

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

Position

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 decision on allowing mis-assignments was made by TSPC – Teacher Standards and Practices Commission and lists K-12 Physical Education as a preferred endorsement for mis-assignment for Elementary Multiple Subjects. TSPC states they, “met with multiple stakeholders expressing concern about the reopening of schools and how to best serve Oregon’s students.” Oregon SHAPE wants to clarify that TSPC did not meet with anyone from Oregon SHAPE at any point in their process of *Flexibility with Fidelity*. It should be noted that OEA – Oregon Education Association did lobby on the behalf of physical education and health teachers during this process.

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 wants to explicitly name the Hillsboro School District and its proposed plan as an example of significant mis-assignments of physical educator staff. It has been reported to Oregon SHAPE that the district did not first seek volunteers to fill these mis-assignments--which is a requirement in the tiered approach of the TSPC temporary rule. Furthermore, it is proposed that **all** of their elementary physical educators except for one are being mis-assigned to elementary classroom teacher positions.

Hillsboro School District’s proposed plan for physical education is for one physical educator to provide optional digital learning opportunities for all (10,953) students in their district K-6. If schools return to a hybrid model or face to face instruction, physical education will still be provided digitally. On July 29th, 2020, Hillsboro School District submitted its operational blueprint to the Oregon Department of Education. In the document, they state, “Hillsboro School District meets all of the required standards, without accommodations, set forth by the *Comprehensive Distance Learning Guidance*” (Hillsboro SD, 2020) Oregon SHAPE’s position is this does not

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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

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

“It is not enough to make statements about equity without following those statements with concrete actions. Equity must live at the heart of every decision and every action in service of students” (ODE, *Comprehensive Distance Learning Guidance*, 2020). Oregon SHAPE’s position is that any school district that significantly mis-assigns physical education staff demonstrates a gross negligence in operating with an equity lens and serves to perpetuate inequity and injustice in their schools.

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. ODE recognizes this as well with significant portions of its *Ready Schools, Safe Learners* document dedicated to equity and access including the following recommendations:

- Provide differentiated learning opportunities for students who had limited or no access to instruction during the spring 2020 school closure. This may look like assigning a learning mentor or coach, additional check-ins, supplemental learning supports, and instructional support for emergent bilingual students (p. 33).
- Plan for how to improve the quality of the learning experience through the fall to ensure that every student experiences **high-quality** (bolding our emphasis), educator-facilitated learning (p. 45)

Additionally, ODE states, “in order to fully prepare for the provision of Comprehensive Distance Learning, districts should reflect on the learning across Spring 2020” (p. 45). According to a report released by the Pew Research Center, when schools were closed 15 percent of U.S. households and 35 percent of low-income households with school-age children did not have a high-speed internet connection at home (Pew Research Center, 2020). Effective physical education instruction fundamentally guarantees the following things for learners: all students have the opportunity to access learning, provide meaningful content that is culturally relevant, and appropriate instruction that is fully inclusive (Masurier & Corbin, 2006). During the course of this

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pandemic, these are some of the key questions that every school district planning physical education instructional delivery should be asking:

- Are the lessons being taught actually relevant to the students' lives within their communities?
- Do all students have access to the internet and devices at home to be able to complete physical education assignments?
- What materials can students use at home to complete assignments? Are any of these materials considered “easily accessible” that students might not have access to?
- How will instruction meet the needs of students with disabilities?
- How will instruction meet the needs of English-language learners?
- Have parents/guardians or family members lost their jobs?
- Have any students lost loved ones due to COVID-19?
- Do students live in places with limited space or access to safe outdoor areas?
- Does the program offer alternative ways for students to access physical education instruction if they cannot meet the basic requirements?

These are just a sampling of some of the questions that districts need to be able to satisfactorily answer if they are planning physical education instructional delivery with an equity lens. Oregon SHAPE's position is that any district who significantly mis-assigns physical education staff **cannot** satisfactorily or faithfully answer any of these questions.

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 anticipates that some school districts may argue that having one or a few physical educators responsible for all of the digital learning opportunities for the district is in fact *more* equitable because it could ensure that there is fidelity within the curriculum. Oregon SHAPE rejects this view believing it to be one that ignores culturally relevant instruction, differentiated learning opportunities, and a fully inclusive curriculum that can truly be accessed by all. Oregon SHAPE feels fidelity to curriculum can be achieved through professional learning community work, prioritizing learning targets, and the utilization of common formative assessments done by teams of educators.

An Incorrect Application of the Requirements as Written

In the *Ready Schools, Safe Learners* document, the Oregon Department of Education states, “Providing opportunities for a well-rounded education is vital for the education of students and amplified during the time of

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COVID-19 related restrictions to support student well-being and connectedness. It is critical that schools continue to offer options for a well-rounded education whether On-site, Hybrid or Comprehensive Distance Learning. Opportunities to engage students in active learning often requires hands-on, interactive and physical activities (e.g., laboratory activities, career and technical education (CTE), band, choir, theater, physical education and driver's education)" (ODE, 2020, p. 72). To that end, ODE **requires** districts to do the following:

- For students participating in Comprehensive Distance Learning models or Hybrid models, provide frequent and regular opportunities for students to interact with their teacher(s) and peers (p. 60).
- Provide access to a well-rounded education (p. 70).
- **Provide consistent and timely student feedback and documented assessment of learning toward academic content standards. Leverage formative assessment practices to grow student's ability for independent learning (p. 70).** (bolding is our emphasis)
- Incorporate time for check-ins (Social Emotional Learning) and peer interactions; develop classroom culture (p. 70).

Furthermore in the *Additional Considerations* specific to Physical Education, ODE states that, "Schools must offer physical education and health education as part of a well-rounded education for all students during COVID-19, regardless of whether they will be providing in-school learning, distance learning, or using a hybrid learning approach" (ODE, 2020). With these requirements so explicit, Oregon SHAPE's position is that the requirements regarding feedback, assessment towards standards, and formative assessment practices are an impossibility with any student:teacher ratio that is significantly higher than the average. In our example given for the Hillsboro School District, the ratio would be 10,953:1 (Hillsboro's K-6 student population for the 2019-2020 school year). ODE recommends that classes should not be combined and class size should not be increased for physical education instruction. Oregon SHAPE finds it unacceptable that any district would feel class size only matters for content that is not physical education.

In the *Comprehensive Distance Learning Guidance* companion document, ODE states that schools have a responsibility to:

- Continue to focus on student identity and belonging, care, connection, wellbeing, and mental, social, and emotional health (p. 9).
- Actively engage and nurture relationships with students, families, and community (p. 9).
- Center equity in all outreach and communication efforts with parents and caregivers (p. 9).
- Provide high quality, well-rounded learning opportunities (p. 9).

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Oregon SHAPE is dubious that any district could meet these responsibilities in good faith with significant mis-assignments of physical education staff. Oregon SHAPE's position is these responsibilities **are not** limited to just the general classroom teacher. They are responsibilities for **everyone** who is part of an educational community.

Moreover, ODE states, "Comprehensive Distance Learning includes required elements for realizing a school experience that *honors the whole child* (*italics our emphasis*) and provides well-rounded learning opportunities" (p. 10). It lists the following to be **requirements** for CDL:

- Before instruction begins, ensure that each student is provided an opportunity to meet and begin building a relationship with their teacher(s) (p. 18).
- Provide consistent and timely student feedback and documented assessment of learning toward academic content standards. Leverage formative assessment-practices to grow student's ability for independent learning (p. 18).
- Provide access to a well-rounded education and opportunities to fill learning gaps in the service of grade-level and integrated learning experiences (p. 18).

It is clear that ODE's expectations and requirements for the learning opportunities districts provide are not different regardless if the modality of learning is CDL, Hybrid, or Face to Face instruction.

Finally, ODE takes the following stance on instructional delivery of CDL, "Effective comprehensive distance learning **requires careful planning and consideration around how the teacher (or educator) facilitates instructional delivery** (**bolding our emphasis**). Blending asynchronous and synchronous learning experiences provides opportunities to build community and learn collaboratively, while also providing autonomy for learners to engage in content, read, investigate and demonstrate learning at their own pace. A balanced approach to synchronous and asynchronous instructional design is necessary to help ensure reasonable screen time (should the learning be online), to encourage learner independence, and to allow for maximum flexibility for educators, families, and students" (p. 23).

Any CDL model that utilizes significant mis-assignments of physical education staff and relies on optional instructional delivery facilitated by a small amount of staff is a mockery of CDL and public education. There is nothing careful or considerate about a model like that.

Ignorance on the Difference Between Physical Activity and Physical Education

"Physical Education is an academic subject" (SHAPE America, 2015). Often school districts and educational leaders demonstrate confusion and ignorance about the difference between physical activity and physical education. SHAPE America (Society of Health and Physical Educators) has provided useful information in delineating between the two. They are often used interchangeably, and while they share some similarities, they

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are not the same thing. It is essential to understand the difference between the two when planning for physical education instructional delivery during the 2020-21 school year. It is significant to note that ODE's guidance documents require physical education (not just physical activity).

School physical education programs offer the best opportunity to provide physical activity to all children and to teach them the skills and knowledge needed to establish and sustain an active lifestyle. Physical education teachers assess student knowledge, motor and social skills, and provide instruction in a safe, supportive environment...Based on sequence of learning, physical education should not be compared to or confused with other physical activity experiences such as recess, intramurals, or recreational endeavors (SHAPE America, *Is It Physical Education or Physical Activity?*).

Conversely, SHAPE America defines physical activity as:

Physical activity is bodily movement of any type and may include recreational, fitness and sport activities such as jumping rope, playing soccer, lifting weights, as well as daily activities such as walking to the store, taking the stairs or raking the leaves. Similar health benefits to those received during a physical education class are possible during physical activity bouts when the participant is active at an intensity that increases heart rate and produces heavier than normal breathing (SHAPE America).

Due to the nature of COVID-19 in the Spring of 2020, many physical educators taught online lessons that were more representative of physical activity opportunities. This was the nature of crisis teaching at the start of a pandemic. With more time and guidance from ODE around CDL, Oregon SHAPE holds the position that these types of lessons that were prevalent in the Spring are not an acceptable substitute for physical education moving forward. Any district that significantly mis-assigns physical education staff will not be able to provide physical education to their students. They are providing physical activity opportunities only.

A Negative Impact on the Learning of Physical Education That Is Not Evidence-Based

The American Heart Association, SHAPE America, the American Academy of Pediatrics, the U.S. Department of Health and Human Services (HHS), the U.S. Department of Education, the President's Council on Physical Fitness and Sport, and the Centers for Disease Control and Prevention (CDC) all support the need for physical activity for youth and for **effective physical education in schools**. (**bolding** our emphasis) Furthermore, SHAPE America cites the following as some of the key indicators of effective physical education in schools: A qualified physical education specialist providing a developmentally appropriate program, full inclusion of all students, well-designed lessons that facilitate student learning, and use of regular assessment to monitor and reinforce student learning. Oregon SHAPE feels this is an impossibility to accomplish if school districts significantly mis-assign physical education staff for the 2020-21 school year.

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In *Visible Learning*, John Hattie lists the following in the top eleven strategies relating to increased student achievement: Providing formative evaluation (3rd), Teacher clarity (8th), Feedback (10th), and Teacher-student relationships (11th) (Hattie, 2009). It is no secret that these same strategies are found consistently in the *Ready Schools, Safe Learners* guidance. Any school district that significantly mis-assigns physical education staff compromises its ability to do this through physical education instructional delivery. If a school district's rationale to significantly mis-assign physical education staff is to reduce student:teacher ratios, they are not likely to see the same achievement benefit as the aforementioned strategies (class size as a whole is Hattie's 106th most effective strategy). Oregon SHAPE would like to note a caveat with class size. Class size **does matter** before and after a certain point. As physical educators are well aware, class sizes over 30 students makes formative evaluation, clarity, feedback, and teacher-student relationships much more difficult to accomplish. However, class sizes between 20-30 students show little to no difference in student achievement (Hattie, p. 86). It should be noted that even if a school district's plan can lower its class size to 20:1, the evidence suggests that this change would not be worth sacrificing physical education instructional delivery as part of a well-rounded education. Oregon SHAPE wants to be explicit that we do not feel lowering class size is an ineffective strategy to boost student achievement. Our stance is merely that when we are in the midst of a global pandemic, every educational decision is of extreme importance. Oregon SHAPE believes there are other higher leverage strategies to boost student achievement and remain fully inclusive of all students a district serves. Fortunately, we feel that ODE agrees with our position based on its issued guidance.

In its FAQ for school administrators, the CDC attempts to clarify the difference between cohorting and class size. They state, "To date, there is no published scientific study on optimal maximum or minimum cohort sizes in reducing SARS-CoV-2 transmission among school-aged children in a camp or school setting in the United States...Smaller cohorts means more limited contacts, but there is no specific threshold for optimal size" (CDC, 2020). In its guidance *Preparing K-12 School Administrators for a Safe Return to School in Fall 2020* they go on to state, "having opportunities to be physically active through recess and **physical education (bolding our emphasis)** can help improve students' feelings of anxiety and sadness...**should be provided regularly to students (bolding our emphasis)** in a safe and supportive environment" (CDC, 2020). Oregon SHAPE feels it pertinent to point out that the CDC distinguishes between physical activity and physical education and identifies both as important. School districts that mis-assign significant numbers of their physical education staff are no longer providing effective physical education to their students. They are no longer providing physical education at all.

On a final note, there is a large body of research that supports the benefits of face to face instruction for children over hybrid or CDL approaches. We applaud any school district's desire to have more students attend face to face classes more times per week in a hybrid model because of lower class size. However, we feel this desire sacrifices and withholds effective physical education from all of its students and is, therefore, inappropriate. Any school district who makes premature decisions about physical education instructional delivery being digital

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only for the entire 2020-21 school year because of decisions to significantly mis-assign their physical education staff is doing a disservice to its entire student population. It is Oregon SHAPE's position that if the metrics allow school districts to return to hybrid or face to face approaches, physical education *must* be included in that approach. It would be inappropriate, unethical, and would perpetuate inequity to limit physical education instructional delivery to a digital only approach.

Conclusion

Physical education in the state of Oregon has consistently been devalued and deemphasized by public school districts. This was most recently evident in June 2020 when the Portland Public Schools announced budget reductions that were focused on cuts to elementary physical education and adapted physical education. Through strong grassroots advocacy efforts, Portland Public Schools leadership quickly reversed course and reinstated physical education and adapted physical education in full in their school district. This demonstrated leadership and was the right thing to do for Oregon children. We find ourselves in a similar situation less than two months later with school districts considering significant mis-assignments of physical education staff in their district. The question is, why?

Bartolo posits in *Closing the Teaching Gap* that, "Oftentimes, classroom practice does not match what is known about how students learn best" (Bartolo, 2012). When will what we know inform what we do? Suppose one of the goals of any school system is to create better learning opportunities for students. How can a school district possibly do this if they significantly mis-assign their physical education staff? In Oregon, Senate Bill 4 exists to guarantee all students in Oregon have access to high-quality physical education. When this bill was passed in 2007, it was viewed as one of the most progressive and student-centered legislation of its kind in the country. Unfortunately, educational leadership groups in Oregon, including, but not limited to, COSA (Confederation of School Administrators), have continually made excuses as to why we cannot implement the law and its instructional minute requirements (it should be noted, that as of this writing, all K-5 physical education instructional minute requirements outlined in Senate Bill 4 are **required** for the 2020-21 school year). COSA has sometimes actively and oftentimes covertly used their lobbyists to delay implementation and undermine the purpose and spirit of the law. Oregon SHAPE believes it is a matter of time before these groups increase their efforts to have the law and any physical education instructional minute requirement repealed in its entirety. Is this leadership?

Oregon SHAPE empathizes with TSPC in their temporary rule and resolution to allow for licensure flexibility for the 2020-21 school year. With being in the middle of a global pandemic, these are uncertain times that certainly need innovative, creative, and flexible thinking. When reading the guidance on TSPC's website, our interpretation is that the intention of mis-assignments is for unique situations where districts may be extremely short-staffed for a variety of pandemic-related reasons. We do not believe the intention is for mis-assignments to be used across entire departments or academic content areas. Significant mis-assignments of physical education staff would fall under this, and Oregon SHAPE views this as inappropriate use of the temporary rule

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and resolution. TSPC did reply to Oregon SHAPE when contacted and when asked for clarification provided the following statement:

TSPC believes that every child should be taught by the most qualified educator possible. The agency's COVID provisions allow flexibility with a tiered approach to mis-assignment that aims to meet this understanding. Districts are to apply the flexibility provisions consistent with this understanding as well. Because each district will face unique needs during the pandemic, requiring opening plans addressing these needs, the districts are in the most knowledgeable position to find the balance of assignment "flexibility with fidelity." Nonetheless, districts must follow the TSPC provisions consistent with their language and intent.

Oregon SHAPE views the significant mis-assigning of physical education staff as a terrible precedent for the state of Oregon and its children. Oregon SHAPE acknowledges this is a temporary rule that will exist for the 2020-21 school year only, but as those in education are familiar--school district budgets are going to be in perilous situations over the next biennium. Oregon SHAPE has grave concern that as a budget saving measure, school districts may consider reduction in force of significant numbers of their physical education staffing to transition to a digital only model that is facilitated in instructional delivery by only a small group of individuals. We feel this would further perpetuate inequity, be a disservice to students, and frankly, immoral. Unfortunately, many school districts make these decisions while operating in a vacuum, and the truth is, the general public strongly supports effective and comprehensive physical education in our public schools. Nationally, 92 percent of parents of elementary students and 87 percent of parents of middle and high school students supported requirements for physical education in a 2013 survey. Ninety-one percent of parents feel that there should be more physical education in schools, particularly for addressing obesity. Portland Public Schools found this out in the span of 48 hours this past June.

On a final note, 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.

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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.