

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: West Virginia Board of Education TITLE NUMBER: 126
CITE AUTHORITY: W.Va. Constitution, Article XII, §2; W.Va. Code 18-2-5, 18-2-6,
18-2-7a, 18-2-7b
RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW
W.Va. Code §§29A-3B-1, et seq.; W.Va. Board of Education v.
Hechler, 180 W.Va. 451, 376 S.E.2d 839 (1988)

AMENDMENT TO AN EXISTING RULE: YES X, NO _____


IF YES, SERIES NUMBER OF RULE BEING AMENDED: 44PJ (Policy 2520.13)

TITLE OF RULE BEING AMENDED: Instructional Goals: Physical
Education Program of Study

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: _____

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS January 20, 1995.



Victor A. Barone
Director, Legal Services

FISCAL NOTE WORKSHEET

(Submit 4 copies)

NO NO _____ DRAFT NO _____ BILL NO. _____ RESOLUTION NO. _____

SUBJECT Hvs. Ed. Instructional Goals FUND _____

SOURCE OF REVENUE: GENERAL FUND SPECIAL OTHER (SPECIFY) _____

COST ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

INCOME ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2. AND IN ITEM 3 GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$	\$	\$	\$	\$
PERSONAL SERVICES	\$	\$	\$	\$	\$
CURRENT EXPENSES					
REPAIRS AND ALTERATIONS					
EQUIPMENT					
OTHER					
2. ESTIMATED TOTAL REVENUES	\$	\$	\$	\$	\$

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

No New Costs Included

DATE

AGENCY

AUTHORIZED REPRESENTATIVE

3-5-94

Education

[Handwritten Signature]

Executive Summary
West Virginia Board of Education
Proposed Revision to Physical Education Program of Study
Policy 2520.13

Public Comment Period Ends: November 8, 1994 Adopted: December 8, 1994

BACKGROUND:

The Physical Education Program of Study was last revised in 1985. In September, 1990, the "Criteria of Excellence: Instructional Goals and Objectives, Policy 2520 was revised to assure establishment of high quality standards concerning performance expectations for all students attending West Virginia public schools."

Physical Education instruction changes to reflect best practices and current knowledge about wellness, physical activity and disease prevention. By moving from a somewhat rigid learner outcome model to an instructional goal model, the physical education program of study will allow multiple opportunities for students to master the knowledge and skills needed to live a healthy and productive lifestyle.

PURPOSE:

The Physical Education Instructional Goals are provided for the purpose of describing the components needed to promote a healthy lifestyle with proper fitness.

CONTENTS:

The policy is divided into three programmatic levels; Early Childhood(K-4), Middle Childhood(5-8) and Adolescent(9-12). The Physical Education Program is a K-12 sequence of related areas of study which constitute the subject matter to be offered in the public schools of West Virginia. The major areas of study within the program are: appropriate fitness, motor skills, sportsmanlike behavior and healthy lifestyles. Other related areas of the program are: safety, nutrition, drugs, alcohol, tobacco, personal health and disease prevention.

IMPACT:

The Physical Education Instructional Goals will emphasize the need for students to practice the proper skills for a healthy lifestyle. The policy requires no additional financial outlay.

SUMMARY OF PUBLIC COMMENT:

The overall reaction of the thirty (30) individuals/organizations on this policy was positive in their assessment of the physical education goals.

TITLE 126
WEST VIRGINIA BOARD OF EDUCATION
CHAPTER 18-2
SERIES 44J
(Policy 2520.13)

TITLE: INSTRUCTIONAL GOALS: PHYSICAL EDUCATION PROGRAM OF STUDY

Section 1. General

- 1.1 Scope - This legislative rule constitutes the physical education program requirements.
- 1.2 Authority - WV Code 18-2-5, 18-2-6, 18-2-7a, 18-2-7b, Constitution, Article XII, §2
- 1.3 Filing Date - December 21, 1994
- 1.4 Effective Date - January 20, 1995
- ~~1.5 Repeal of Former Rule - This Policy 2520.13 is a complete revision of the former policy.~~

Section 2. Purpose

The West Virginia Board of Education recognizes Physical Education as a vital component of a comprehensive school health program. The critical elements of a Physical Education program include, but are not limited to: cardio-respiratory fitness, flexibility, muscular strength and endurance and body composition. A comprehensive physical education program of study must be linked to the other seven components of the West Virginia Healthy Schools Program: health education, health services, school environment, nutrition services, school counseling, teacher/staff wellness, and community involvement.

The program emphasizes the need for appropriate fitness, motor skills, knowledge and understanding of sportsmanlike behavior, and an understanding that daily physical activity is an important component in developing and maintaining optimum health. Physical fitness assessment is mandated by West Virginia Code 18-2-7a. These Physical Education Instructional

Goals assure that a high quality curriculum and high quality instructional programs will be delivered on a developmentally appropriate basis to students in grades K-12.

Section 3. Early Childhood Education

The goal of the Physical Education Program of Study in early childhood education is to prepare students to assume the responsibility for their current and future fitness status. The program establishes a foundation for understanding the relationship between physical fitness, a healthy lifestyle, and current health status.

The program shall meet the needs of each individual student through developmentally appropriate activities that focus on physical fitness, motor skills, movement concepts and sportsmanship. Each county board of education shall provide multiple opportunities for students to:

- 3.1 Develop an understanding of and demonstrate body awareness, space awareness and relationships through movement.
- 3.2 Demonstrate competencies that develop locomotor (i.e. skipping, walking, running), nonlocomotor (i.e. pushing, pulling), body alignment (i.e. balance, posture), rhythmic, and manipulative (i.e. kicking, rolling, throwing) activities individually and in groups.
- 3.3 Assess individual fitness levels and develop personal training and conditioning programs.
- 3.4 Participate regularly in health enhancing lifetime physical and personal wellness activities.
- 3.5 Participate in fundamental games that develop basic skills for future participation in individual and team sports (e.g. rhythm games, etc.).
- 3.6 Participate in activities and games that have been

selected, sequenced, and modified to maximize enjoyment and active participation.

- 3.7 Participate in activities designed to help the student understand, and achieve the important components of physical fitness (cardio-respiratory endurance, muscular strength, muscular endurance, flexibility, body composition) that contribute to a healthy lifestyle.
- 3.8 Participate in activities that emphasize self-improvement, communication, and cooperation in groups.
- 3.9 Practice skills at increased levels of difficulty, adjusted for individual skill and fitness levels.
- 3.10 Develop a positive role in leadership, sportsmanship, and respect for others that results from participation in physical activity.
- 3.11 Participate in rhythmical, expressive, and dance experiences.
- 3.12 Participate in educational gymnastic activities that sequentially develop skills appropriate to the individual's abilities.
- 3.13 Develop a knowledge and understanding of rules, strategies, and appropriate safety factors for physical activity and equipment.
- 3.14 Participate in activities in preparation for the President's Challenge physical fitness assessment.
- 3.15 Understand the effects of drugs, tobacco, and physical violence on the body and develop resistance skills to counteract societal and peer pressure to use drugs, alcohol and tobacco.

Section 4. Middle Childhood Education

The goal of the West Virginia Physical Education Program of Study in middle childhood education is to provide students

with active involvement in developmentally appropriate physical activities. The program utilizes principles of personal conditioning and wellness to facilitate lifelong competencies in sport and leisure time activities.

Essential components of a comprehensive middle childhood education program include physical activities which enhance self-esteem, develop risk recognition and safe behavior and promote variety in physical education. Each county board of education shall provide multiple opportunities for students to:

- 4.1 Demonstrate competence in flexibility, cardio-respiratory endurance, strength and spatial awareness activities (i.e. coordination, agility, balance, and posture).
- 4.2 Demonstrate competencies that develop locomotor (i.e. skipping, running, sliding), nonlocomotor (i.e. pushing, pulling), body alignment, rhythmic, and manipulative (hand-eye coordination) activities individually and in groups.
- 4.3 Assess individual fitness levels and identify appropriate exercises to improve fitness and develop personal training/conditioning programs.
- 4.4 Participate regularly in health enhancing lifetime physical and personal wellness activities (i.e. stress management, nutrition, safe behaviors).
- 4.5 Apply appropriate safety techniques and recognize potential hazards inherent in physical activity, equipment, and facilities usage.
- 4.6 Be knowledgeable of the relationship between body composition, body fat, and physical fitness and their relationship to health.
- 4.7 Understand the rules, strategies, and terminology for varied physical activities.

- 4.8 Demonstrate sportsmanship, both as a participant and a spectator.
- 4.9 Display positive behavior during participation (i.e. self-discipline, cooperation, and leadership).
- 4.10 Display a relationship with, and a respect for, others through differences in games and rhythmic activities.
- 4.11 Participate in activities in preparation for physical fitness assessment.
- 4.12 Know the effects of drugs, alcohol, tobacco, and physical violence on the body as they relate to physical activity, coordination and fitness.

Section 5. Adolescent Education

The goal of the Physical Education Program of Study in adolescent education is to assure that students experience and realize the benefits of the major components of fitness (cardio-respiratory fitness, muscular strength and endurance, flexibility, and body composition). The program consists of a sequenced plan of physical activity designed to develop and maintain lifetime fitness. The local school district shall, therefore, provide multiple opportunities for students to:

- 5.1 Be aware of and assess personal levels of fitness, and design specific programs utilizing current principles of training for the improvement of fitness and the maintenance thereof.
- 5.2 Participate in lifetime health-enhancing physical fitness and related recreational/sports activities.
- 5.3 Analyze the availability and cost for sports, fitness, and recreational equipment and facilities associated with developing and maintaining an active lifestyle.
- 5.4 Understand the inherent benefits, risk factors and safety issues associated with regular participation in physical activity.

- 5.5 Understand that physical fitness is only one component of the total wellness concept (i.e. nutritional, emotional, social, etc.).
- 5.6 Analyze the relationship of physical fitness to other components of wellness, (i.e. nutritional, emotional, social, etc.).
- 5.7 Apply rules, strategies, appropriate behaviors, and safe practices for physical activity, recreation and sports.
- 5.8 Analyze improvements in athletic performance that have resulted from contests, equipment improvements, training regimens, etc.
- 5.9 Understand and demonstrate lifetime fitness activities which foster positive relationships with others.
- 5.10 Develop skills in a variety of individual and dual sports, team sports, and rhythmic/fitness activities.
- 5.11 Analyze how drugs, tobacco and alcohol affect physical performance.
- 5.12 Recognize situations that may lead to violence and develop conflict mediation skills.

COMMENTS AND SUGGESTIONS LOG
 POLICY 2520.13 SERIES 44B PHYSICAL EDUCATION INSTRUCTIONAL GOALS

ACTION TYPE
 N: No Response -Negative
 NA: Not Accepted +Positive
 A: Accepted oNeutral

DATE	INDIVIDUAL/ORGANIZATION	COMMENTS/SUGGESTIONS	ACTION/TYPE	RATIONALE
SECTION 1.0-GENERAL COMMENTS				
9-12-94	Vic Barone WV Department of Education	In Section 1.2 of the rule, probably should insert WV Code 18-25 since that is the general rule-making power of the Board. Also, we generally cite Constitution, Article XII, § 2 since that is the ultimate source of our rule-making authority.	A/+	As per legal counsel, changes made.
9-26-94	Bedford R. McClintic Principal Frankford Elementary School Frankford, WV 24938	Physical Education is much more than Physical Fitness and Health. Sport is an important part of our culture similar to Music and Art. A proper program of sport studies would certainly contribute to health but only as a by product. Health is a curriculum area in it's own right no more or less important than P.E. or sport studies. Safety & Health are certainly important as an overall concept for life & I'm glad that P.E. makes a contribution---just as anything that enhances the quality of life would contribute to physical & emotional well being.	N/+	Positive statement on physical education and the importance of the program.
9-30-94	Kennetha Parker-Howes Route 2, Box 299 French Creek, WV 26218	I support the program 100%. I would further mandate certain time periods for physical education as once was the case--30 minutes daily. In these times of budget cuts it seems the subject areas of P.E., art, and music are cut back to one day a week. These goals need to be emphasized <u>daily</u> .	N/+	Time mandates, staffing and curriculum are developed at the county and school level to meet the instructional goals.

DATE INDIVIDUAL/ORGANIZATION COMMENTS/SUGGESTIONS ACTION/TYPE RATIONALE

10-24-94 Mary Gurgarella
 Montrose Elem.
 631 Montrose Drive
 South Charleston, WV 25303 NA/- Physical education teachers are highly trained professionals, capable of meeting the requirements of State Code 18-2-7a.

A note about WV Code 18-2-7a. The State mandates the President's Physical Fitness Challenge without realizing the position they put the teachers who teach levels 1-9. Most schools do not have a safe place to run the mile. The students have to be transported by car or bus, if the teacher want to fulfill his/her obligation to the State. This means 1 to 2 hours away from school. Payment of the buses, if they are used, and health risks of not being near a phone if an accident should occur.

One trains their students, talks to their students, and tries to instill a knowledge of what they are to do, how to go about doing it, and why. But it never fails, there is always that one student who pushes themselves too hard, or too fast and becomes ill.

And for what?? Practicing for a fitness test once a year? Having physical education two and sometimes three days a week does not make one physically fit.

It should not be a mandate. A teacher can not be held responsible if each and every child is physically fit or not. And to do this without a physical or Doctors permission in todays' world should be unthinkable. We, teachers, are not physicians and we just might not know what is bad/good for our students.

I have completed the mile for this fall with my students. I had a scare, one student out of my two schools became sick. That evening, tonight, I became sick. Just what will happen when one child becomes so sick they are no longer with us. And for what? A Mandate by the State of West Virginia. Think again. Mandate - WV Code 18-2-7a will not make the children less obese and more physically fit to live in todays' world.

DATE INDIVIDUAL/ORGANIZATION COMMENTS/SUGGESTIONS ACTION/TYPER RATIONALE

10-27-94 Donna Haines
Romney Elementary
School Street
Romney, WV 26757

We cannot begin to accomplish all of these objectives until more specialists are hired. I think it is unbelievable that stato wide we are expected to acheive more but with less funds & people. The nutrition services in our county are terrible. The physical fitness test that we administer is unacceptable. The standards are too high & the requirements too much for every age group. Too many children are seeing negative instead of positive feedback as a result. Too little time to accomplish these items. (5 Grades)

NA/-

Physical education teachers are highly trained professionals capable of meeting the requirements of State Code 18-2-7a. With properly planned curriculum all instructional goals can be addressed.

11-7-94 Diana Farley
(School) P.O. Box 150
Barrackville, WV 26559
(Home) 102 Fairway Lane
Fmt. WV 26554

To accomplish most of the goals listed in All 3 stages. We need Physical Education to be taught in all counties of W.V. every day. We need to be recognized as an important subject, just as reading, Math & Language Arts - Science, Social Studies, - these are taught every day. We also need to stress the importance of teaching Early childhood - the basics instead of sports. Use lead-up skills and stress the importance of sticking to the basics. I also feel fun should be included in a goal.

NA/-

Time mandates are developed at the county and school level to meet instructional goals.

Mr. Ray: You should see some of our P.F. Test results plus height & weight - this would basically tell you these children need p.e. each day. T.V., Video games, parents, attitude all put a damper on P.E.



DATE INDIVIDUAL/ORGANIZATION COMMENTS/SUGGESTIONS ACTION/TYPE RATIONALE

SECTION 2.0-PURPOSE

10-3-94	Jeff Schultz West Teays Elementary 3676 Teays Valley Rd. Hurricane, WV 25526	I would like to see in the purpose statement: That the physical Education Instructional Goals and curriculum will be delivered in grades K-12 by a CERTIFIED Physical Education TEACHER.	NA/o	State Board of Education Policy 5202 mandates certification.
10-5-94	Karen Moore 825 Chestnut Ridge Road Morgantown, WV 26505	It reads more like a health/P.E. class rather than 2 separate bodies of knowledge. If mandated K-12 then P.E. should be required. Do not substitute recess and sports teams for phys educ. I don't feel P.E. should be lumped together with health.	NA/o	Physical Education is required at all levels. Integration of subjects is a key educational component. Recess and sports teams are not acceptable substitutes for physical education.

10-7-94	Pamela Westfall 15 Buffick Road Clendennin, WV 25045	The purpose of these changes are just fine - they are great.	NA/+	
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10-11-94	Donna Porterfield Stratton Jr. High School 1129 S. Fayette Street Beckley, WV 25801	Para. 1 - We agree that students should understand that daily physical activity is an important component in developing & maintaining optimum health. However, it is next to impossible to teach this concept when the county program itself undermines this by allowing for only 45 days of physical education during the entire year for levels 7-8. Para. 2 - Does the physical fitness assessment have to be the Presidential Physical Fitness Awards program or can use their own assessment methods?	N/+	Time mandates are not addressed in this policy, it is a local issue.
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DATE INDIVIDUAL/ORGANIZATION COMMENTS/SUGGESTIONS ACTION/TYPER RATIONALE

10-11-94	War Elementary School P.O. Box 967 War, WV 24892	Physical Education plays a vital role in the school curriculum. I am glad to see the state recognizes the importance of this subject.	A/+	
10-11-94	Selina Hairston Rand Local Improvement Council 5701 Church Drive Charleston, WV 25306	Very well stated, very enlightening and sufficient for all students needs physically, socially and academically.	A/o	
10-17-94	Lisa Dennison Traveling Phys. Ed. Rt. 1, Box 89 Maidsville, WV 26541	3.1.3.3.12.3.13.3.15 - I travel to 7 schools & am given duties at all but 1. I teach 7 periods per day once a week. Children get P.E. once a week. This means 36 P.E. classes a year if nothing interferes w/P.E. I do not believe these goals can be met. Some schools do not have a space for P.E. - Health/Nutrition is only a unit taught in the yearly inst. Children need physical education more than one day a week or the classroom teacher needs to become more involved w/ the future fitness of our children. These goals are great but perhaps a plan of action to meet even half of these goals would be great.	NA/-	The development of staff and facilities to meet the instructional goals is the responsibility of each county school district.
10-19-94	Charles C. Butta, Jr. Physical Education Teacher Kanawha County Schools Chamberlain Elem. School 4901 Venable Ave., S.E. Charleston, WV 25304	Overall, I feel this policy is excellent. It has physical education moving in the right direction... "keeping children first." The implementation of this program could be better served with a full-time physical education teacher in each school (daily P.E.).	A+ NA/-	Staffing to meet the instructional goals is the responsibility of each county school district.

DATE INDIVIDUAL/ORGANIZATION COMMENTS/SUGGESTIONS ACTION/TYPE RATIONALE

10-21-94	J.D. Long Philippi Elem. School Rt. 3, Box 38 Philippi, WV 26416	Well written, on your track of healthy lifestyles.	A+	
10-21-94	Valley Grove Elem. Brenda Stevens 194-C Rutledge Road Charleston, WV 25311	Since a physical assessment test is required, I believe we should be provided the computer software to go with the Presidential Physical Challenge Test. This would provide feedback to both the student and the parent.	NA-	Instructional supplies are the responsibility of the local school district.
10-21-94	Mr. Lynn F. Caseman P.O. Box 299 Middlebourne, WV 26149	need unit on "fatness" - the harm it does to the body	NA/-	See Section 3.3, 4.6, and 5.1
10-24-94	Mary Gurgarella Montrose Elem. 631 Montrose Drive South Charleston, WV 25303	In the second paragraph the State says it has an "understanding the daily physical activity is an important component in developing and maintaining optimum health." Yet, although it lists Physical Education to be taught at the Elementary Level it is said to be, "Taught Yearly". Most schools only have physical education taught Two or three times a week. Some students do not receive recess daily.	NA/-	Time mandates are developed at the county and school level to meet the instructional goals.
10-24-94	Ford Elem. Faculty Senate 137 6th Street Dunbar, WV 25064	Physical education should be conducted daily in every elementary school by a trained professional. P.E. should be provided to kindergarten and for the time limits granted to first grade since kin now full-day.	NA/-	Time mandates are developed at the county and school level to meet the instructional goals.

DATE	INDIVIDUAL/ORGANIZATION	COMMENTS/SUGGESTIONS	ACTION/TYPE	RATIONALE
10-18-94	John Jacobs P.E. Teacher Kanawha County Schools	I have two schools. One being smaller, the kids see me for one hour per week. The other school sees me for 40 to 50 min. per week. It would be better for the kids if there was a teacher in each school daily.	NA/-	Time mandates, staffing and curriculum are developed at the county and school level to meet the instructional goals.
10-19-94	Beverly Stevens P.E. Teacher Piedmont Elementary Kanawha County Schools	It would be nice to see PE for every school on a daily basis. There are only a few PE teachers that are located at one school only, most have 2 schools.	NA/-	Time mandates and staffing are developed at the county and school level to meet instructional goals.
11-7-94	Greg Garber P.E. Instructor Kanawha County School 1527 Fisher Dr. St. Albans, WV 25177	I certainly would be nice if each school had a daily physical education program. Most of us in Kanawha County have two schools. This would be great if we could have P.E. every day. This would help cardiovascular endurance greatly.	NA/-	Time mandates and staffing are developed at the county and school level to meet instructional goals.
10-13-94	Kathy Hackney P.E. Instructor Kanawha County Schools	It certainly would be nice if each school has a daily physical education program. Most of us in Kanawha County have two schools.	NA-	Time mandates and staffing are developed at the county and school level to meet instructional goals.
10-18-94	Linda Sutton P.E. Instructor Kanawha County Sch Edison Elementary 122 3rd Avenue, SW Charleston, WV 25303-1446	It certainly would be nice if each school has a daily physical education program. Most of us in Kanawha County have two schools.	NA-	Time mandates and staffing are developed at the county and school level to meet instructional goals.

DATE INDIVIDUAL/ORGANIZATION COMMENTS/SUGGESTIONS ACTION/TYPE RATIONALE

10-10-94 Deborah Lore Physical Education Teacher Kanawha County Bd. of Ed. It certainly would be nice if each school has a daily physical education program. Most of us in Kanawha County have two schools. NA- Time mandates and staffing are developed at the county and school level to meet instructional goals.

10-16-94 Kim Estep P.E. Instructor Kanawha County Schools Central Elementary 900 Helene Street St. Albans, WV 25177 It certainly would be nice if each school has a daily physical education program. Most of us in Kanawha County have two schools. NA- Time mandates and staffing are developed at the county and school level to meet instructional goals.

SECTION 3.0-EARLY CHILDHOOD EDUCATION

9-30-94 Ethel Lou St. Clair 304 11th Avenue Huntington, WV (an Elementary P.E. Teacher certified K-12, 31 years experience) Elementary classroom teachers do not have enough training nor NA- the expertise to meet the requirements of this policy. Gymnastics should be optional not required (3.12). Any physical fitness test which has the same components should be allowed. Mile run is too long for 6-10 year olds. West Virginia State Code 18-2-7a mandates the President's Challenge Program.

10-4-94 Fort Gay Elementary Faculty Senate P.O. Box 278 Fort Gay, WV 25514 We would like to see the Physical Education Program and P.E. Instructor made to include the kindergarten classes. At this time it seems to be left up to the school principal. NA/o Early Childhood is clearly defined in the purpose section to include grades kindergarten through fifth.

DATE	INDIVIDUAL/ORGANIZATION	COMMENTS/SUGGESTIONS	ACTION/TYPE	RATIONALE
10-5-94	Karen Moore 825 Chestnut Ridge Rd. Morgantown, WV 26505	gymnastics equip. even the basics are too expensive for budgets. 3.15 - must be addressed in the classroom it is not possible to cover even the basics of that. Too broad componets	NA/-	Gymnastics as noted in section 3.12 can be taught at this level. Section 3.15 is mandated by WV Code 18-7-2b.
10-7-94	Pamela Westfall 15 Bufflick Road Clendenin, WV 25045	Alright	A/+	
10-11-94	War Elementary School P.O. Box 967 War, WV 24892	Early childhood is where the students receive the fundamentals of physical education. This level is where a strong foundation is built for physical fitness. I agree with the early childhood goals.	A/+	
10-11-94	Selina Hairston Rand Local School Improvement Council 5701 Church Drive Charleston, WV 25306	Excellent and Covers all over needs of early childhood development.	A/+	
10-11-94	Sue Long Frankfort Middle School Rt. 3, Box 170 Ridgeley, WV 26753	On the 3.14 requirement, I feel the State should approach the legislature on selecting a more health related assessment then skill assessment. The P.C. Test is skill the AAHPER & Fitnessgram is more health related.	NA/-	WV State Code 18-2-7a mandates the President's Challenge Program. State Board of Education policy 2520.13 meets this mandate.

DATE INDIVIDUAL/ORGANIZATION COMMENTS/SUGGESTIONS ACTION/TYPE RATIONALE

10-19-94	Charles C. Butta, Jr. Physical Education Teacher Kanawha County Schools Chamberlain Elem. School 4901 Venable Ave., S.E. Charleston, WV 25304	3.3 - Amend "develop personal training and conditioning programs" to read "develop conditioning programs to address devicencies." 3.15 - Redirect to Health Education Program	NA/- NA/-	A vital component of the physical education program. Mandated by State Code 18-2-7b.
10-21-94	J.D. Long Philippi Elem. School Rt. 3, Box 38 Phillippi, WV 26416	I appreciate all your efforts.	A+	
10-21-94	Valley Grove Elem. Brenda Stevens 195-C Rutledge Road Charleston, WV 25311	These are excellent goals. My only concern is that there will not be enough time to accomplish these goals. It should be mandatory that students have daily physical education class with a certified physical education instructor.	NA/-	Time mandates are developed at the county and school level to meet instructional goals.
10-21-94	Mr. Lynn F. Caseman P.O. Box 299 Middlebourne, WV 26149	Dancee - <u>no</u> -should be a choice - you are ignoring religious values of some citizens	NA/-	Individual student plans are developed at the local school level to ensure students rights.
10-24-94	Mary Gurgarella Montrose Elemen. 631 Montrose Drive South Charleston, WV 25303	3.3 - P.E. Teachers do not have the training and expertise to develop a "personal training and conditioning program" for each student. Please omit. 3.15 - Redirect to Health Education or a joint effort between Health and Physical Education	NA/- NA/-	A vital component of the physical education program. Mandated by State Code 18-2-7b.

DATE INDIVIDUAL/ORGANIZATION COMMENTS/SUGGESTIONS ACTION/TYPE RATIONALE

10-24-94	Ford Elem. Faculty Senate 137 6th Street Dunbar, WV 25064	Kindergarten should be provided with regular P.E. instruction similar to first grade. 3.15 - to Health Services	NA/-	Policy is mandated K-12 Mandated by State Code 18-2-7b.
10-18-94	John Jacobs P.E. Teacher Kanawha County Schools	3.3 - There is not enough time to do this. At one of my schools I see the kids for a total of 40 min. per week.	NA/-	This area is a vital component of a physical education program. Integration is a key educational tool. Mandated by State Code 18-2-7b.
10-19-94	Beverly Stevens P.E. Teacher Piedmont Elementary Kanawha County Schools	3.15 - This should be done in health class. 3.3 - Omit personal training & conditioning programs. There is not enough time to develop a program for each student. IEP Coordinators are paid extra to do this for special ed. 3.15 - Redirect to Health Education program	NA/-	A vital component of physical education program. Mandated by State Code 18-2-7b.
11-7-94	Greg Garber P.E. Instructor Kanawha County School 1527 Fisher Dr. St. Albans, WV 25177	3.3 - Omit personal training and conditioning programs. There is no time to develop those for each student. IEP coordinators are paid extra to do this for special ed. students. This is very true with over 700 students impossible. 3.15 - Redirect to Health Education Program.	NA/-	A vital component of physical education program. Mandated by State Code 18-2-7b.
10-13-94	Kathy Hackney P.E. Instructor Kanawha County Schools	3.3 - Omit personal training and conditioning programs. There is no time to develop those for each student. IEP coordinators are paid extra to do this for special ed. students. 3.15 - Redirect to Health Education Program	NA/-	A vital component of the physical education program. Mandated by State Code 18-2-7b.

DATE **INDIVIDUAL/ORGANIZATION** **COMMENTS/SUGGESTIONS** **ACTION/TYPE** **RATIONALE**

10-18-94	Linda Sutton P.E. Instructor Kanawha County Sch Edison Elementary 122 3rd Avenue, SW Charleston, WV 25303-1446	3.3 - Omit personal training and conditioning programs. There is no time to develop those for each student. IEP coordinators are paid extra to do this for special ed. students. 3.15 - Redirect to Health Education Program	NA/- NA/-	Code 18-2-7b. A vital component of the physical education program. Mandated by State Code 18-2-7b.
10-10-94	Deborah Lore Physical Education Teacher Kanawha County Bd. of Ed.	3.3 - Omit personal training and conditioning programs. There is no time to develop those for each student. IEP coordinators are paid extra to do this for special ed. students. 3.15 - Redirect to Health Education Program	NA/- NA/-	A vital component of the physical education program. Mandated by State Code 18-2-7b.
10-16-94	Kim Estep P.E. Instructor Kanawha County Schools Central Elementary 900 Helene Street St. Albans, WV 25177 Highlawn Elementary 2400 Kanawha Terrace St. Albans, WV 25177	3.3 - Omit personal training and conditioning programs. There is no time to develop those for each student. IEP coordinators are paid extra to do this for special ed. students. 3.15 - Redirect to Health Education Program.	NA/- NA/-	A vital component of the physical education program. Mandated by State Code 18-2-7b.

SECTION 4.0-MIDDLE CHILDHOOD EDUCATION

9-30-94	Ethel Lou St. Clair 304 11th Avenue Huntington, WV	Gradually build them up from 1/4-1/2-3/4 like the AAU fitness test does. Height and weight in place of skin folds - Components: shuttle run, sit & reach, curl ups, pull ups,	NA/-	Mandated by State Code 18-2-7a.
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DATE INDIVIDUAL/ORGANIZATION COMMENTS/SUGGESTIONS ACTION/TYPE RATIONALE

	(an Elementary P.E. Teacher certified K-12, 31 years experience)	endurance run. The emphasis should be on each child doing their best not competing against everyone else.		
10-5-94	Karen Moore 825 Chestnut Ridge Rd. Morgantown, WV 26505	4.4 - needs a specific health class 4.12 in a health class Components do not address curriculum at all.	NA/-	Sections 4.4, 4.6, and 4.12 are valid components of physical education. Curriculum is developed at the county level to meet the instructional goals.
10-7-94	Pamela Westfall 15 Bufflick Road Clendenin, WV 25045	Alright	NA/+	
10-11-94	Donna Porterfield Stratton Jr. High School 1129 S. Fayette Street Beckley, WV 25801	The instructional goals are reasonable in content but cannot all be met in only 45 physical education days.	NA/-	Time mandates are developed at the county and school level to meet instructional goals.
10-11-94	War Elementary School P.O. Box 967 War, WV 24892	These goals are a continuation from early childhood with emphasis on the body and health. Students need to know about body composition and how to have a healthy body and live a healthy life. I agree.	A/+	

DATE INDIVIDUAL/ORGANIZATION COMMENTS/SUGGESTIONS ACTION/TYPE RATIONALE

10-11-94	Selina Hairston Rand Local School Improvement Council 5701 Church Drive Charleston, WV 25306	Excellent and Covers all over needs of Middle Childhood Development.	A/+	
10-11-94	Sue Long Frankfort Middle School Rt. 3, Box 170 Ridgeley, WV 26753	Nothing was mention about fitness evaluation for Middle Childhood.	NA/-	Refer to 4.3 and 4.11
10-19-94	Charles C. Butta, Jr. Physical Education Teacher Kanawha County Schools Chamberlain Elem. School 4901 Venable Ave., S.E. Charleston, WV 25304	4.3 - Amend "develop personal training/conditioning programs," as above in 3.3 4.4 - Redirect to Health Education Program 4.6 - Redirect to Health Education Program 4.12 - Redirect to Health Education Program	NA/-	4.3,4.4,4.6 These areas are vital components of a physical education program. Integration is a key educational tool. 4.12 - Mandated by State Code 18-2-7a.
10-21-94	Valley Grove Elem. Brenda Stevons 195-C Rutledge Road Charleston, WV 25311	Same as above. Most students will receive P.E. for a one nine week period for the entire school year.	NA/-	4.3,4.4,4.6 These areas are vital components of a physical education program. Integration is a key educational tool. 4.12 - Mandated by State Code 18-2-7a.

DATE	INDIVIDUAL/ORGANIZATION	COMMENTS/SUGGESTIONS	ACTION/TYPE	RATIONALE
10-24-94	Mary Gurgarella Montrose Elem. 631 Montrose Drive South Charleston, WV 25303	4.3 - Omit "personal training and conditioning program". Same reason as stated above. 4.4,4.6,4.12 - Redirect to Health Services	NA/-	4.3,4.4, 4.6 These areas are vital components of a physical education program. Integration is a key educational tool. 4.12 - Mandated by State Code 18-2-7a.
10-24-94	Ford Elem. Faculty Senate 137 6th Street Dunbar, WV 25064	4.4,4.6,4.12 - Provide Health Services in Elem. Schools to address these goals.	NA/-	4.3,4.4, 4.6 These areas are vital components of a physical education program. Integration is a key educational tool. 4.12 - Mandated by State Code 18-2-7a.
10-18-94	John Jacobs P.E. Teacher Kanawha County Schools	4.3 - See 3.3 above. If more time cannot be found this should be omitted. 4.4,4.6,4.12 - All of these should be taught in a Health class.	NA/-	4.3,4.4, 4.6 These areas are vital components of a physical education program. Integration is a key educational tool. 4.12 - Mandated by State Code 18-2-7a.

DATE INDIVIDUAL/ORGANIZATION COMMENTS/SUGGESTIONS ACTION/TYPE RATIONALE

10-19-94 Beverly Stevens
PE Teacher
Piedmont Elementary
Kanawha County Schools 4.3 - Omit developing personal training and conditioning
4.4 - Redirect to Health Education program.
4.6 - Redirect to Health Service.
4.12 - Redirect to Health Service. NA/-
4.3,4.4,4.6 These areas
are vital components
of a physical education
program. Integration
is a key educational
tool.
4.12 - Mandated by
State Code 18-2-7a.

11-7-94 Greg Garber
P.E. Instructor
Kanawha County School
1527 Fisher Drive
St. Albans, WV 25177 4.3 - Omit developing personal training/& conditioning.
4.4 - Redirect to Health Education Program
4.6 - Redirect to Health Service
4.12 Redirect to Health Service NA/-
4.3,4.4, 4.6 These areas
are vital components
of a physical education
program. Integration
is a key educational
tool.
4.12 - Mandated by
State Code 18-2-7a.

DATE	INDIVIDUAL/ORGANIZATION	COMMENTS/SUGGESTIONS	ACTION/TYPE	RATIONALE
10-13-94	Kathy Hackney P.E. Instructor Kanawha County Schools	4.3 - Omit developing personal training/& conditioning. 4.4 - Redirect to Health Education Program 4.6 - Redirect to Health Service 4.12 - Redirect to Health Service	NA/- NA/- NA/- NA/-	A vital component of physical education program. Integration is a key educational tool. Integration is a key educational tool. Mandated by State Code 18-2-7b.
10-18-94	Linda Sutton P.E. Instructor Kanawha County Sch Edison Elementary 122 3rd Avenue Charleston, WV 25303-1446	4.3 - Omit developing personal training/& conditioning. 4.4 - Redirect to Health Education Program 4.6 - Redirect to Health Services 4.12 - Redirect to Health Services	NA/- NA/- NA/- NA/-	A vital component of physical education program. Integration is a key educational tool. Integration is a key educational tool. Mandated by State Code 18-2-7b.
10-10-94	Deborah Lore Physical Education Teacher Kanawha County Bd. of Ed.	4.3 - Omit developing personal training/& conditioning 4.4 - Redirect to Health Education Program 4.6 - Redirect to Health Service 4.12 - Redirect to Health Service	NA/- NA/- NA/- NA/-	A vital component of the physical education program. Integration is a key educational tool. Integration is a key educational tool. Mandated by State Code 18-2-7b.
10-16-94	Kim Estep	4.3 - Omit developing personal training/& conditioning	NA/-	A vital component of

DATE INDIVIDUAL/ORGANIZATION COMMENTS/SUGGESTIONS ACTION/TYPE RATIONALE

<p>P.E. Instructor Kanawha County Schools Central Elementary 900 Helene Street St. Albans, WV 25177</p>	<p>4.4 - Redirect to Health Education Program 4.6 - Redirect to Health Education Service 4.12 - Redirect to Health Education Service</p>	<p>NA/- NA/- NA/-</p>	<p>the physical education program. Integration is a key educational tool. Integration is a key educational tool. Mandated by State Code 18-2-7b.</p>
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SECTION 5.0-ADOLESCENT EDUCATION

<p>9-30-94 Raymond Rose Pineville High Box 219 Pineville, WV 24874</p>	<p>Physical Education should be required for two years</p>	<p>NA/-</p>	<p>The State Board of Education mandates one credit or year of physical education for graduation. This does not preclude a student or schools from taking or offering additional coursework in physical education.</p>
<p>9-30-94 Ethel Lou St. Clair 304 11th Avenue Huntington, WV (an Elementary P.E. Teacher certified K-12,</p>	<p>Records being kept from year to year so the child can see how he or she has done. These could be included as a supplement to the PRC.</p>	<p>A/+</p>	<p>Records of individual performance will be maintained on the (WVEIS) West Virginia Educational Informa-</p>

DATE INDIVIDUAL/ORGANIZATION COMMENTS/SUGGESTIONS ACTION/TYPE RATIONALE

31 years experience)

10-5-94 Karen Moore
825 Chestnut Ridge Road
Morgantown, WV 26505

5.1 - that is for a trained exercise physiologist
5.3 - not possible because of time constraints
5.5 - health lesson
5.6 - health lesson
5.8 - not practical for an activity class
5.11 - health lesson
5.12 - not related

tion System.
5.1 - P.E. teachers are qualified for the delivery of this material
5.3 - Can be integrated as a vital component.
5.5, 5.6, 5.8, 5.11 - Are vital components of a total p.e. program of study.
5.12 - Mandated by WV Code 18-7-2b.

10-5-94 Pamela Westfall
15 Bufflick Road
Clendenin, WV 25045

Alright

NA/+

10-11-94 War Elementary School
P.O. Box 967
War, WV 24892

Students need to be made aware of the importance of continuing physical activity throughout their adult lives and to continue to promote a healthy lifestyle. These goals are very important. I agree.

A/+

10-11-94 Selina Hairston
Rand Local School
Improvement Council
5701 Church Drive
Charleston, WV 25306

Excellent and Cover all over needs of Adolescents.

A/+

10-11-94 Sue Long
Frankfort Middle School

Nothing was mention about fitness evaluation for High School.

NA/-

Refer to 5.1

<u>DATE</u>	<u>INDIVIDUAL/ORGANIZATION</u>	<u>COMMENTS/SUGGESTIONS</u>	<u>ACTION/TYPE</u>	<u>RATIONALE</u>
10-21-94	PCHS Reta M. Rose Dunmore, WV	Understand the rules and stragities of sports so they can enjoy sports as spectators.	NA/-	Refer to 5.7

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

STEPHEN N. REED
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

Telephone: (304) 558-6000
Corporations: (304) 558-8000
FAX: (304) 558-0900



STATE OF WEST VIRGINIA
SECRETARY OF STATE
Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

RECEIVED
JAN 30
FEB 11 8 31 AM '96
WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law
SCHOOL TRANSPORTATION
AND FACILITIES

PENNEY BARKER
Supervisor, Corporations
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

(Plus all the volunteer
help we can get)

TO: ~~Cecilia Dolin~~ John Ray

AGENCY: Education

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: January 29, 1996

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 44J TITLE: 126 Education

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: John Ray

TITLE OF PERSON SIGNING: 2-1-96 Coordinator, Healthy Schools

DATE: 2-1-96

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.