

Executive Summary

Mis-assigning of Physical Educators in Oregon Schools Demonstrates Gross Negligence by School Districts in Operating with an Equity Lens

Oregon SHAPE – Society of Health and Physical Educators asserts its position that significant mis-assigning of physical education staff in Oregon public schools demonstrates gross negligence by school districts in operating with an equity lens. Consequently, school districts who significantly mis-assign physical education staff **do not** meet the requirements set forth by the state of Oregon’s *Ready Schools, Safe Learners* guidance documents. The goals of our [position statement](#) are as follows:

- Oregon SHAPE will serve as a whistleblower if school districts do not follow the TSPC provisions consistent with their language and intent on mis-assignments.
- Oregon SHAPE will hold school districts accountable to be in compliance with ODE’s guidance documents and will utilize any complaint procedures established by the department.
- Oregon SHAPE is prepared to hold school districts accountable for compliance with any instructional minute requirements related to Senate Bill 4 and Division 22 funding.

Rationale

On August 3rd, 2020, TSPC issued a proposed COVID-19 Temporary Rule and TSPC resolution. This rule and resolution is part of a broader *Flexibility with Fidelity* COVID-19 plan that allows school districts to “mis-assign” teachers in certain circumstances. Within days, Oregon SHAPE started receiving numerous reports from Oregon physical educators about significant mis-assignments taking place within their school districts.



Oregon SHAPE’s position is that school districts that significantly mis-assign physical education staff **do not** meet the requirements of the *Ready Schools, Safe Learners*, or the *Comprehensive Distance Learning Guidance* set forth by the Oregon Department of Education. We feel it does not meet the requirements for the following reasons:

- Gross negligence on the part of the district in operating with an equity lens
- An incorrect application of the requirements as written
- Ignorance on the difference between physical activity and physical education
- A negative impact on the learning of physical education that is not evidence-based

The Oregon Society of Health and Physical Educators (SHAPE) promotes healthy, active lifestyles for all Oregon school-age children and youth through professional development opportunities and advocacy. Oregon SHAPE is committed to fulfilling this mission through fostering a climate of mutual respect and cooperation among members and associations in order to realize mutually beneficial outcomes. Oregon SHAPE is organized exclusively for educational purposes within the meaning of section 501c(3) of the Internal Revenue Code.



Excerpt

Gross Negligence on the Part of the District in Operating with an Equity Lens

“Oregon SHAPE holds the position that equity, inclusion, and accessibility should be a priority when school districts are planning for physical education instructional delivery for the 2020-21 school year. COVID-19 has exacerbated the opportunity gap in education by highlighting the need for access to digital devices, high-speed internet connections, curricular materials, and a disruption of predictable structures and routines that make students feel safe, known, accepted, and allow them to learn best...

...The goal of any effective physical education instructional model should be to equip its learners with the knowledge, skills, and confidence to be able to access healthy, physically active lives. Instructional models that can accomplish this empower student agency against oppression and inequity within our systems of healthcare and wellness. Oregon SHAPE’s position is that school district’s have a moral obligation to provide students with physical education instructional delivery that is centered in this belief and any district who significantly mis-assigns physical education staff is actively serving as a system of oppression and injustice...

...Oregon SHAPE finds it utterly unacceptable that school districts may make decisions to offer physical education instructional delivery through digital means only during the 2020-21 year. As mentioned earlier in our position statement, if the metrics allow school districts to return to a hybrid or face to face approach, physical education *must* be included in that approach and it would be inappropriate, unethical, and would perpetuate inequity to limit physical education instructional delivery to a digital model only for the entire year. Schools play a critical role in the well being of the whole child. The literature is definitive and states that physical education's role in the mental, physical, social, and emotional well being of students, school communities, and a well-rounded education should make it a priority service for hybrid and face to face learning for the 2020-21 school year.”

To access the entire Oregon SHAPE position statement: [CLICK HERE](#)

To access the SHAPE America re-entry considerations that Oregon SHAPE endorses: [CLICK HERE](#)

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