁶⁶



NYC Schools without a Full-Time, Certified PE Teacher or a Physical Fitness Space

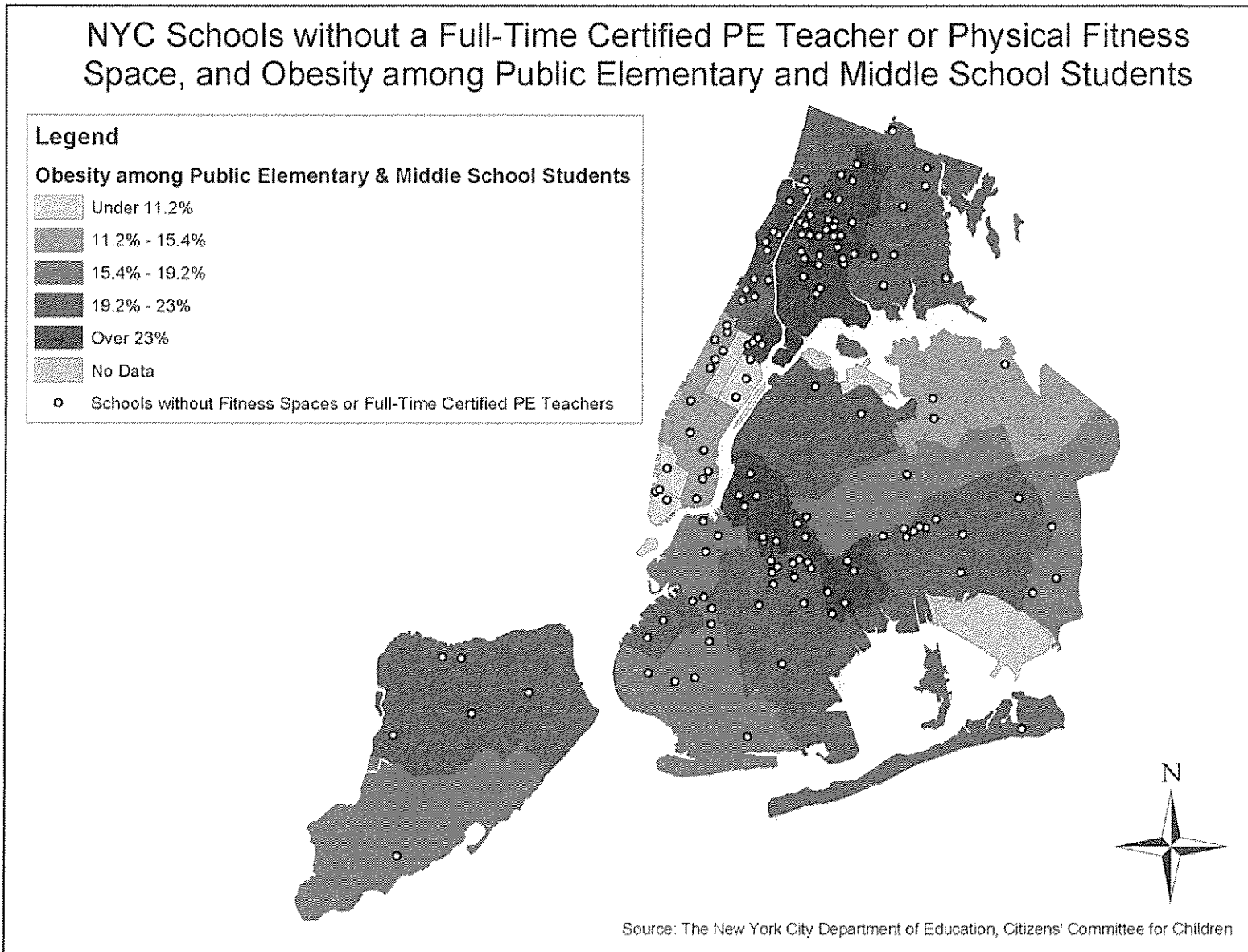
149 schools (nearly 10 percent of all City schools) lack both a full-time, certified PE teacher, and a physical fitness space. Of these, 82 are elementary schools, 31 are middle schools and 17 are high schools.⁶⁷ 87 of these schools (58 percent) are co-located.

Table D: NYC Schools without a Full-Time Certified PE Teacher or a Physical Fitness Space

School Type	Schools without a Full-Time Certified PE Teacher or a Physical Fitness Space
Early Childhood	8
Elementary	82
High school	17
Junior High-Intermediate-Middle	31
K-8	7
Secondary School	4
Grand Total	149

Map 5 shows that a disproportionate number of schools that lack both a full-time, certified PE teacher and a physical fitness space are located throughout the City, and in neighborhoods with high levels of childhood obesity.

Map 5: NYC Schools without a Full-Time, Certified PE Teacher or Physical Fitness Space, and Obesity among Public Elementary and Middle School Students⁶⁸



Outdoor Spaces

As noted earlier, New York State Department of Education regulations require “adequate indoor and outdoor facilities for the physical education program at all grade levels.”⁶⁹

Data Analysis

The Comptroller’s analysis of DOE data from a 2010-2011 Outdoor Schoolyard survey found that nearly **10 percent of schools citywide (153) have no access to an outdoor school yard or nearby park.**⁷⁰ Of these schools, **nearly 68 percent were co-located.** More than two-thirds of schools that lack access to an outdoor school yard or a nearby park (**103**) are **high schools, 74 of which are co-located.**

In addition to the above findings:

- 43 schools did not have an indoor physical fitness space or access to an outdoor school yard, or nearby park; and
- 21 schools had neither a full-time, certified PE teacher nor access to an outdoor school yard or nearby park.

Table E: NYC Schools without Access to an Outdoor School Yard or Nearby Park

School Type	Count
Early Childhood	2
Elementary	9
High School	103
Junior High - Intermediate - Middle	19
K-12 all grades	1
K-8	3
Secondary School	16
Total	153

V. RECOMMENDATIONS

Providing robust physical education to some 1.1 million students in a city as dense as New York City is a significant challenge. But DOE can take clear steps to improve students' access to physical education programming, beginning with the implementation of a coherent and comprehensive tracking and monitoring system that allows for a full understanding of the problems. As First Lady Michelle Obama has said about providing physical education in schools, "Just because it's hard doesn't mean we should stop trying – it means we should try harder." To that end, the Comptroller recommends the following:

- **Comply with state regulations requiring that all children receive physical education instruction from, or under the supervision of, a certified physical education teacher.**

The Department of Education should undertake a system-wide assessment of certified physical education teaching positions and fitness spaces, in order to comply with state law. Every school should provide access to at least one certified physical education teacher. And district superintendents should identify neighborhood spaces with excess capacity – including school gyms and fitness areas, outdoor play spaces and local recreational facilities – as part of a broader plan to provide improved access to physical fitness activities to all children.

- **Update the DOE's *District Physical Education Plan*, submit it to NYSED as required and post a copy on the DOE website.**

Per NYCRR 135.4, every school district in New York State must regularly update and submit to NYSED a *District Physical Education Plan*, outlining how they will deliver mandated physical education instruction to students under their purview. The last known time that the City Education Department submitted a *District Physical Education Plan* to NYSED was 1982.⁷¹ Furthermore, the draft plan that the DOE shared with the Comptroller's Office in December 2014 was dated October 16, 2012 and is missing information. The DOE should regularly update and submit this plan to NYSED, and make a copy available on its website that is easily accessible to parents and members of the public.

- **Develop instruments for tracking and monitoring schools' provision of physical education to all students**

The DOE's partial response to the Comptroller's request for information on schools' provision of physical education to City students suggests that no centralized tracking or monitoring system exists to meaningfully assess whether schools are providing PE programming, as required by the State. For example, the DOE did not provide the Comptroller's Office with information on PE instructional time for students in elementary grades because, it said, "elementary schools are not required to report this information." Further, the DOE indicated that it could not provide information on how many general education schools – or which ones – might be sharing PE teachers because, "The DOE does not centrally track PE teacher-sharing." Finally, the DOE provided no information regarding instruments it uses to collect and/or verify data on each school's compliance with

NYSED requirements, as was requested by the Comptroller's Office. The DOE should develop appropriate internal systems that allow the agency to track and monitor schools' compliance with State PE regulations.

- **Post physical education data for every City school in a single, clear location on the DOE website**

The Comptroller's report provides a snapshot of the DOE's uneven provision of physical education across City schools, based on a selection of data provided by the DOE that could be meaningfully analyzed. The DOE should make a comprehensive range of PE data available to the public on an annual basis so that City families can determine whether their child's school is in compliance with State PE regulations. This information should be consolidated in a single place on the DOE's website and include, but is not limited to: numbers of full- and part-time certified PE teachers providing school-day physical education instruction directly to students; whether schools are meeting requirements related to instructional time and class size; numbers and types of indoor and outdoor spaces to which schools have access (e.g., gymnasium, weight room, schoolyard, park, etc.) and in which each school provides required school-day PE; and the percent of time each day and week that every school co-located with another school in a DOE building has access to shared PE space. Passage of a bill such as City Council Intro 644-2015, which requires the Department of Education to report physical education data, will help ensure that accurate, complete and timely information is made available to all stakeholders.

METHODOLOGY

On October 2, 2014, the New York City Comptroller's Office submitted a Freedom of Information Law (FOIL) request to the Department of Education requesting data related to the DOE's provision of physical education to students in City public schools.⁷² A copy of the full request and the DOE's cover letter response on December 12, 2014 can be found in the Appendix of this report.

The Comptroller's FOIL request sought information including but not limited to:

- The most updated *District Physical Education Plan* submitted to the New York State Education Department (NYSED);⁷³
- Numbers of full-time and part-time certified physical education teachers providing school-day PE instruction directly to students, in total and broken out by grade level, for each school;
- Numbers of teachers not certified in physical education who are providing school-day PE instruction directly to students;
- The daily and/or weekly frequency and total minutes, per calendar week, of PE instruction, broken out by grade level, for each school; and
- Designated indoor and outdoor facilities used for PE instruction – and schools' access to these spaces – for each DOE school.

The partial nature of data provided by the DOE to the Comptroller's Office did not permit a meaningful analysis of whether NYC schools are meeting NYS physical education instructional

time requirements or contractually agreed-upon class size mandates.⁷⁴ Additionally, some information that the DOE shared suggests that the DOE's inadequate delivery of physical education in City schools may be more extensive a problem than analyses in this report identified.⁷⁵

The Comptroller's Office analyzed and mapped remaining, "useable" data and information provided by the DOE including:

- **Whether schools have full-time, certified teachers licensed in "Physical Education" and "Swimming and Physical Education."** The State advises that certified PE teachers or classroom teachers "under the direction and supervision of a certified physical education teacher" may provide instruction to students in elementary grades.⁷⁶ Students in grades 7-12 must receive physical education instruction from a licensed PE teacher, per NYCRR 135.4;
- **Whether schools have physical fitness spaces in DOE buildings.** This information is found in the Local Law 60 report, a publicly available document that the Chancellor of the New York City School District must submit annually to the New York City Council that provides school capacity and utilization data as well as information on room types in DOE school buildings, for the prior school year; and
- **Whether schools have access to outdoor spaces where they can provide physical education programming.** This includes school yards, playgrounds and leased spaces, which provide some schools alternative and/or additional spaces in which to deliver students PE instruction.

Additional notes on data provided by the DOE

- **Full-Time Certified PE Teacher Data** is current as of October 31st, 2014. There are 2,439 certified PE teachers assigned to 1,113 schools in this data. For the purpose of this analysis, 221 District 75 school instructors and 2 Alternative Learning Center instructors were omitted. An analysis of data provided by the DOE on students receiving Adaptive Physical Education is beyond the scope of this report.
- **Indoor Physical Fitness Space Data** is current as of School Year 2013-2014, and contained 1,579 DOE schools that are neither District 75 nor District 84 (charter) schools. Only 1,551 of these schools could be mapped/matched to Local Law 60 physical fitness space data.
- **Outdoor School Yard and Nearby Park Data** is sourced from a 2010-2011 Outdoor Schoolyard Survey conducted by the DOE.
- **School Co-location Data** were derived from the Department of Education's 2013-2014 Enrollment, Capacity and Utilization Report (also known as the "Blue Book"). For this analysis, all DOE buildings that were identified as housing two or more organizations were designated as co-located, including district schools, charter schools, and other organizations that occupy space. Building IDs were then matched to individual schools' information. Of the 1,460 DOE facilities listed in the Blue Book, 519 were designated as co-located for the purpose of this report.



DAVID SALTONSTALL
ASSISTANT COMPTROLLER FOR
POLICY

CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
SCOTT M. STRINGER

BUREAU OF PUBLIC AFFAIRS

October 2, 2014

Records Access Officer
NYC Department of Education
52 Chambers Street, Room 308
New York, NY 10007
FOIL@schools.nyc.gov

Re: FOIL Request for Data Related to Physical Education in DOE Schools

To Whom It May Concern:

Physical education plays an important role in supporting student achievement, social-emotional well-being and the development of strong health and wellness habits. Accordingly, I am writing to request updated information regarding the Department of Education's (DOE) provision of physical education in the public schools.

As you know, Title 8 of New York's Codes, Rules and Regulations clearly delineates New York State Education Department (NYSED) physical education regulations – both instructional and for personnel – for students in grades K-12, including:

- Grades K through 3: Students must participate in a physical education program on a daily basis. The minimum time for these activities should be at least 120 minutes per calendar week. Further, "Elementary classroom teachers may provide instruction under the direction and supervision of a certified physical education teacher." 8 NYCRR 135.4(c)(4)(i).
- Grades 4 through 6: Students must participate in a physical education program at least three times per week and the minimum time for these activities should be at least 120 minutes per calendar week. SED has advised that if an elementary school houses students up to Grade 8, the principal can make the determination whether students in Grade 6 will follow the requirements for Grades 4 and 5 or for Grades 7 and 8. As is true above, teachers of students in these grades may provide instruction under the direction and supervision of a certified physical education teacher.
- Grades 7 through 12: Students shall have the opportunity for regular physical education at least three times per week in one semester and two times per week in the other semester (or a comparable time each semester if the school is organized in other

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patterns). The regulations do not stipulate minimum time requirements. However, according to SED, secondary level students in Grades 7 and 8 are required to receive at least 90 minutes of physical education per calendar week. The pupils must be taught by a certified physical education teacher. The law includes a provision for students in Grades 10 through 12 to substitute extra-class or outside school activities led by a non-certified instructor, with approval.

NYSED further requires each school district to create, submit and periodically update its plan to provide physical education and provide adequate indoor and outdoor facilities for the physical education program at all grade levels.

A 2014 New York City Department of Mental Health and Hygiene study found that 21 percent of students in grades K-8 are obese, that both obesity and severe obesity “were highest among minority, poor and male children,” and that “as age increased, higher proportions of obese students became severely obese.” Obesity puts children at increased risk for Type II diabetes, asthma, high blood pressure and high cholesterol. Furthermore, research indicates that obese children are less likely than non-obese peers to be engaged in school and are more likely to repeat a grade and to miss more school days over the course of a school year.

As you are likely aware, a 2011 audit from the New York City Comptroller’s Office revealed that the NYC DOE was out of compliance with NYSED physical education regulations for elementary- and middle-level students at every one of the 31 sampled elementary schools it examined. Specifically, the audit found that DOE did not have an overall written physical education plan as required by NYSED regulations and none of the schools had sufficient evidence that they were providing – or in most cases, were familiar with – the required amount of physical education for all their students. In addition, three of the schools lacked a designated physical education teacher and three schools did not possess a non-classroom area for gym.

The audit included a number of recommendations:

- Creating and regularly updating a physical education plan that includes all requirements of NYSED’s physical education regulations for schools citywide;
- Adequately monitoring individual schools’ compliance with NYSED Physical Education regulations, including requiring principals to periodically certify that their students are receiving the minimum requirements;
- Documenting and tracking classroom-based physical education if it is used to meet SED requirements; ensuring that principals understand the requirements; and
- Identifying and addressing any compliance issues.

Meeting these mandates is critically important, given the deep interconnection between physical health, childhood obesity and student learning.

While I commend the DOE for creative approaches it has taken to improve student wellness – including the classroom-based “Move-to-Improve” initiative – a consistent, systemic approach to physical wellness in the schools is clearly necessary to meaningfully respond to the public health

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threat posed by childhood obesity. This must begin with ensuring that every City student has access to school-day physical education programming, as mandated in State Education Law.

To better understand the state of students' access to physical education opportunities in City schools, I respectfully request, in accordance with the New York State Freedom of Information Law (Pub. Off. Law, Art. VI, §§ 84-90), that the DOE provide my office with the most recent data available related to New York State physical education requirements, including:

1. The most recent written school district physical education plan submitted by DOE to NYSED;
2. The name of the designated district director of physical education;
3. The following information for each DOE school:
 - Daily and/or weekly frequency and total minutes per calendar week of physical education instruction broken down by grade level (e.g., K-3, 4-6, 7-12, with grades 6 or grades 7-8 differentiated if appropriate based on the school's overall configuration);
 - The number of designated full-time and part-time certified physical education teachers providing school-day physical education instruction directly to students;
 - The number of teachers not certified in physical education providing school-day physical education instruction directly to students; and
 - The designated indoor and outdoor facilities used for physical education, including whether each school has access to a dedicated gymnasium (i.e., non-classroom, non-multi-purpose space such as a cafeteria/auditorium) in their building that meets age-appropriate standards for space and equipment.

In addition, I hereby request the following:

- The number of full-time certified physical education instructors currently teaching physical education in NYC DOE schools in total and broken out by grade level;
- The number of part-time certified physical education instructors currently teaching physical education in NYC DOE schools in total and broken out by grade level;
- The number and names of schools that are sharing certified physical education instructors and any details about how the instructors' time is allocated;
- Information on whether each co-located NYC DOE school has access to a gymnasium in their building, broken out by the amount of time that each co-located school and/or program uses the gymnasium per week;
- The number and names of schools that do not have gymnasiums and are using non-gymnasium space such as converted classrooms, cafeterias, lobbies, etc. to provide school-day physical education instruction;
- The number and names of schools using off-site space to provide school-day physical education instruction;

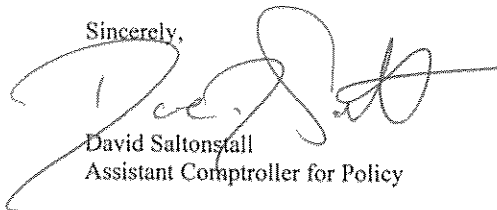
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- A copy of the instrument or instruments used to collect and/or verify data on each school's compliance with the NYSED requirements, including classroom-based physical education if it is used to meet SED requirements and any certification provided by school principals; and
- Any partnerships with outside vendors and/or consultants for school-day physical instruction and whether the vendor uses certified or non-certified physical education teachers.

We anticipate that you will provide, within five business days of the receipt of this request, a written acknowledgment of receipt and an approximate date when such request will be granted or denied, pursuant to § 89(b)(3)(a) of the Public Officers Law. We would appreciate having the data provided in an Excel spreadsheet, or if that is not possible, a .csv file format.

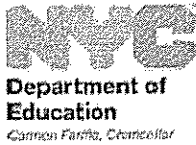
Thank you for your time and attention to this matter. Please do not hesitate to contact me with any questions at: Dsalton@comptroller.nyc.gov or 212-669-7101.

Sincerely,



David Saltonstall
Assistant Comptroller for Policy

MUNICIPAL BUILDING • 1 CENTRE STREET, ROOM 510 • NEW YORK, NY 10007
PHONE: (212) 669-7101 • FAX: (212) 669-7170 • DSALTON@COMPTRROLLER.NYC.GOV
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December 12, 2014

Courtenaye Jackson-Chase
General Counsel

Joseph A. Baranello
Central Records Access
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LETTER VIA EMAIL
RECORDS FOR PICK-UP OR VIA REGULAR MAIL

David Saltonstall, Assistant Comptroller for Policy
c/o Erin McGill, Senior Policy Analyst for Education
New York City Office of the Comptroller
1 Center St. Rm. 510
New York, NY 10007
emcgill@comptroller.nyc.gov

RE: #F10.622
PE in Schools

Dear Assistant Comptroller Saltonstall:

This letter is in response to the Freedom of Information Law (FOIL) request referenced above, and addresses each of the requests for records (including data) found on pages 3 and 4 of the request you submitted. As discussed in detail below, records are being made available to you today, on CD-ROM. Please inform me via email if you wish to pick up the disk at the address at left, or would prefer for it to be sent via regular mail.

Section I: Request items, or portions thereof, for which records are being released

As to the first numbered item in your request (i.e., item "1"), for the most recent physical education (PE) plan (the Plan) submitted by the New York City Department of Education (DOE) to the New York State Education Department (NYSED), the Plan is attached. However, access is denied to portions of the Plan for the following reasons.¹

Public Officers Law §87(2)(g) permits an agency to deny access to records or portions thereof that are inter-agency or intra-agency materials which are not statistical or factual tabulations or data, instructions to staff that affect the public, final agency policy or determinations, or certain external audits. Accordingly, portions of the Plan that consist of non-final proposals have been redacted, as has been an expression of thanks.

As to the second numbered item in your request (i.e., item "2"), responsive records are found in the attached file named "Item 2-District Directors of PE."

¹ Please note that due to a technical error with the PDF file that I have been unable to reverse, the DOE's redaction software has automatically redacted page 65 of the Plan. However, a duplicate of this page has been inserted into the file following the page that the software has redacted in error.

As to the first bullet listed under the third numbered item in your request (i.e., item "3a"), to the extent that such data exists in a single computer storage system and could be compiled/extracted with reasonable effort, responsive data is found in the attached Excel file named "3a-STARs data.xls."

With respect to the data for item 3a, I am informed of the following by the DOE's Office of Academic Policy and Systems. Data is provided for grades 6-12 based on student schedules recorded in STARs, DOE's academic reporting system, which may include a small amount of missing or incomplete information. Because elementary schools are not required to report this information, data for elementary schools is not available. Entries where "Total periods per week" equals zero and/or where "total minutes of PE instruction per week" equals zero may signify missing or incomplete data entered by the school, and does not necessarily indicate that the school is not providing PE instruction; on-going support and follow up is provided to schools to ensure accurate and complete use of STARs to record students' academic programs. Also note that data is disaggregated by grade span (6-8 vs. 9-12) instead of specific grade levels to avoid double counting the same PE courses that serve students in multiple grades levels. In addition, data is disaggregated by academic term because the total periods of PE instruction per week may differ across terms. Possible term models are: 1 academic term (i.e., annualized); 2 academic terms (i.e., semesters); 3 academic terms (i.e., trimesters); 4 academic terms (i.e., cycles/quarters). The following example illustrates how the total minutes of PE instruction per week was calculated: a school may offer 3 PE courses, with 2 sections (classes) each, and with each section meeting 5 periods per week. The total periods of PE instruction per week in such a case would be 30 (i.e., $3*2*5$). The total minutes of instruction are then calculated by multiplying the total number of periods by the average period length at the school. To the extent that you are seeking additional data in response to item 3a, please see Section II below.

As to the second bullet listed under the third numbered item in your request (i.e., item "3b"), to the extent that such data exists in a single computer storage system and could be compiled/extracted with reasonable effort, responsive data is found in the attached Excel file named "Item 3b, 4-PE teachers.xls." With respect to this data, I am informed of the following. The data reflects licensed PE teachers in the system, and not necessarily whether or not they are teaching PE. Please see the worksheet named "Business Rules" in the response file for additional important information concerning the data provided. To the extent that you are seeking additional data in response to item 3b, including data on part-time PE-licensed teachers, please see Section II below.

As to the third bullet listed under the third numbered item in your request (i.e., item "3c"), please see Section II below.

As to the fourth bullet listed under the third numbered item in your request (i.e., item "3d"), responsive data is found in the attached Excel file named "Item 3d, 7, 8-Local Law 60 Data.xls." This data is also publicly posted here: <http://schools.nyc.gov/Offices/OSP/KeyDocuments/default.htm>. In addition, I am informed that Local Law 60 data is reported on a school basis, but that in multi-organizational buildings, gymnasiums are expected to be shared by all schools. Specifically as to the portion of this request item that concerns "outdoor facilities," while specific data for the most recent school year is unavailable, responsive information and data are found in the following five attached files, which were produced pursuant to Chapter 544 of the Law of 2011 (A07230A/S 587-A), and consist of data for the 2010-2011 school year: (1) "Item 3d, 9-Outdoor Schoolyard Report and Summary.pdf," (2) "Item 3d, 9-2010-11 Outdoor Schoolyard NYC-DOE Data.xls," (3) "Item 3d, 9-Capital Plans for Schoolyards.xls," (4) "Item 3d, 9-Charts.xls," and (5) Item 3d, 9-Dept Parks List of JOPs.xls. To the extent that you are seeking additional data in response to item 3d, please see Section II below.

As to the first bullet listed under the phrase "In addition, I request the following:" (i.e., item "4"), the DOE's response is identical to the response given above to item 3b. To the extent that you are seeking additional data in response to item 4, please see Section II below.

As to the second bullet listed under the phrase "In addition, I request the following:" (i.e., item "5"), please see section II below.

As to the third bullet listed under the phrase "In addition, I request the following:" (i.e., item "6"), to the extent that you are requesting data specifically concerning adaptive physical education teachers, responsive records are found in the Excel file named "Item 6-Schools with shared APE teachers.xls." Specifically as to your request for "any details about how the instructors' time is allocated," responsive information is found in a PDF file named "Item 6-APEFAQ201415.pdf" in response to the question "How are APE teachers assigned? Who approves APE teacher schedules?" This PDF is also posted publicly at this link:

<http://schools.nyc.gov/NR/rdonlyres/4D6D250A-3F6E-42FC-8105-7317DE6C0F83/0/APEFAQ201415.pdf>

To the extent that you are seeking additional data in response to item 6, please see Section II below. In addition, I am informed that the DOE does not centrally track PE teacher-sharing, and that APE teachers are a unique subset of PE teachers who are centrally assigned to some (but not all) elementary and middle schools, in order to serve students who have APE mandated on their IEP.

As to the fourth and fifth bullets listed under the phrase "In addition, I request the following:" (i.e., items "7" and "8"), I am informed that to the extent that such data exists in a single computer storage system and could be compiled/extracted with reasonable effort, the data posted in response to Local Law 60 is responsive, and so please see the above response to item 3d. To the extent that you are seeking additional data in response to items 7 and 8, please see Section II below.

As to the sixth bullet listed under the phrase "In addition, I request the following:" (i.e., item "9"), please see the responsive above to item 3d as it specifically concerns "outdoor facilities," as well as the response to item 11 below. To the extent that you are seeking additional data in response to item 9, please see Section II below.

As to the seventh bullet listed under the phrase "In addition, I request the following:" (i.e., item "10"), responsive records are found in the PDF file named "Item 10-STARS Screenshots."

As to the eighth and last bullet listed under the phrase "In addition, I request the following:" (i.e., item "11"), a diligent search for responsive records has been conducted to the extent that your request is "reasonably described" pursuant to Public Officers Law §89(3)(a); i.e., to the extent that such records are tracked and or catalogued in a manner that can be easily searched. In response, the following records, consisting of requests for authorization, were identified as providing responsive information to this request item: (a) "Item 10 (1)-9154356 Camp Friendship, Inc. RA.pdf," (b) "Item 10 (2)-RA Lehman College Negotiated Services Final" and (c) "Item 10 (3)-St. Francis-180 Remsen Street.pdf." In addition, I am informed that the DOE is occupying space located at 991 Longwood Avenue in the Bronx (DOE Building I.D. No. X965) under a month-to-month agreement with the Police Athletic League; the gymnasium in that space is utilized by various high schools, including Banana Kelly High School (X530). Please note that it is possible that responsive

records exist for additional contracts, but such records could not be located based on the searchable information available in FAMIS, which the DOE's Division of Contracts and Purchasing accessed in its search for current/active agreements. To the extent that you are requesting a compilation of data in response to item 11, and as to the balance of your request, please see Section II below.

Section II: Request items, or portions thereof, for which records are unavailable

As to request items 3c and 5 in their entirety, and as to those portions of all other request items for which you have not otherwise received data,² responsive data are not available, and so these request items and portions of request items are denied for the following reasons.

Numerous diligent searches and inquiries for additional data has been conducted, but based on information provided to me, my understanding is as follows. In some cases, existing compilations of such data do not exist, and responses on DOE's part would involve more than a simple extraction of data from a single computer storage system. Rather, they would require matching records across more than one computer storage system, and/or extensive programming and that would require more than reasonable effort. FOIL does not obligate the DOE to match data across computer storage systems in order to respond to a FOIL request. Nor does it require more than "reasonable effort" in order to respond to a request for data. See Public Officers Law §89(3)(a).

More specifically, where the data is contained in an electronic record, it is considered the creation of a new record when retrieval and/or extraction of data would require more than "merely retrieving electronic data that [the agency] has already compiled and copying it into another medium," would involve more than "[a] simple manipulation of the computer," *Data Tree, LLC v. Romaine*, 9 N.Y.3d 454 (2007), or where the data requested are maintained in more than one computer storage system, and so would require matching across computer storage systems in order to respond to a request. See Public Officers Law §89(3)(a).

In other cases, responsive data are not centrally collected or tracked by the DOE, and FOIL does not require the creation of new records in order to respond to a request. See Public Officers Law §89(3)(a).

Section III: Your right to appeal

Any person denied access to a record may appeal the decision in writing within thirty days. Please state a specific ground for appeal and include copies of the initial request and the denial. Appeals should be sent to: Courtenaye Jackson-Chase, General Counsel, c/o Office of Legal Services, New York City Department of Education, 52 Chambers Street – Room 308, NY, NY 10007, FOIL@schools.nyc.gov.

Sincerely,


Joseph A. Baranello
FOIL@schools.nyc.gov

² However, based on the terms of your request, and except as otherwise noted in Section I, I believe that the DOE's response to request items 1, 2 and 10 are complete, and so Section II is inapplicable to these request items.

VII. ACKNOWLEDGMENTS

Comptroller Scott M. Stringer thanks Erin McGill, Sr. Policy Analyst for Education, and Susan Scheer, Special Assistant for Policy, the lead researchers and writers of this report, as well as Adam Eckstein, Policy Analyst, who conducted data analysis, developed maps, and wrote for this report.

Comptroller Stringer also recognizes the important contributions to this report made by: David Saltonstall, Assistant Comptroller for Policy; Andrew L. Kalloch, Deputy Policy Director; Sally Frank, Policy Analyst; Alaina Gilligo, First Deputy Comptroller; Sascha Owen, Chief of Staff; Camille Joseph, Deputy Comptroller for Public Affairs; Tim Mulligan, Deputy Comptroller for Bureau of Budget; Josh Getlin, Senior Advisor; Eric Sumberg, Deputy Communications Director and Press Secretary; Andrea Garcia, Press Officer; Jessica Duda, Director of Digital Media; and Archer Hutchinson, Creative Lead and Web Developer.

VIII. ENDNOTES

- ¹ <https://www.whitehouse.gov/the-press-office/2013/02/28/first-lady-michelle-obama-announces-unprecedented-collaboration-bring-ph>
- ² http://www.cdc.gov/pcd/issues/2014/13_0439.htm
- ³ Additional requirements related to PE instructional time and class size are outlined on page 8 of this report, and are detailed in the NYS Commissioner's Regulation Part 135.4. <http://www.p12.nysed.gov/ciai/pe/documents/title8part135.pdf>. Analyses in these two areas could not be conducted due to the partial nature of data provided to the Comptroller's Office by the DOE, an issue discussed in greater detail later in this report.
- ⁴ <https://www.whitehouse.gov/the-press-office/2013/02/28/first-lady-michelle-obama-announces-unprecedented-collaboration-bring-ph>
- ⁵ The interactive map includes data for 1,576 of the 1,579 schools identified in the Department of Education's 2013-2014 Enrollment, Capacity and Utilization (Blue Book). Three schools were omitted due to geocoding errors. In addition, some information compiled, such as physical fitness space data, did not match all schools within our dataset. Schools with missing information were omitted from those analyses. Additionally, because co-located schools share space in the same physical building, the interactive map shows 1,142 DOE buildings with 1,576 schools inside those buildings. 685 of these DOE buildings (green) have schools with a full-time, certified PE teacher. 94 of these DOE buildings (yellow) have schools that both have and lack full-time, certified PE teachers. And 363 of these DOE buildings (red) house only schools that lack a full-time, certified PE teacher.
- ⁶ The breakdown of all 506 schools is as follows: 12 Early Childhood; 375 Elementary; 33 High Schools; 49 Junior High-Intermediate-Middle; 1 K-12 all grades; 28 K-8; and 8 Secondary Schools. The Comptroller's Office requested information from the DOE on the number of full- and part-time certified PE teacher providing PE instruction directly to students, as well as the number and names of schools that are sharing certified PE instructors. The DOE provided data on full-time certified PE teachers, however did not provide data on part-time, certified teachers employed at general education schools or information on whether schools are sharing teachers, explaining that: "the DOE does not centrally track PE teacher-sharing."
- ⁷ Using the DOE's 2013-2014 Enrollment, Capacity and Utilization (Blue Book) data, the City Comptroller estimated that 406,721 City public school students attend a school that lacks one of three PE attributes: 236,584 students attend a school that lacks a full-time, certified PE teacher; 153,513 students attend a school that does not have a physical fitness space; and 91,738 students attend a school that has no access to an outdoor play yard or nearby park.
- ⁸ http://comptroller.nyc.gov/wp-content/uploads/documents/MD11_083A.pdf; <https://media.gractions.com/f410dc9e068b98b88ea0b5c54d6885f750d9d0a3/2850366f-07e8-4da8-a7ba-ff6d1b687975.pdf>; <http://wccny.org/wp-content/uploads/2013/02/PETF-Position-Paper-IBO-Letter-Tables-Final.pdf>; http://www.tc.columbia.edu/i/a/document/30357_Deficient_Resources_FINAL_3.4.14.pdf; http://www.nyc.gov/html/records/pdf/govpub/2683all_work_and_no_play.pdf; <http://www.nytimes.com/2001/03/03/nyregion/03GYM.html>; <http://query.nytimes.com/mem/archive-free/pdf?res=9D0CE4DB123EE732A25752C2A9669D946890D6CF>
- ⁹ As noted, the District Physical Education Plan that the DOE submitted to the Comptroller's Office is dated October 16, 2012 and labeled "DRAFT." Examples of missing and/or incomplete information in this draft include:
- Missing information on the DOE's Move-to-Improve (MTI) initiative, which participating elementary schools may employ as a means of meeting State physical education mandates, provided that this information is submitted for approval from the State. According to NYSED, "Curriculum development is a local school district decision in New York State. If a school district's curriculum plan includes the provision of integrated physical education instruction with the certified classroom teacher as part of the above requirement, the school district must comply with Commissioner's Regulation, Part 134.4(c)(2)(i)(c) above to seek approval from the commissioner for the equivalent program": http://www.p12.nysed.gov/ciai/pe/toolkitdocs/elementary_pe_resource.pdf. The DOE's District Physical Education Plan provides no information on MTI, making it unclear whether the DOE has sought out and/or received approval from the State to implement this kind of initiative.
 - Missing pages (pp. 68-69) in the Appendix, where names and information for the DOE's citywide directors of physical education are supposed to be according to the **Personnel** section on pp.18-19.
 - Incomplete information under the **Attendance and Graduation Policies** section (p.15), under DOE guidelines for high school transfer students.
 - Incomplete information in the **Concussion Management Policies and Form** section (p.67), which states: "For more information on the evaluation and treatment of concussion please go to www.INSERT SITE"

- ¹⁰ http://comptroller.nyc.gov/wp-content/uploads/documents/MD11_083A.pdf;
http://www.nytimes.com/2012/07/11/education/even-as-schools-battle-obesity-physical-education-is-sidelined.html?_r=0
- ¹¹ <http://www.cdc.gov/healthyyouth/physicalactivity/facts.htm>; https://www.heart.org/idc/groups/ahaecce-public/@wcm/@adv/documents/downloadable/ucm_471633.pdf; https://www.heart.org/idc/groups/heart-public/@wcm/@adv/documents/downloadable/ucm_467661.pdf;
<http://www.nytimes.com/2013/05/25/opinion/exercise-and-academic-performance.html>
- ¹² http://www.cdc.gov/pcd/issues/2014/13_0439.htm: The CDC report states that between SY 2006-07 and SY 2010-11, obesity and severe obesity rates among NYC schoolchildren in grades K-8 fell from 21.9% to 20.7% and 6.3% to 5.7%, respectively.
- ¹³ <http://digitalecommons.library.tmc.edu/cgi/viewcontent.cgi?article=1162&context=childrenatrisk>;
<http://circ.ahajournals.org/content/128/15/1689.full>; <http://www.cdc.gov/healthyyouth/obesity/facts.htm>;
https://www.heart.org/idc/groups/heart-public/@wcm/@adv/documents/downloadable/ucm_467661.pdf
- ¹⁴ http://www.cdc.gov/pcd/issues/2014/13_0439.htm: The CDC found that severe obesity rates of poor students vs. wealthy students in 2010-11 were 6.5% vs 4.4% for free-meal status and 7.2% vs 4.0% for neighborhood status.
- ¹⁵ Student demographic information sourced from: <http://schools.nyc.gov/AboutUs/schools/data/default.htm>
- ¹⁶ <http://www.nytimes.com/2013/07/18/nyregion/next-steps-in-bloombergs-obesity-fight-up-the-stairs.html>;
total obesity-related costs in New York State are estimated at more than \$11.8 billion annually, according to the Office of the New York State Comptroller. Over one-third—\$4.3 billion—of those costs are funded by Medicaid. See: http://www.osc.state.ny.us/reports/obesity_and_child_obesity_10_23_12.pdf.
- ¹⁶ <http://www.bloomberg.com/news/articles/2015-03-05/american-economy-has-a-weight-problem-as-costs-of-obesity-mount>;
<http://www.kickthecan.info/files/documents/Journal%20of%20Health%20Economics%202012%20Cawley.pdf>.
- ¹⁸ <http://onlinelibrary.wiley.com/doi/10.1038/oby.2009.67/abstract>.
- ¹⁹ <http://stateofobesity.org/facts-economic-costs-of-obesity/>; Children covered by Medicaid are nearly six times more likely to be treated for a diagnosis of obesity than children covered by private insurance. See: http://www.medstat.com/pdfs/childhood_obesity.pdf.
- ²⁰ <http://news.yale.edu/2014/11/14/obesity-among-american-workers-costs-nations-billions-lost-productivity>.
- ²¹ <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3047996/>.
- ²² http://comptroller.nyc.gov/wp-content/uploads/documents/MD11_083A.pdf;
<https://media.gractions.com/f410dc9e068b98b88ea0b5e54d6885f750d9d0a3/2850366f-07e8-4da8-a7ba-ff6d1b687975.pdf>; <http://wccny.org/wp-content/uploads/2013/02/PETF-Position-Paper-IBO-Letter-Tables-Final.pdf>; http://www.tc.columbia.edu/i/a/document/30357_Deficient_Resources_FINAL_3.4.14.pdf;
http://www.nyc.gov/html/records/pdf/govpub/2683all_work_and_no_play.pdf;
<http://www.nytimes.com/2001/03/03/nyregion/03GYM.html>; <http://query.nytimes.com/mem/archive-free/pdf?res=9D0CE4DB123EE732A25752C2A9669D946890D6CF>
- ²³ <http://www.nytimes.com/2001/03/03/nyregion/03GYM.html>
- ²⁴ <http://www.nytimes.com/2001/03/03/nyregion/03GYM.html>
- ²⁵ <http://www.nytimes.com/2001/03/03/nyregion/03GYM.html>
- ²⁶ <http://www.p12.nysed.gov/ciai/pe/toolkitdocs/Part135RegulationMay2014.pdf>: “* Section 135.4.* Physical education. (a) **School district plans.** It shall be the duty of trustees and boards of education to develop and implement school district plans to provide physical education experiences for all pupils as provided in this section. Such current plans shall be kept on file in the school district office and shall be filed with the Division of Physical Education, Fitness, Health, Nutrition and Safety Services. All school districts shall comply with the provisions of this section by August 1, 1982. However, the requirement for submission of a plan shall become effective by January 1, 1983.”
- ²⁷ <https://www.e1b.org/Portals/0/Files%20by%20Division/School%20Support/Healthy%20Schools/PEPWG%204.18.12%20FINAL.locked.pdf>
- ²⁸ http://comptroller.nyc.gov/wp-content/uploads/documents/MD11_083A.pdf
- ²⁹ http://www.nytimes.com/2012/07/11/education/even-as-schools-battle-obesity-physical-education-is-sidelined.html?_r=0.
- ³⁰ <http://www.p12.nysed.gov/ciai/pe/documents/title8part135.pdf>: 8 NYCRR 135.4(c)(4)(i).
- ³¹ <http://www.p12.nysed.gov/ciai/pe/peqa.html>
- ³² <http://www.p12.nysed.gov/ciai/pe/documents/title8part135.pdf>
- ³³ <http://www.p12.nysed.gov/ciai/pe/peqa.html>
- ³⁴ <http://www.p12.nysed.gov/ciai/pe/documents/title8part135.pdf>
- ³⁵ <http://www.p12.nysed.gov/ciai/pe/peqa.html>
- ³⁶ <http://www.p12.nysed.gov/ciai/pe/documents/title8part135.pdf>
Additionally, the DOE’s Move-to-Improve initiative

(<http://schools.nyc.gov/Academics/FitnessandHealth/MoveImprove/default.htm>) enables participating elementary schools serving students in grades K-5 to integrate physical activity into classroom-based instruction, in order to supplement and help schools meet State physical education requirements. To engage in this type of programming, school districts must receive approval from the State. However, the DOE's District Physical Education Plan provides no information on MTI, and it is unclear whether the DOE has sought and/or received approval from the State to implement such an initiative. Furthermore, the American Heart Association, based on a CDC recommendation, asserts that at least 50 percent of physical education class time should be spent in moderate to vigorous activity, and therefore MTI should not count towards schools' PE instructional time requirements. The DOE has designated nearly 100 City elementary schools as "MTI All-Star schools," which integrate PE instruction into classroom activities to help meet State PE requirements, including:

- 35 schools in Brooklyn;
- 34 in Queens;
- 11 in Manhattan;
- 12 in the Bronx; and
- 6 in Staten Island.

³⁷ <http://www.p12.nysed.gov/ciai/pe/documents/title8part135.pdf>; <http://www.p12.nysed.gov/ciai/pe/peqa.html>;

"11. **Is there any flexibility in meeting the elementary physical education requirement?** Yes. Under Commissioner's Regulation Part 135.4(c)(4)(i), elementary classroom teachers may teach physical education under the direction and supervision of a certified physical educator. There are areas of the physical education curriculum that can be completed in the student's classroom and taught by the classroom teacher. Since physical education includes not only physical, social, and emotional skill development but also cognitive learning, certain items can easily be done in the classroom by the elementary teacher (i.e. understanding the effect of physical activity on the body, the need for proper nutrition to live an active life, staying safe, prevent injuries, etc.). Integrating physical education into other curriculum areas is encouraged and even covered in Part 135.4(c)(1)(i)(i). However, this instruction must be designed with care and under the direction and supervision of the certified physical education teacher to ensure that the learning standards are met."

³⁸ <http://www.p12.nysed.gov/ciai/pe/documents/title8part135.pdf>

³⁹ <http://www.p12.nysed.gov/ciai/pe/documents/title8part135.pdf>; The DOE's District PE Plan states: "PE is scheduled daily (this is a special allowance for NYC schools from NYSED): Students must attend and participate for a minimum of 180 minutes per week for seven semesters earning 0.58 credits per semester."

⁴⁰ <http://www.p12.nysed.gov/ciai/pe/documents/title8part135.pdf> The DOE's District PE Plan states: "PE is scheduled three times per week in one semester and two times per week in the other semester (3/2) or a comparable time each semester if the school is organized into other patterns. Students must attend and participate for a minimum of 90 minutes per week for eight semesters earning 0.5 credits per semester or the equivalent on the school's programming model."

⁴¹ http://schools.nyc.gov/NR/rdonlyres/C7D11638-1215-4D03-9E81-57A74C26FEFD/0/WORSPEESRequirements_2014.pdf

⁴² http://schools.nyc.gov/NR/rdonlyres/B830DB93-496F-4704-8AF7-EB42A7EEF3C0/0/WORSPEMSRequirements_2014.pdf

⁴³ http://schools.nyc.gov/NR/rdonlyres/EF999026-DBE1-482D-8011-03CA77F57C55/0/WORSPEHSRequirements_2014.pdf

⁴⁴ Copies of the Comptroller's Office's full FOIL request and the DOE's cover letter response can be found in the Appendix of this report.

⁴⁵ In addition to requesting information related to full-time, certified PE instructors, the Comptroller's Office requested information from the DOE on the number of part-time certified PE teachers providing PE instruction directly to students, as well as the number and names of schools that are sharing certified PE instructors. The DOE did not provide data on part-time teachers at general education schools or information on whether schools are sharing teachers, and said that "the DOE does not centrally track PE teacher-sharing." Additionally, the Comptroller's Office requested, for each school, the "daily and/or weekly frequency and total minutes per calendar week of physical education instruction broken down by grade level (e.g., K-3, 4-6, 7-12, with grades 6 or grades 7-8 differentiated if appropriate based on the school's overall configuration." The DOE did not provide data on minutes and frequency of PE instruction for elementary schools because, it said, "elementary schools are not required to report this information." Further, information that the DOE did provide for middle and high school grades was presented in a manner that could not be meaningfully analyzed for the purposes of this report (e.g., across grade spans of 6-8 and 9-12). The DOE explained that it presented the data in this manner "to avoid double counting the same PE courses that serve students in multiple grades levels."

⁴⁶ For example, the DOE noted that the data it provided on full-time, certified PE teachers: "reflects licensed PE teachers in the system, and not necessarily whether or not they are teaching PE." (Emphasis added by the Comptroller's Office).

- ⁴⁷ <http://www.csuchico.edu/kine/documents/TroutHighlyQualifiedTeacher016.pdf>
- ⁴⁸ All information is as of 10-31-2014.
- ⁴⁹ The data did not specify which teachers on this list, if any, were part-time or shared between schools. In addition, 223 full-time certified PE teachers were removed because they were assigned to District 75 schools. This data did not include information on PE teachers at charter schools.
- ⁵⁰ In its response to the Comptroller's Office, the DOE noted that full-time, certified teacher data it provided "reflects licensed PE teachers in the system, and not necessarily whether or not they are teaching." As a result, the Comptroller's Office refers to those teachers as "assigned" to schools rather than "working" or "teaching" in schools.
- ⁵¹ The total number of schools was derived from the DOE's 2013-2014 Enrollment, Capacity and Utilization (Blue Book) report.
- ⁵² It was not possible for the Comptroller's Office to determine whether any of the 375 elementary schools have part-time, certified PE teachers providing physical education programming to students because the DOE did not provide data on part-time certified PE teachers for general education schools. The Comptroller's Office recognizes the possibility that classroom teachers in these schools are providing PE instruction, but notes that NYSED requires that classroom teachers who deliver PE programming to elementary school students do so "under the direction and supervision of a certified physical education teacher." The Comptroller's Office also recognizes that the DOE's 2012 draft *District Physical Education Plan* notes that: "NYC DOE does provide NYC public schools with seven citywide directors of PE through the central Office of School Wellness Programs. The directors are experienced, licensed, PE teachers who hold the NYS SDA or SDL license and are assigned as education administrators." While it is possible that these directors could be providing direction and supervision to classroom teachers at the 375 elementary schools identified in this report as lacking a full-time, certified PE teacher, the Comptroller's Office could not confirm this information based on data provided by the DOE.
- ⁵³ The DOE's draft PE plan notes that: "High school students must participate in PE throughout high school earning four NYC credits in PE as required for graduation. Students must take and pass seven or eight semesters of PE depending on the scheduling model the school uses" (p. 10). Further, "Students in grades 10-12 **may be** eligible to earn PE credit for their participation on PSAL sport teams and school-based before-and after-school intramurals and club fitness/athletic programs per NYSED Regulation 135.4. It is recommended that schools provide students with a comprehensive, sequential program of instruction in physical education during the school day." There is an extensive set of requirements to qualify for the extra-class PE credit option" (p. 28).
- ⁵⁴ The Comptroller's Office compared full-time, certified physical education teacher data from the Fall 2014 with the total number of general education schools, derived from the DOE's 2013-2014 Enrollment, Capacity and Utilization (Blue Book) data. Because the time periods covered by the two data sets are not identical, this information may have minor inaccuracies. The total number of schools does not include District 75 or Charter schools.
- ⁵⁵ East Harlem (School District 4) has 18 out of 33 schools that lack a full-time, certified PE teacher.
- ⁵⁶ This dataset contains all schools serving all grades spans, including 33 high schools. Childhood obesity rates were sourced from the Citizens' Committee for Children's "Obesity Among Public Elementary and Middle School Students" dataset, which is based on unpublished NYC Department of Health and Mental Hygiene FITNESSGRAM data from school years 2007 to 2011: <http://data.cccnewyork.org/data/map/94/obesity-among-public-elementary-and-middle-school-students#94/a/4/143/9/a>. Additionally, this information is displayed by United Health Fund District, boundaries of which differ from those of NYC Community School Districts.
- ⁵⁷ http://www.nytimes.com/2012/07/11/education/even-as-schools-battle-obesity-physical-education-is-sidelined.html?_r=0
- ⁵⁸ <http://www.p12.nysed.gov/ciai/pe/documents/title8part135.pdf>: 8 NYCRR 135.4(5)
- ⁵⁹ "In most cases, a classroom space will not accommodate the UFT secondary school student to teacher ratio of 50:1 for PE classes." (p. 21)
- ⁶⁰ As of 4/23/15, these report could be found under at the "Annual Facilities Survey" link on each school's DOE website. The Survey link can be accessed via "Statistics & Budget" and then, "Building/School Facilities Report."
- ⁶¹ All information is based on Local Law 60 data which sources from the DOE's 2013-2014 Principal Annual Space Survey (PASS). Charter schools and District 75 schools – for which a full complement of data was unavailable to conduct a robust comparison with district schools – fell outside the scope of this report's analysis. In total, this sample size includes 1,798 fitness spaces in 1,116 schools, out of 1,955 fitness spaces in 1,216 schools included in the full dataset. Of the 1576 mappable schools, only 1551 of those schools matched LL 60 data. The additional 25 schools were omitted from this analysis.
- ⁶² The total number of schools was taken from the DOE's 2013-2014 Enrollment, Capacity and Utilization Report (Blue Book).

- ⁶³ Co-location data was determined using the DOE's 2013-2014 Enrollment, Capacity and Utilization (Blue Book) data. Analyses conducted by the Comptroller's Office found that co-locations are more prominent in Central Brooklyn and the South Bronx than any other neighborhood in New York City.
- ⁶⁴ Co-location data was determined using the DOE's 2013-2014 Enrollment, Capacity and Utilization (Blue Book) data. The Comptroller's analysis of this data identified 519 DOE buildings that have co-locations involving general education schools. The number of co-located DOE buildings includes district schools that are co-located with other district schools, charter schools, or other organizations that occupy space.
- ⁶⁵ The Comptroller's Office identified 342 schools that did not have a physical fitness space in 241 co-located DOE school buildings. 241 out of a total of 519 school buildings equals 46.4 percent. Co-location data is from DOE's 2013-2014 Blue Book and LL 60 data is from the 2013-2014 PASS survey. Further information on co-location is in the appendix.
- ⁶⁶ This dataset contains schools serving all grade spans, including 153 high schools. Childhood obesity rates are sourced from the Citizens' Committee for Children's "Obesity Among Public Elementary and Middle School Students" dataset, which is based on unpublished NYC Department of Health and Mental Hygiene FITNESSGRAM data from school years 2007 to 2011: <http://data.cccnewyork.org/data/map/94/obesity-among-public-elementary-and-middle-school-students#94/a/4/143/9/a>. Additionally, this information is displayed by United Health Fund District, boundaries of which differ from those of NYC Community School Districts.
- ⁶⁷ The issue of overcrowding and its potential impact on schools' ability to provide space for physical education falls outside the scope of this report. The DOE provides school and building data in its Enrollment, Capacity and Utilization Report. Schools with utilization rates greater than 100 percent are most likely overcrowded. For reference, 73 schools identified in this report as lacking both a full-time, certified PE teacher and a physical fitness space have a utilization rate above 100 percent. This amounts to 49 percent of these schools, and may be a contributing factor in the absence of physical fitness spaces within these schools.
- ⁶⁸ This dataset contains schools serving all grade spans, including 17 high schools. Childhood obesity rates are sourced from the Citizens' Committee for Children's "Obesity Among Public Elementary and Middle School Students" dataset, which is based on unpublished NYC Department of Health and Mental Hygiene FITNESSGRAM data from school years 2007 to 2011: <http://data.cccnewyork.org/data/map/94/obesity-among-public-elementary-and-middle-school-students#94/a/4/143/9/a>. Additionally, this information is displayed by United Health Fund District, boundaries of which differ from those of NYC Community School Districts.
- ⁶⁹ <http://www.p12.nysed.gov/ciai/pe/documents/title8part135.pdf>; 8 NYCRR 135.4(5)
- ⁷⁰ Schools included in the 2010-2011 Outdoor Schoolyard Survey were compared to a citywide list of schools from 2013-2014. Schools that were assigned a "N/A" (29) in the dataset were not included in our analysis. Additionally schools that did not match between the two time periods were omitted for the purpose of this analysis. These schools were assumed to have access to an outdoor school yard or a nearby park for the purpose of the interactive map.
- ⁷¹ http://comptroller.nyc.gov/wp-content/uploads/documents/MD11_083A.pdf;
http://www.nytimes.com/2012/07/11/education/even-as-schools-battle-obesity-physical-education-is-sidelined.html?_r=0
- ⁷² A copy of the Comptroller's full FOIL request and the DOE's cover letter response can be found in the Appendix of this report.
- ⁷³ <http://www.p12.nysed.gov/ciai/pe/toolkitdocs/Part135RegulationMay2014.pdf>; **Section 135.4.* Physical education. (a) School district plans.** It shall be the duty of trustees and boards of education to develop and implement school district plans to provide physical education experiences for all pupils as provided in this section. Such current plans shall be kept on file in the school district office and shall be filed with the Division of Physical Education, Fitness, Health, Nutrition and Safety Services. All school districts shall comply with the provisions of this section by August 1, 1982. However, the requirement for submission of a plan shall become effective by January 1, 1983."
- ⁷⁴ In addition to requesting information related to full-time, certified PE instructors, the Comptroller's Office requested information from the DOE on the number of part-time certified PE teacher providing PE instruction directly to students, as well as the number and names of schools that are sharing certified PE instructors. The DOE did not provide data on part-time teachers at general education schools or information on whether schools are sharing teachers, and said that "the DOE does not centrally track PE teacher-sharing." Additionally, the Comptroller's Office requested, for each school, the "daily and/or weekly frequency and total minutes per calendar week of physical education instruction broken down by grade level (e.g., K-3, 4-6, 7-12, with grades 6 or grades 7-8 differentiated if appropriate based on the school's overall configuration." The DOE did not provide data on minutes and frequency of PE instruction for elementary schools because, it said, "elementary schools are not required to report this information." Further, information that that the DOE did provide for middle and high school grades was presented in a manner that could not be meaningfully analyzed for the purposes of this report

(e.g., across grade spans of 6-8 and 9-12). The DOE explained that it presented the data in this manner “to avoid double counting the same PE courses that serve students in multiple grades levels.”

⁷⁵ For example, the DOE noted that the data it provided on full-time, certified PE teachers: “reflects licensed PE teachers in the system, *and not necessarily whether or not they are teaching PE.*” (Emphasis added by the Comptroller’s Office).

⁷⁶ <http://www.p12.nysed.gov/ciai/pe/documents/title8part135.pdf>; 8 NYCRR 135.4(c)(4)(i)



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Physical Education in New York City: Ignoring the 800 lb. Gorilla

Preliminary Results of the American Heart Association's Survey on Physical Education
January 2013

Background

Childhood obesity is a pivotal factor in the American Heart Association's mission to improve cardiovascular health by 20% by the year 2020. Excess weight at a young age has been linked to higher and earlier death rates in adulthood. In fact, obese children as young as age 3 show indicators for developing heart disease later in life.¹ Overweight adolescents have a 70 percent chance of becoming overweight adults.² As cardiovascular diseases and stroke remain New York City's number one risk of mortality³, it's clear that we must address this important health factor.

While the rate of obesity among children at the national level is described as being at an epidemic proportion, with one out of every 3 children defined as overweight or obese⁴, the concern is even greater in New York City. According to the NYC Department of Health and Mental Hygiene, one out of every 5 kindergartners is obese and nearly half of our elementary school children are not at a healthy weight⁵. Despite the promise of recent progress⁶, it remains clear that more needs to be done if we are going to reduce the impact of obesity on our city.

The city should be applauded for the development of new public policy measures in an effort to improve health and wellness. Whether it is the continuous efforts to enhance the nutritional content in all school food options or the plan to implement salad bars in all of the city's public schools, there are clear efforts to improve the diet of our city's young people.

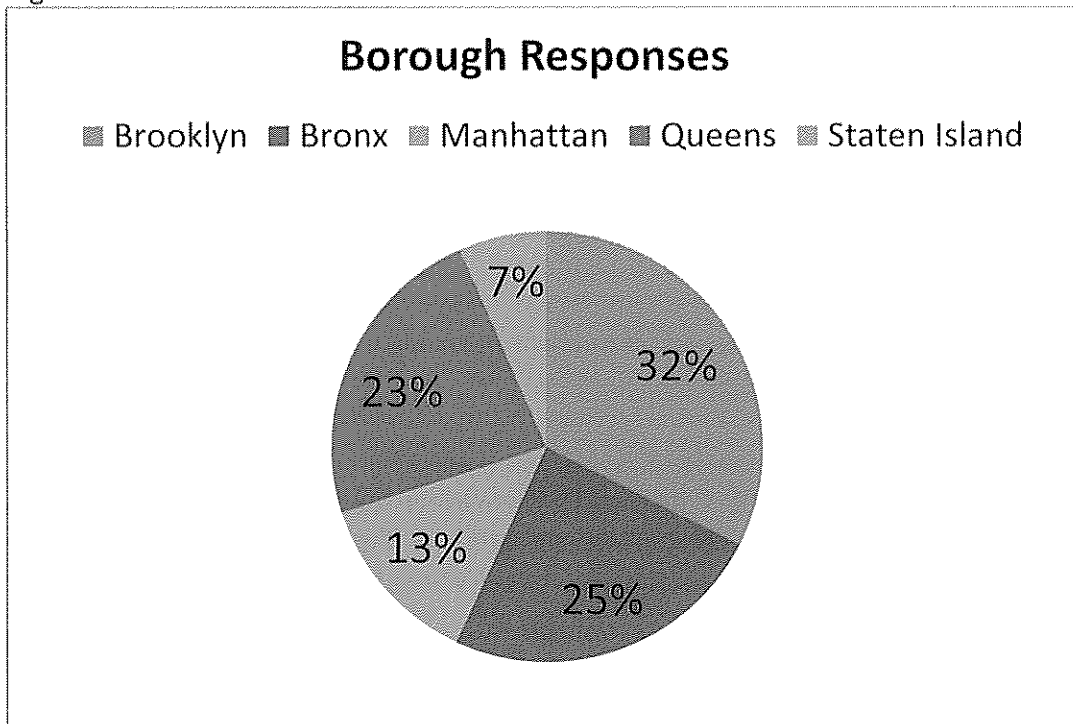
However, according to the latest Scientific Statement from the American Heart Association, nutritional interventions are more effective when combined with other policies that also involve physical activity. A combination of interventions involving a formal physical education (PE) program, including educational curricula taught by trained teachers, supportive school policies, serving of healthy food and beverage options in school cafeterias and vending machines, and a parental or family component, demonstrates the strongest science for results.⁷

Over the past several years, attempts have been made to assess the current status of physical education in New York City. City decision-makers have requested improvements from the NYC Department of Education regarding oversight, organizational planning and overall implementation of the state standards for physical education.⁸ It was a result of this public dialogue that the American Heart Association's Advocacy Committee in New York City developed and implemented a survey project to analyze physical education in our city schools.

Method

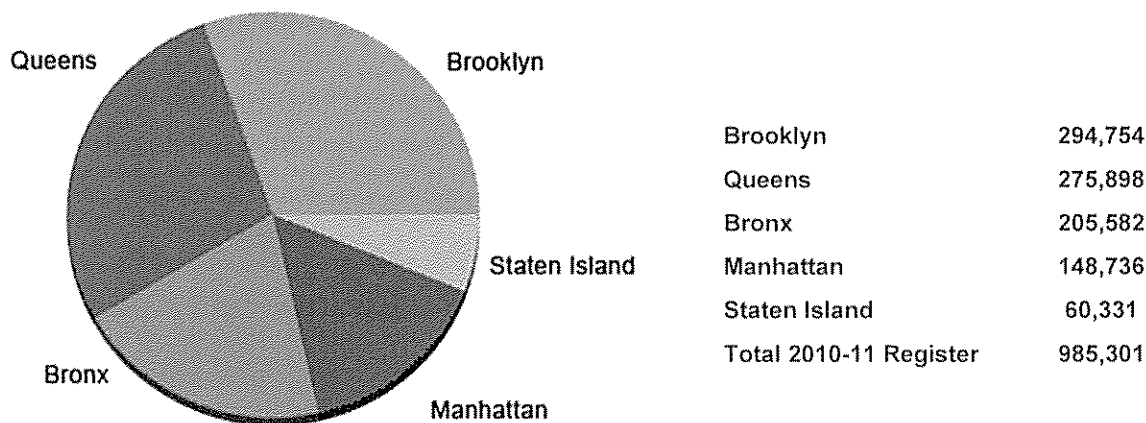
The American Heart Association's Advocacy Committee, comprised of volunteer advocates, survivors, issue experts and medical professionals, developed a survey tool to assess various factors involving physical education, physical activity and the perceived benefits and limitations to the schools' programs. This survey was forwarded electronically to 1,682 school principals in June 2012. Principals were given the option to respond to the survey themselves, or ask another member of the school's administration or teaching staff to complete the questions. Survey responses were collected until November 2012. By that time, 272 schools had participated in the project. Figure 1 shows the breakdown of responses by borough:

Figure 1



As a comparison, here is the student enrollment data by borough as captured by the NYC Department of Education 2010-2011 Register:

Figure 2



* Monthly Aggregate Registers by Boro (PAR)
-- CBOs not Included.

All respondents were ensured confidentiality. While data may be analyzed at the borough or neighborhood level, the American Heart Association has assumed the responsibility to protect schools' identities and responses.

The survey was completed mostly by the schools' Principals (47%) or Administrators (31%). Several members of the teaching staff also participated (27%) with an additional 6% of participants identifying themselves as *Other* (mostly Athletic Directors or Parent Coordinators.) It must be noted that responders were not limited to one answer when identifying their role. The surveys could be completed cooperatively by several staff members in each school. This was not discouraged in order to develop the most comprehensive view of each physical education program.

Additionally, except for the question that identified the school's borough, all questions on the survey were optional. The survey responders were able to skip any question, although most did not utilize this mechanism. Sample size for each question will be outlined as part of the data review below.

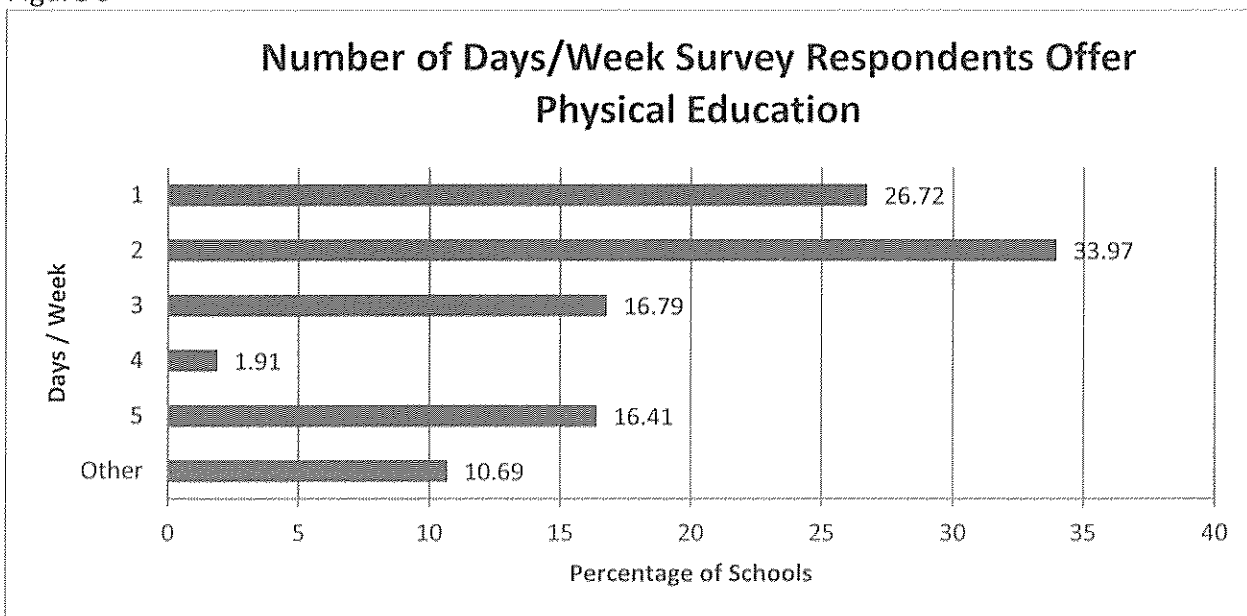
Results

Question: How many days, per week, does a student attend physical education class?

Of the 262 schools who answered this question, nearly 6 out of every 10 schools are only offering physical education 1 – 2 days per week. However, 43 out of the 262 surveyed schools are successfully delivering daily PE.

It is recommended that children engage in at least 60 minutes of moderate to vigorous physical activity each day.⁹ The American Heart Association believes it is reasonable for students to get at least 30 minutes of that time in school. While 30 minutes of daily physical education is the ideal goal, current New York State standards differ. Students in grades K-3 are required to have daily PE while other grades are only mandated to offer it three times per week (except for one semester per year at the secondary level where it may be offered only twice per week.)¹⁰

Figure 3

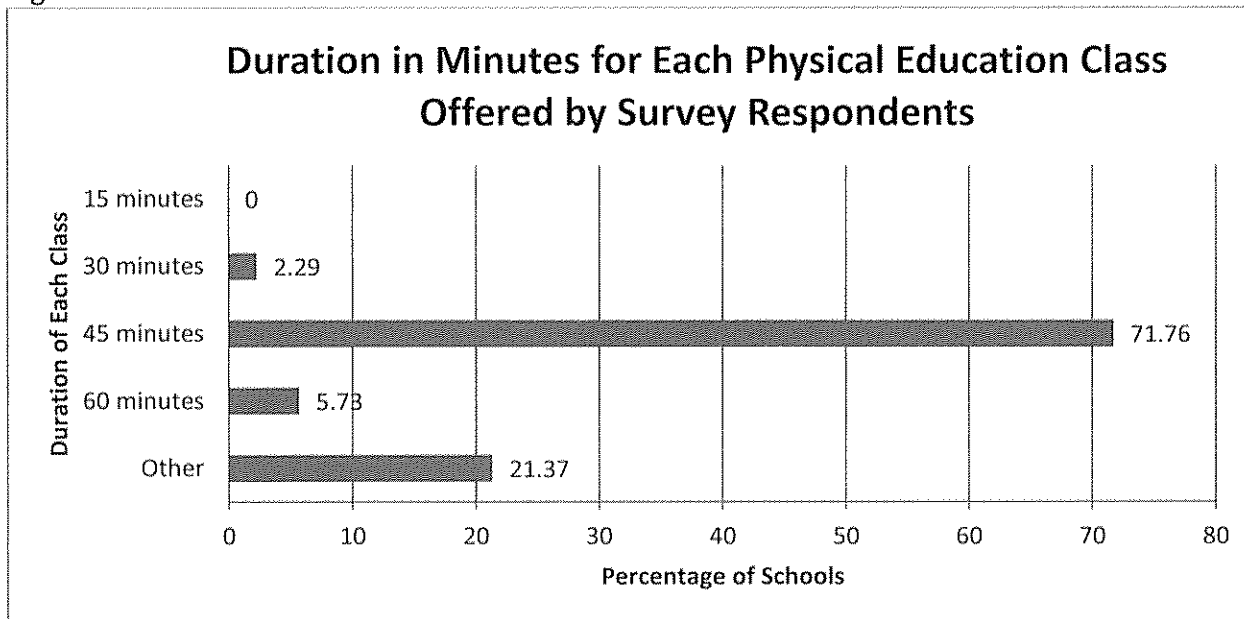


Question: What is the duration of each physical education class?

Out of the 262 responses, the strong majority (72%) are delivering physical education classes lasting 45 minutes.

Even though the initial concern should be supporting schools' Physical Education programs in order to achieve the state mandated cumulative minutes per week¹¹, some consideration should be devoted to the appropriate length of time per class. Students' physical development will permit longer periods of exercise as they get older, however at the elementary level it is recommended that PE last no longer than 30 minutes for grades K – 2 and a maximum of 45 minutes for grades 3 – 5.¹²

Figure 4



The previous referenced studies by city leaders and other community partners regarding NYC schools are largely focused on the compliance with New York state standards. While Title 8, Section 135 of the Rules of the Commissioner of the New York State Education Department clearly outlines that 120 minutes per week must be devoted to physical education at the elementary level (grades K-6), it does not directly dictate the minutes per week at the secondary level. However, the New York state standards regarding graduation from high school require the completion of 2 units of credit for PE.¹³ A single unit of credit is equivalent to 180 minutes per week in the school year.¹⁴ With the mandate regarding the number of days per week that PE must be offered at the secondary level (dividing it by twice per week in one semester and three times per week in the other half of the year) a student would earn just 0.5 units of credit each year. Therefore, one-half of the required 180 minutes for one unit would be equal to 90 minutes per week of physical education for grades 7-12.

When looking at both of the preceding survey questions, with most participants offering PE just once or twice per week and the majority of classes lasting 45 minutes, it would be a potential conclusion that most schools are not meeting state standards. However, given the possibility that some responses could have come from secondary-level schools and therefore they could come close to the minimum guidelines, additional data review was required.

By analyzing each individual response, the total time allotted for PE per week was calculated by multiplying the class time by the days per week the class is offered. This number was then cross-referenced with the state

standards to determine if each participating school is in compliance with the standard at various grade levels. Whenever a range was provided by the participating school, based upon grade level, day of the week, or semester, the more generous data was utilized. In addition, when an answer was marked as *Other*, the provided number given in the open response space was used as opposed to restricting the data analysis to the predetermined number sets. Lastly, in the case where schools host grade levels that exceed the definition of elementary or secondary (grades 6-12, for example) the school’s response was analyzed against the longer time requirement (120 minutes for grade 6 in the example). However, if the school clarified that PE was offered at varying lengths for the different grade levels, that data was utilized in the analysis. In this manner, overall compliance was analyzed by borough:

Figure 5

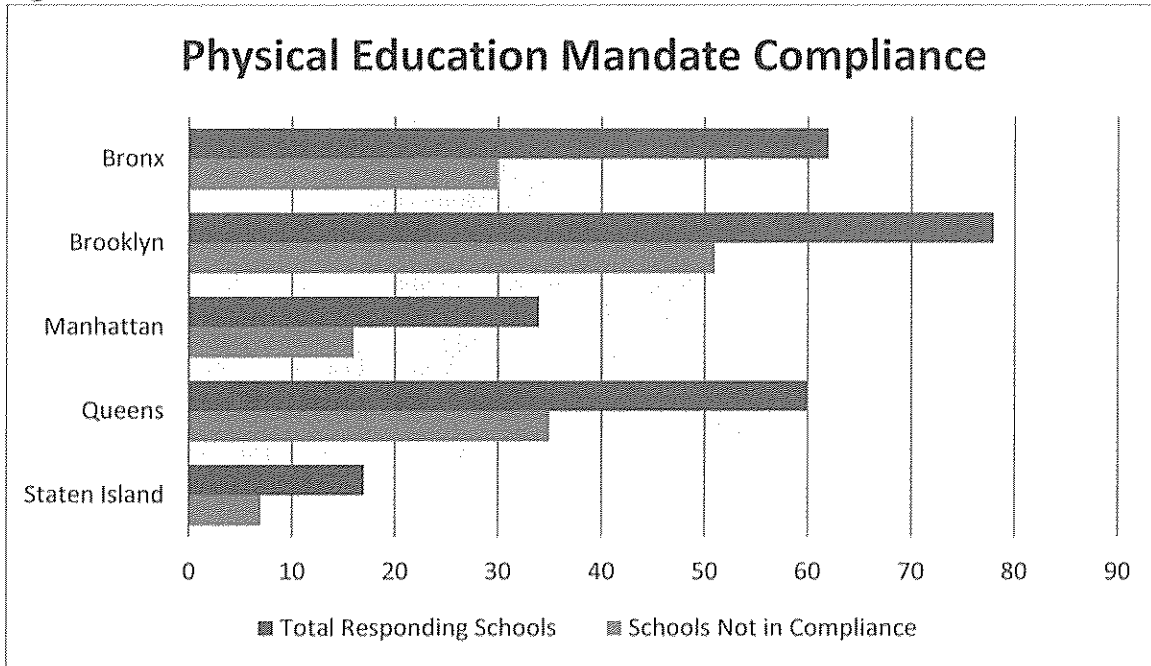


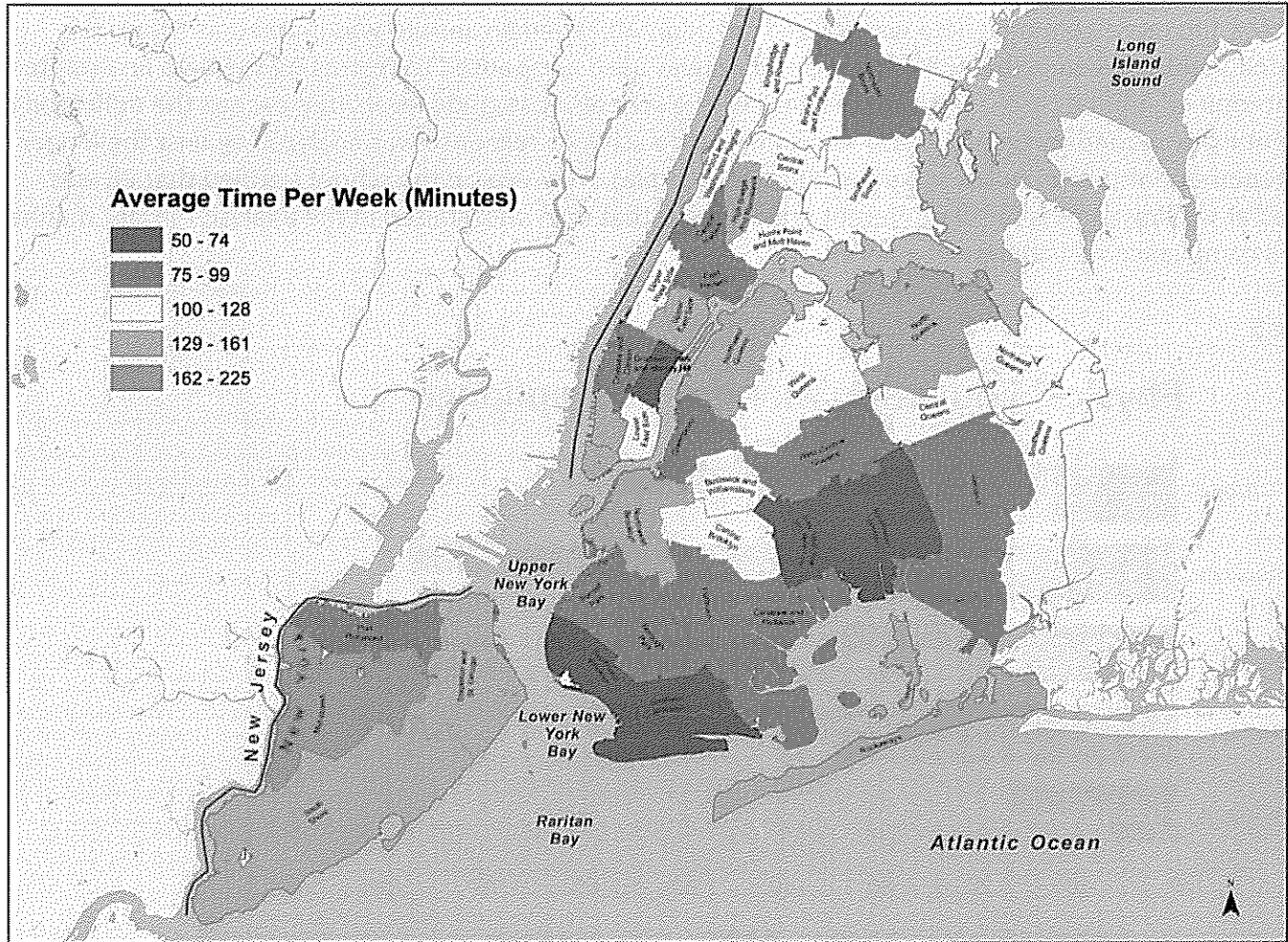
Figure 6

Borough	Total Responding Schools	Total Schools Not in Compliance	Percentage Not in Compliance
Bronx	62	30	48%
Brooklyn	78	51	65%
Manhattan	34	16	47%
Queens	60	35	58%
Staten Island	17	7	41%
City Total	251	139	55%

This calculation regarding total time spent on physical education per week was also assessed at the neighborhood level. Regions with no attributed color indicate little to no sample size, thereby restricting the disclosure of any provided information:

Figure 7

Average physical education time per week



While there were schools throughout the five boroughs with notable difficulty regarding the goal of achieving the minimum time standards, the problem appears more consistently in Brooklyn and Queens. In the borough of Brooklyn, 65% of participating schools offer physical education only 1 – 2 days per week, with a strong percentage (34%) only delivering PE once. In addition, 74% of responding schools offer physical education classes at just 45 minutes. This same dynamic is further exemplified in Queens, where again 65% of participating schools offer PE 1-2 days per week (31% delivering it once per week). However, 80% of responding schools in Queens offered classes lasting 45 minutes.

It's worth noting again, that while the goal of an appropriate amount of minutes per week is laudable, there should be a cautious approach to schools that are using a longer class time to achieve this goal. Sixty minutes of physical education would be considered too lengthy of a time to be engaged in moderate to vigorous physical activity.

Question: What is the average class size for each physical education class? Please provide an approximate number.

Though it is acknowledged that class size is a burden to all school subjects, the number of students in physical education classes does not only impact the effectiveness of the class but also the safety of the students. While simultaneously developing strategies for physical education teachers to contend with large class sizes, the

National Association of Sports and Physical Education recommends a class size ratio of a maximum 1:25 for elementary, 1:30 for middle and 1:35 for high schools.¹⁵ For the purpose of our survey data analysis, it was decided to take the most conservative approach. Therefore, a goal of 35 or fewer students per physical education class was utilized.

Responses to this question were provided openly, without limitation to a range. In the rare occasion that a response detailed variability (based upon grade level or other factors) the lower class size was utilized. Additionally, if the answer listed a class size but with a multiple teacher ratio, the number of students was divided by the number of teachers assigned to the class. The number of responses to this question may be useful to note: Bronx (64), Brooklyn (83), Manhattan (35), Queens (62), Staten Island (18)

Figure 8

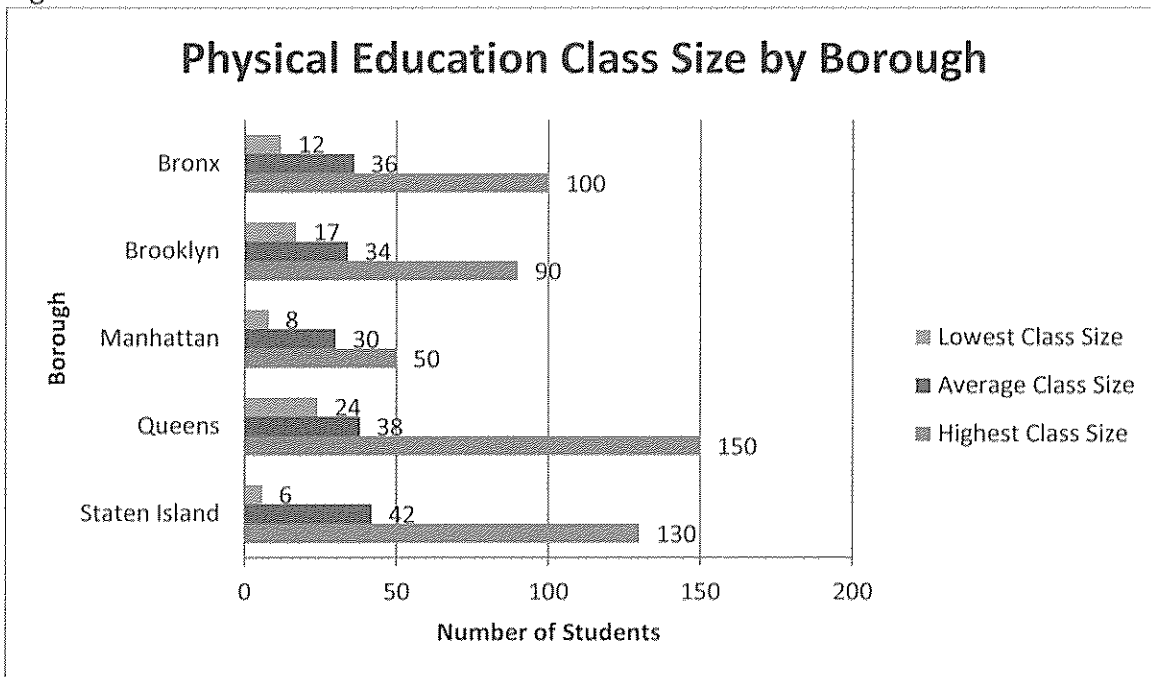
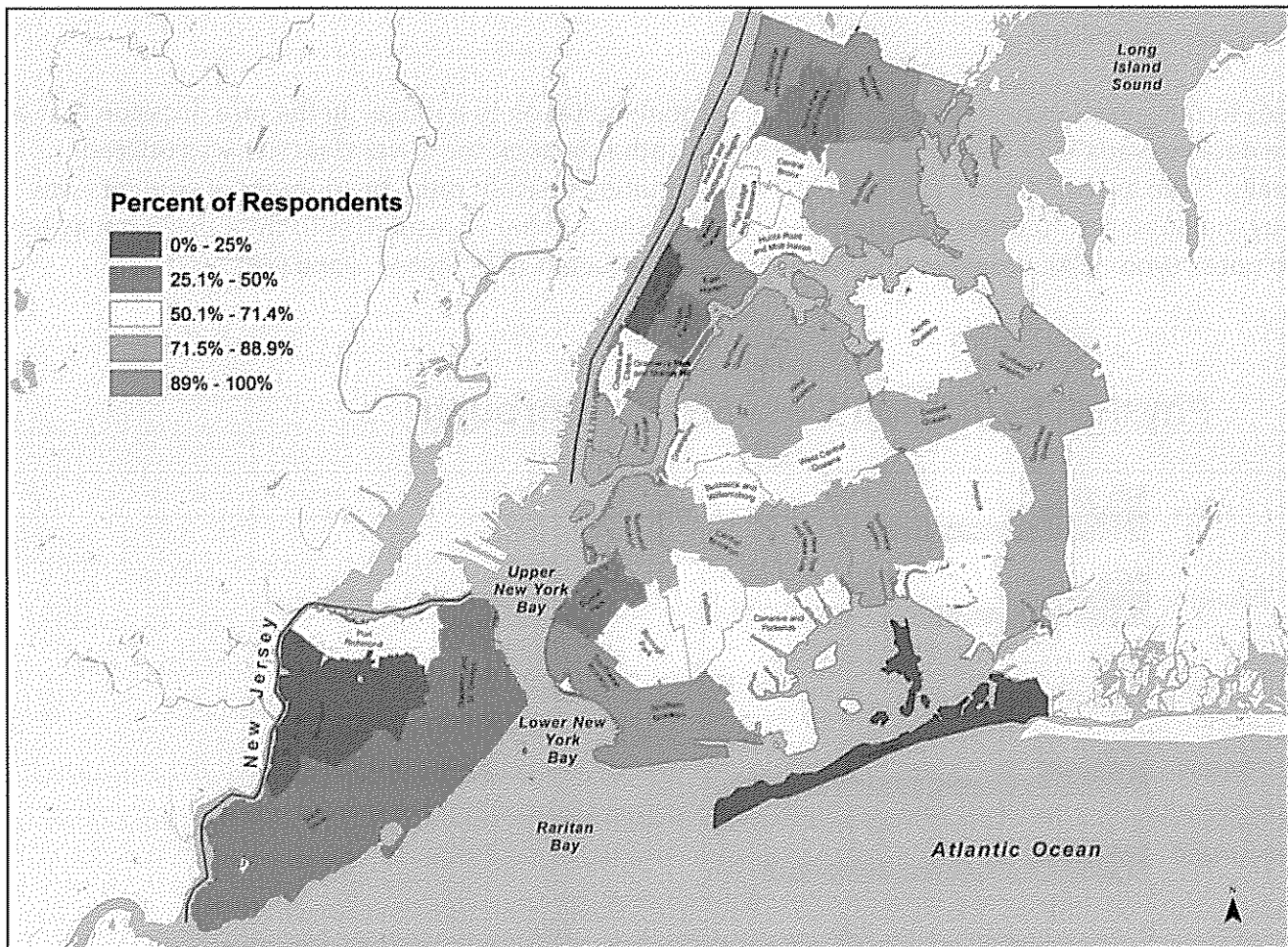


Figure 9

Percent of schools which meet guidelines for the average physical education class size



As the class size levels varied widely from school to school, with each borough except Manhattan listing at least one outlier at 90 or above, it's apparent that class size is a systemic problem throughout our city schools. While this is not surprising, the urgent need to improve these numbers should not be ignored. It's promising that each borough also listed at least one school that was well below the national guideline of 35.

Question: Does your school use a certified physical education teacher or does it use another staff member (who is not certified in physical education)?

The National Association of Sports and Physical Education maintains that highly qualified teachers are an integral component to a successful PE program. Certified physical education teachers possess the necessary knowledge and skills to implement best teaching practices, enhancing the quality of PE curriculum and ultimately motivating students to develop long-term behaviors leading to more active and healthy lifestyles.¹⁶

Of the 264 respondents for this question, in which more than one answer was possible, 67% used a teacher certified in physical education, 32% used other teachers, and 8% detailed *Other* options. The *Other* category most often clarified that a teacher was working toward PE certification, or the school was using an instructor certified in another form of physical activity such as dance. Schools also utilized the *Other* category to outline how they were using classroom teachers to support optional physical activity programs.

Figure 10

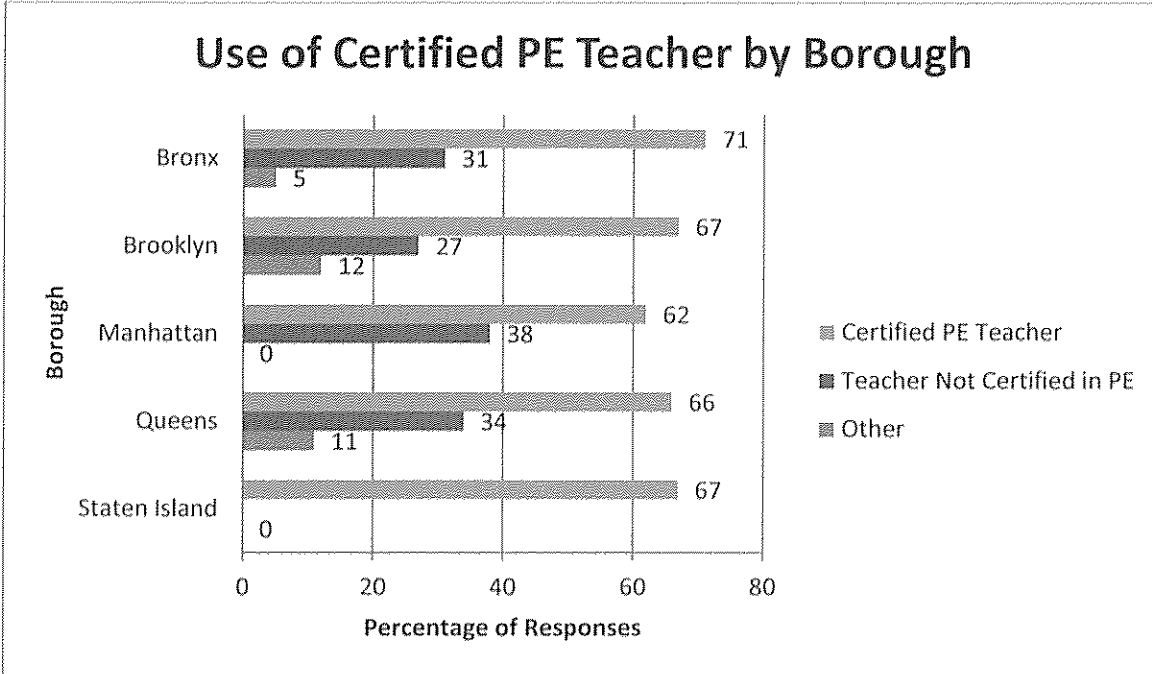
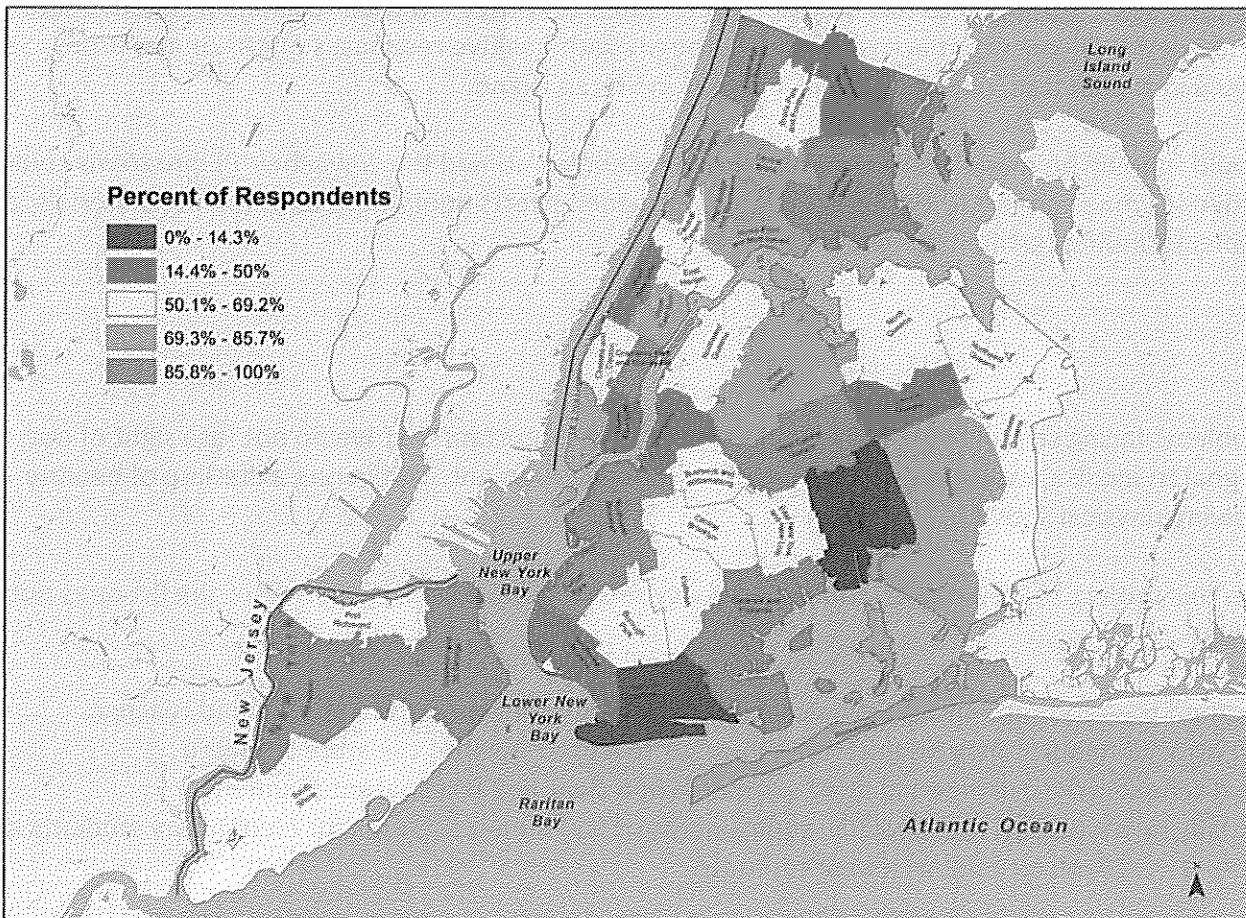


Figure 11

Percent of schools which use a certified physical education teacher



It is promising to note that the majority of schools, approximately 2/3 appear to be utilizing certified physical education teachers to implement their curriculum. This could be reflective of the NY State education law which requires secondary schools to have a certified PE instructor on staff, but allows for elementary classroom teachers to provide PE instruction under the supervision of a PE certified teacher.¹⁷ However, of the schools that identified themselves and grade levels could be determined (total = 262), more than half (141) are defined as elementary schools.

Question: Has your physical education program been reduced in the past in any way – reducing class time, increasing class size, cutting certified PE teachers, etc.?

Overall, more than 2/3 of participating schools have not had to contend with a decreased PE program with 68% of the 264 responses indicating no reduction. This percentage was closely mirrored in schools from the Bronx, Manhattan and Queens. School PE programs fared better in Brooklyn with 72% indicating no reduction. However, Staten Island schools who participated in the survey indicated that more than half (56%) had experienced cuts to their programs in some manner.

Schools were offered the opportunity to explain any changes to their PE program that they would define as a reduction. Responses from across the city indicated that these changes involved the loss of teachers or teacher's aides; the forced sharing for gym space with multiple schools; the increase of class size to limits not conducive for quality PE; and the reduction of class time or PE classes offered per week.

Question: In your opinion, does your school have adequate physical activity facilities?

Of the 256 schools who responded to this question, 52% stated that they felt their facilities were adequate. This perception was fairly consistent across all five boroughs with positive responses of 48% in the Bronx, 58% in Brooklyn, 50% in Manhattan, 47% in Queens and 58% in Staten Island.

However, should funding be made available, participating schools outlined the ways their PE programs could benefit: improved gymnasium or other recreation space; needed sports equipment and training materials; and added personnel including certified PE teachers.

Conclusion

While the problems facing schools are myriad and complex, it is important that we do not lose sight of our over-arching goal to instill a strong knowledge base in a safe environment, motivating a lifetime of healthy behavior involving physical activity.

The data from this project has yielded the following policy recommendations, (the order of the list does not indicate priority):

- Strengthen the requirement that Physical Education be administered by a PE certified teacher.
- Clarify how PE minutes may be measured in order to 'count' toward the state standard.
- Reward schools who are meeting state standards in a clear and transparent manner.
- Eventually, work toward the ideal PE requirements of 150 minutes / week for elementary students and 225 minutes / week for middle school students.

Policy Recommendation: Strengthen requirement that Physical Education be administered by a PE certified teacher.

The American Heart Association recommends that physical education, at all grade levels, be administered by a certified PE teacher. As 2/3 of participating schools responded that they are currently using teachers certified in PE, this measure should be implemented in order to assure quality standards for PE curriculum for all students.

Policy Recommendation: Clarify how PE minutes may be measured in order to 'count' toward the state standard.

The American Heart Association recommends that physical education be delivered by a certified PE teacher with adherence to quality curriculum guidelines. At least 50% of class time should be spent in moderate to vigorous physical activity. While physical activity programs provide value to the general classroom setting, it is not an appropriate replacement for a physical education program. Therefore, initiatives like New York City's *Move to Improve* program should not count toward a school's physical education minutes.

Policy Recommendation: Reward schools who are meeting state standards in a clear and transparent manner.

It is clear from the data that there are many successful programs, demonstrating quality physical education, throughout the city's five boroughs. It is the recommendation of the American Heart Association that initiatives like the *Excellence in School Wellness Award* be offered to all schools, not just elementary, and resulting data be shared publicly with the goal to highlight best practices in physical education and other health measures.

Policy Recommendation: Eventually, work toward the ideal PE requirements of 150 minutes / week for elementary students and 225 minutes / week for middle school students.

The American Heart Association, along with the National Association of Sports and Physical Education, recommends these timelines as ideal goals for quality physical education standards. As work continues to improve the quality of curriculum and the adequate allocation of resources, the goal of daily PE with enough time to gain appropriate levels of physical activity must be prioritized. A pilot program which should include schools addressing the range of socioeconomic factors, is initially recommended. This pilot program should also include proper surveillance to assess not only health measurements but also academic and social markers.

Limitations

The American Heart Association recognizes the limitations of this non-scientific survey project. Responses were reported directly by the targeted subjects, without the ability to confirm each answer. Thus the possibility of exaggeration, selective memory or attribution exists. Additional research could benefit by designing their study with resources to confirm self-reported data. Additionally, while the intention was to establish a comprehensive baseline for PE in New York City, only 16% of city schools participated. In some sections of our analysis, sample size and the protection of schools' identities caused concern. In those cases, data was exempted from review. However, these limitations should not diminish the value of the survey data but rather motivate additional research.

For additional information, contact Robin Vitale, Senior Director of Government Relations, American Heart Association / American Stroke Association, 122 East 42nd Street, 18th Floor, New York, NY 10168, 212-878-5922 or robin.vitale@heart.org.

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Dr. Judith Wylie-Rosett
and countless other volunteers who assisted with outreach to schools.

¹ Krebs N, Himes J, Jacobson D, Nicklas T, Guilday P, Styne D. Assessment of child and adolescent overweight and obesity. *J Pediatr.* 2007;120:S193–S228.

² Skinner AC, Steiner MJ, Henderson FW, et al. Multiple Markers of Inflammation and Weight Status: Cross-sectional Analyses Throughout Childhood. *Pediatrics* 2010;125(4):e801–e809.

³ <http://www.nyc.gov/html/doh/html/cardio/cardio.shtml>

⁴ Roger V., et al., Heart disease and stroke statistics—2011 update: a report from the American Heart Association. *Circulation* 2010; December 15, 2010

⁵ <http://www.nyc.gov/html/doh/html/scah/scah-obesity.shtml>

⁶ www.cdc.gov/mmwr/preview/mmwrhtml/mm6049a1.htm

⁷ Mozaffarian D, et al. Population Approaches to improve diet, physical activity, and smoking habits: a scientific statement from the American Heart Association. *Circulation* 2012;126(12):1514-63. Epub 2012 Aug 20.

⁸ http://comptroller.nyc.gov/bureaus/audit/PDF_FILES_2011/MD11_083A.pdf,
<http://publicadvocategotbaum.com/policy/pdfs/AllWorkandNoPlay3-23-04.pdf>,
http://publicadvocategotbaum.com/new_policy/PhysicalEducationMay2008.html

⁹ Sutor, CW, Kraak, VI. *Adequacy of Evidence for Physical Activity Guidelines Development: Workshop Summary*. Institute of Medicine. Washington, DC: National Academies Press, 2007.

¹⁰ <http://www.p12.nysed.gov/ciai/pe/documents/title8part135.pdf>

¹¹ <http://www.aahperd.org/naspe/publications/upload/New-York.pdf>

¹² National Association for Sport and Physical Education. (2009). *Appropriate maximum class length for elementary physical education* [Position statement]. Reston, VA: Author.

¹³ <http://www.p12.nysed.gov/part100/pages/1005.html#physEd>

¹⁴ <http://www.p12.nysed.gov/part100/pages/1001.html#a>

¹⁵ National Association for Sport and Physical Education. (2006). *Teaching large class sizes in physical education: guidelines and strategies* [Guidance document]. Reston, VA: Author.

¹⁶ National Association for Sport and Physical Education. (2007). *What constitutes a highly qualified physical education program* [Position statement]. Reston, VA: Author.

¹⁷ <http://www.p12.nysed.gov/ciai/pe/documents/title8part135.pdf>



New York Road Runners (NYRR) is a non-profit organization dedicated to empowering people of all ages and abilities to improve their health and well-being through the power of running and fitness. While NYRR is best known for our world-class events—including the famed TCS New York City Marathon—which attract and inspire more than 300,000 runners globally, each year, NYRR’s youth running initiatives serve more than 200,000 children with free running experiences, half of which live in the five boroughs of New York City.

For over 15 years NYRR has been committed to getting New York’s kids running, so they can experience the physical, mental, and developmental benefits of this most accessible and positive activity for life. With great appreciation for the City Council’s Obesity Prevention Initiative, which has been the cornerstone of our funding for the past eight years, we have grown our various free youth running programs and initiatives so that during this current school year we served over 100,000 New York City Department of Education (DOE) students in more than 25% of the city’s elementary and middle schools. These students have collectively ran almost 3 million miles and received almost 300,000 free incentives in the 2014-2015 school year.

We know these programs are making a meaningful difference, because our comprehensive analysis indicates strong benefits to the participants and to school culture, making physical activity more accessible and relevant in communities fighting the scourge of childhood obesity. Here are a few quotes and statistics from teachers and principals who have Mighty Milers, NYRR’s largest running program, at their school:

- One teacher was quoted as saying, “Some [children] were having a hard time academically. Mighty Milers gave them a reason to come to school.”
- Another noticed closer friendships among the students who participated in Mighty Milers and referred to the program as a “team-builder.”
- Two others noted Mighty Milers brought students together, and one observed a “stronger sense of community.”
- 93% of Mighty Milers attend class regularly.
- 84% actively participate in classroom discussion and activities.
- 84% collaborate well with other students in the classroom.

Inspired by the kids, we know many school staff and participants’ families are now running, which helps the entire city become healthier. We also know and appreciate DOE as an extremely supportive partner in our efforts, helping us identify schools that are prepared to implement our programs, and providing resources that support implementation. But we also know that while we are reaching a large number of New York kids, there are hundreds of thousands of additional children who could benefit from our programs.

Our modest goal over the next three years is to increase our presence from 25% of the city’s elementary and middle schools to 50%. Ultimately, we strive for 100% NYC public school participation and with the continued support of the City Council and DOE, we can get there.

We come here as an organization eager to provide free running programs in every New York City public school, and are therefore in favor of reporting policies that buttress requirements for the delivery of high quality physical education. We are proponents of easy-to-use, system level data that doesn’t burden time-strapped schools, but can help us to target our resources strategically, eventually serving every NYC student.

Thank you for this opportunity and for your leadership in support of physical education and physical activity in New York City schools.

Testimony presented by:

Michael Rodgers
Vice President, Development and Philanthropy
New York Road Runners

Cliff Sperber
Vice President, Youth and Community Services
New York Road Runners



FOR THE RECORD

MEMORANDUM OF SUPPORT

Int. No. 644 - June 17, 2015

***Requiring the DOE to report information on
physical education in New York City Public Schools***

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40 Rector Street, 12th Floor
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www.csa-nyc.org

The Council of School Supervisors and Administrators (CSA), which represents some 16,000 members, strongly supports Int. No. 644, sponsored by Council Member Crowley, et. al. In keeping with its oversight responsibilities, the Council is seeking transparency and accountability that will ensure that all of our students are indeed receiving the high quality physical education to which they are entitled.

City Comptroller Stringer confirmed this problem when stating: "There are over 400,000 students in NYC public schools that don't have access to a full-time certified PE teacher, attend a school without a physical fitness space, or attend a school that does not have access to an outdoor school yard or nearby yard."

New York State mandates that in elementary school, students in grades K-6 receive at least 120 minutes of physical education per week. Students in K-3 must have daily physical education, while students in 4-6 must have physical education at least three times a week. The state also mandates at least 90 minutes per week in grades 7-12. Most importantly, the mandate specifies that ALL students must be provided physical education. This data clearly indicates the need for the DOE to monitor each school's physical education program, and to provide the resources necessary for a high quality physical educational program.

To this end, CSA is concerned about reports that some schools do not have a gymnasium that would be needed during inclement weather. The DOE should provide capital funds to address this issue. Of course, our greatest concern is to provide high quality physical education programs for every student that can help to combat obesity, promote socialization and benefit their mental health. Monitoring mandated physical education classes will guarantee this possibility.



New York Lawyers

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**Testimony of
MARK LADOV,
NEW YORK LAWYERS FOR THE PUBLIC INTEREST
In Support of
Intro. 644, PE Reporting Bill
June 17, 2015**

Good afternoon and thank you to Chairperson Daniel Dromm and the Education Committee for the opportunity to testify on the critical issue of access to physical education. I also want to thank Councilmember Elizabeth Crowley for introducing legislation that would require the DOE to begin reporting much-needed data on PE in New York City public schools. My name is Mark Ladov and I am a staff attorney at New York Lawyers for the Public Interest (NYLPI) and a member of the Phys Ed for All Coalition.

New York City's public schools are failing to provide students with adequate physical education instruction. We believe many (if not most) schools are failing to meet the PE requirements set by the New York State Education Department – even though many members of our coalition believe those requirements should be strengthened further to encourage physical fitness and combat health problems like obesity in children.

This is a critical issue that needs to be addressed, which is why NYLPI and the Phys Ed for All Coalition fully support the approach of the PE disclosure legislation introduced by Councilmember Crowley. We are also excited to continue working with Councilmember Crowley and this Committee to strengthen this bill even further, based on the testimony heard today, so that the new Local Law will be as comprehensive and effective as possible.

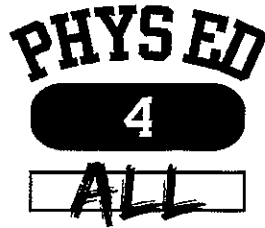
As Comptroller Scott Stringer stated in his recent report on physical education, the DOE's tracking data is currently "incomplete" and of "poor quality," making it "impossible to determine whether the DOE was meeting State requirements related to PE instructional time or class size mandates agreed to" under the City's contract with the UFT. Based on the Comptroller's report, as well as conversations with other education advocates, we believe that the law must be as specific as possible to ensure that the DOE provides useful data on physical education.

Detailed data requests will also encourage the DOE to track and enforce compliance with state PE regulations more effectively.

With those goals in mind, NYLPI and other members of the Phys Ed for All Coalition ask the Committee to amend Intro 644 so that it will solicit detailed data about critical questions including:

- Frequency of PE provided at each individual school
- The number of certified PE teachers, and the size of PE classes, at each school
- All indoor and outdoor spaces used for physical education
- All PE and physical activity programming at each school
- The DOE's overall allocation of resources for PE
- The DOE's compliance with the New York State Education Department's physical education regulations

We believe such amendments will strengthen Intro. 644 and ensure the desired outcome of improved access to PE for NYC public school children. We look forward to working with Councilmember Crowley, the Education Committee and the City Council to pass this legislation and improve children's health and education throughout New York City. Thank you.



www.physed4all.org

MEMO OF SUPPORT

Intro 644: Requiring Reporting on Physical Education in NYC Schools

Overview: The PE for All coalition fully supports the approach of the PE disclosure legislation introduced by Councilmember Crowley, and proposes amendments to ensure that the new Local Law will be as comprehensive and effective as possible.

Who We Are: The Phys Ed for All coalition is comprised of citywide health and education advocates, community-based organizations, parents, school administrators, educators, and health professionals who are deeply committed to improving school wellness by ensuring equitable and improved access to quality physical education in New York City public schools. The PE4ALL campaign aims to improve NYC children's access to quality PE through a multi-pronged approach of legislative advocacy, research, and community education and outreach.

Statement in Support: A wealth of research makes clear that participation in quality physical education (PE) curricula enhances students' academic achievement, instills good habits for healthy living and teaches critical skills such as teamwork. Among other things PE increases focus, retention, and improves sleeping patterns. PE can also help combat obesity, diabetes, heart disease and other illnesses related to a lack of physical exercise – health problems that afflict students citywide, but especially in low-income communities and communities of color.

Despite the need for physical education, many schools in New York City are struggling to meet State PE requirements. Those requirements include the use of certified PE teachers to teach or supervise PE classes (depending on the grade level), and grade-specific requirements for the amount of weekly PE instruction – including daily PE classes for all students in grades K-3.

Unfortunately, efforts to improve PE are hampered by a lack of transparency and the absence of clear data about physical education in our schools. As Comptroller Scott Stringer complained in his recent report on physical education, the DOE's tracking data is currently "incomplete" and of "poor quality," making it "impossible to determine whether the DOE was meeting State requirements related to PE instructional time or class size mandates agreed to" under the City's contract with the UFT.

For these reasons, the undersigned members of the PE for All coalition support Intro 644 with proposed amendments. Our proposed amendments would further strengthen the bill by asking detailed questions that would ensure the DOE provides useful and comprehensive data about physical education; adding questions about recess and other physical activity during the school day; and adding questions about how the DOE monitors and encourages compliance with state regulations.

Contact: Sascha Murillo (smurillo@nylpi.org) or Erin Leigh George (egeorge@nylpi.org), 212-244-4664

Phys Ed for All Coalition [List in Formation]:

Advocates for Children of New York, Alliance for Quality Education of New York,
American Cancer Society Cancer Action Network, American Heart Association | American Stroke Association,
Bon Secours New York Health System, Bronx Health REACH, The Campaign for Educational Equity,
The Center for Kinesthetic Education, Coalition for Asian American Children and Families, Coalition for Educational Justice, Citizens' Committee for Children,
Community Education Council District 1, Community Education Council District 6,
Community Education Council District 17, Icahn School of Medicine at Mount Sinai, Make The Road New York,
New York Lawyers for the Public Interest, Phys Ed Plus, Women's City Club of New York, Wellness in the Schools

Testimony

Intro 644: Requiring Reporting on Physical Education in NYC Schools

**New York City Council –Education and Health Committees
Oversight Hearing**

June 17, 2015

**City Council Chambers, City Hall
New York, New York**



Making Health Equality a Reality

Charmaine Ruddock, MS

Project Director, Bronx Health REACH

212-633-0800 ext. 1291

cruddock@institute.org

Thank you for the opportunity to testify here today. My name is Charmaine Ruddock and I am the director of Bronx Health REACH, a program of the Institute for Family Health. We coordinate the New York State Department of Health's Healthy Schools NY Program for the Bronx, working with 22 public schools in the South Bronx to improve student health outcomes and eliminate racial and ethnic health disparities. Our long-term partnership with these schools has given us first-hand experience with the health challenges our students are currently facing.

Nearly all of the schools we work with struggle to meet city and state mandates for physical education due to limited funding and resources. Not surprisingly, it is schools located in the most resource-limited neighborhoods that are particularly ill-equipped to meet students' needs for PE. The consequences of this gap are significant. 24% of public elementary and middle school students in the South Bronx are obese and an additional 19% are overweight. The long-term implications of this can be seen in the 2015 Robert Wood Johnson Foundation's County Health Rankings Report in which the Bronx was once again ranked last place in New York State, 62 out of 62, for health outcomes and factors that affect health. The inability of the NYC DOE to provide adequate physical education to schoolchildren in the Bronx contributes to these health disparities. PE teachers from our schools have identified three significant barriers to delivering a quality PE program that meets the state mandate: There is not enough time in the schedule for all students to get enough PE each week, the gym space is often shared by multiple schools, and there are not enough PE teachers to meet the needs of all the students.

Too often, the burden of working around these barriers is placed on the shoulders of individual teachers. The DOE has done little to address the structural nature of these problems, although several Band-Aid solutions have been proposed. Promoting Move to Improve as an approach to increase physical activity in the classroom and selecting model schools to share best practices through the Physical Education Focus Schools program may be creative short-term fixes, but they do little to address the root of the challenges that prevent schools from meeting city and state mandates for PE. Our schools need and deserve adequate space and resources to provide a quality physical education program for all students. Collecting and reporting data about which schools are complying with the state mandates would bring us one step closer to addressing the problem at hand. It is also important to point out that the NYC DOE has not submitted an updated District Physical Education Plan to the New York State Education Department, as required. The last known time that the City Education Department submitted a *District Physical Education Plan* to NYSED was 1982. Not only is the plan that the DOE shared with Comptroller Scott Stringer's Office in 2014 dated from October 2012, but it is missing information and is in draft form.

One recent development that I would like to highlight is the Active Design Toolkit for Schools as an important resource to be considered in helping schools increase their capacity for physical education. This toolkit contains ideas for projects, programs, and funding sources that can transform the school environment to make healthier choices more available. With the help of some of these resources, one of our school partners was able to convert an unused classroom into

a fitness room with gym equipment that is used to complement their physical education program. There are many opportunities for the DOE and school wellness advocates to partner to create opportunities for improved physical education in NYC schools, and we are committed to helping improve the health and educational outcomes that our city's children deserve.

FOR THE RECORD

June 17, 2015

To the Honorable Gary Altman and Council Members,

Thank you for giving me this opportunity to be heard. I will be brief. As President-Elect of the New York City Zone of New York State's professional physical education and health organization, I fully support Int. No. 644, Title 21-A, Ch. 7, section 21-954 Reporting on Physical Education.

It is essential that all children receive instruction in physical education. This instruction will enable them to safely and successfully acquire movement skills, and also receive crucial physical activity during the school day. The New York City schools must be responsible and accountable in assuring this is met. By passing this amendment, constituents will be able to monitor physical education implementation practices. This transparency is vital for the New York City public schools.

Research continues to support physical education's positive contribution to children's academic and social needs. I entrust the New York City schools to move forward with this amendment as an ongoing effort toward increasing the physical literacy and ultimate improved health of New York City school children.

Thank you,

Dr. Michael Gosset
President-Elect, NYC Zone
Coordinator of Physical Education, Hostos Community College
718-518-6736

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 644 Res. No. _____

in favor in opposition

Date: 6-17-15

(PLEASE PRINT)

Name: Mark Lakov

Address: 151 W. 30th St

I represent: New York Lawyers for the Public Interest

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: 6/17/15

(PLEASE PRINT)

Name: Amerigo Rossi

Address: 115 Underhill Ave Brooklyn NY

I represent: _____

Address: _____

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Appearance Card

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in favor in opposition

Date: 6/17/15

(PLEASE PRINT)

Name: Michael Radney

Address: 250 E. 54th St; Apt 8C; NY; NY 10022

I represent: New York Road Runners

Address: 136 W. 56th St. 3rd FL; NY; NY 10019

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Appearance Card

I intend to appear and speak on Int. No. 644 Res. No. _____

in favor in opposition

Date: 6/17/15

Name: Amy Richards (PLEASE PRINT)

Address: 1 Spencer Court, Brooklyn, NY 11205

I represent: Make The Road NY

Address: 92-10 Roosevelt Ave, Jackson Heights, Queens

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 644 Res. No. _____

in favor in opposition

Date: 6-17-15

Name: Sascha Murillo (PLEASE PRINT)

Address: 151 W. 30th St.

I represent: New York Lawyers For the Public Interest +

Address: Phys Ed 4 ALL Coalition

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THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: 6/17/15

Name: Yuki Courtland (PLEASE PRINT)

Address: 122 E. 42nd St. 18th Fl. New York NY

I represent: American Heart Association 10108

Address: 122 E. 42nd St. 18th Fl NY NY 10108

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THE CITY OF NEW YORK**

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I intend to appear and speak on Int. No. 649 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Ian Christner
Address: 462 975 Independence Ave Bronx NY 10467
I represent: Bon Secours New York
Address: 460 West 236 St Apt W5A Bronx NY 10465

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1.17.15

(PLEASE PRINT)

Name: Diana Semonian
Address: 2175 3rd Ave 4C
I represent: Phys Ed Plus
Address: 2175 3rd Ave

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Phys Ed Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: David Saltonstall
Address: 1 Centre St, Room 510
I represent: NYC Comptroller Scott Stringer
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Debbie Meyer Board Member PEP

Address: 217 W 136th NY NY 10030

I represent: Phys Ed Plus / Brian Semorian

Address: same

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: Phys Ed. DOE

(PLEASE PRINT)

Name: Debbie Meyer

Address: 584 Long St. Pk 67

I represent: Richard Green

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Alexis Henry

Address: _____

I represent: Citizens' Committee for Children

Address: _____

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**THE COUNCIL
THE CITY OF NEW YORK**

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I intend to appear and speak on Int. No. 644 Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: JOANNE EICHEL
Address: 1216 FIFTH AVE 10029
I represent: The NY Academy of Medicine
Address: 1216 FIFTH AVE 10029

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THE CITY OF NEW YORK**

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 in favor in opposition

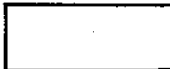
Date: 6/17/15

(PLEASE PRINT)

Name: Joseph R. Rogers, Jr.
Address: _____
I represent: Campaign for Educational Equity at Teachers College,
525 W. 120th Street, Box 219, New York, NY 10027
Columbia Univ.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. _____ Res. No. 644
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Amy Schwartz
Address: 110 W. 40th St. / Women's City Club NY
I represent: 110 W. 40th St. / Women's City Club
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Michael Davoli

Address: 597 102th St

I represent: American Cancer Society

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/17/13

(PLEASE PRINT)

Name: Charvonne Rusbud

Address: The Institute for Family Health

I represent: 16 E. 16th St. NY, NY 10003

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: June 17

(PLEASE PRINT)

Name: David Garcia-Rosen

Address: 4445 Post RD 8B

I represent: NYC Let Em Play

Address: _____

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