Memo To: TAHPERD Board Members

From: Shirley & Fran

We are sure you are already aware of the recent action of the legislature and the State Board of Education regarding elementary physical education in the public schools of Tennessee. However, we are still getting questions from physical education teachers about waivers, implementation of the policy, etc.

The purpose of this communication is to provide you the actual wording of the Cronan Act and the revised policies of the SBOE, as you will probably be receiving questions about them.

Please let either of us know if you have questions or if we can be of help in anyway. Also, please assure everyone that teaching during COVID is different for everyone. Survival is the key. Physical education and healthy bodies are more important than ever for our students; you are essential to both!

**Implementation of the Tom Cronan Act for Elementary Physical Education**

Following a one year legislative delay, the Tom Cronan Act for Elementary Physical Education is now in effect for the 2020-2021 school year--NOW.

**The Tom Cronan Act of 2018, guarantees that all Tennessee elementary school children will now benefit from**:

       Two days per week of instructional physical education;

       A total of at least 60 minutes per week of physical education;

       Physical education taught by a licensed physical education professional (an undergraduate degree in physical education and/or an endorsement in physical education).

In recent action, on July 24th, 2020 the State Board of Education unanimously approved, on the second and final reading, a policy of elementary physical education that states:

* (1)  This section implements T.C.A. §49-6-1021(e)-(f), also known as the Tom Cronan Physical Education Act.
* (2)  In addition to the integration of physical activity into the instructional school day, **each LEA shall require each student in elementary school to participate in a physical education class that meets at least two (2) times per full school week during the school year. The total physical education class time each full school week shall be no less than sixty (60) minutes.**
* (3)  The physical education class shall meet the needs of students of all physical ability levels, including students with disabilities who shall participate in moderate physical activity to the extent appropriate as determined by the Individuals with Disabilities Education Act (20 U.S.C. S 1400 et seq.), Section 504 of the Rehabilitation Act (29 U.S.C. S 701 et seq.), or the student’s Individualized Education Program. An accommodation or alternative physical activity shall be provided for students with disabilities, if necessary.
* (4**)  The physical education class shall be taught by a licensed teacher with an endorsement in physical education or by a specialist in physical education.**
* (5)  A student shall be excused from a physical education class for medical reasons. The LEA may require a parent or legal guardian to provide documentation of a student’s reason for being excused from the physical education class.
* (6)  Each LEA shall file an annual report with the Commissioner of Education verifying that the LEA has met the physical education requirements of this section.

**Adopted:  08/18/2005, Revised 07/24/2020**

Prior to the July meeting of the SBOE, fifty-eight school districts had applied to DOE for waivers from the Cronan Act.  (COVID-19 was often cited as the reason for the request).  During the discussion of the policy, Board members spoke in support of physical education and its importance for children.  A letter from Lt. Gov. Randy McNally to the Board was read; that letter provided strong support for physical education.

In other SBOE action on 7/24/20, the decision on waivers for the Cronan Act was that the only portion of the policy for which a waiver will be considered is that 0980 “the class shall be taught by a licensed teacher with an endorsement in physical education or by a specialist in physical education.”

       Requests will be determined on a case-by-case basis and if approved, will be for one year only.

More than one Board member emphasized that if a physical education teacher is “on staff”, that person is to be teaching physical education; that is their assignment in the school.

       No waivers will be considered for less than 2 times per week or for less than 60 minutes per week.

More than one SBOE member emphasized that ***if a physical education teacher is “on staff:, that person is to be teaching physical education: that is their assignment in the school***.

Legislative action is slow; this was no exception.  TAHPERD scored a tremendous win for the children of Tennessee.  It is now up to each of us to provide the highest quality programs that benefit children both now and in their future.  Thank you for all you have done.