**Waiver Response: Professionally Responding to PE Non-Compliance**

**Current Illinois School Code states that students engage in Physical Education for a minimum of 3 days per 5-day week.** Did the district put in place temporary reductions in PE days due to Covid and now have become permanent? Are they flying under the radar with no paperwork?

1. Review the list of allowable exemptions in the chart below. If the reduction is based on these, then the district has done nothing wrong.
2. If the district has reduced the program but not due to the exemptions listed or claims to have a waiver, move to step 3.
3. We will contact the ISBE to determine if the district has applied and/or received a waiver.
4. If a waiver has been granted, check to see that the legal process for the waiver has been followed by the school board, including that the board held a publicly advertised public hearing.
5. If the district does not have a waiver or waiver application on file with ISBE and/or did not follow the process, you could choose to directly address the school board at a school board meeting. This can be done a few ways.
   1. Write a letter stating the issue of non-compliance to the school board and send via email or hand to them at the next board meeting.
   2. Speak directly to the board as an employee stating the non-compliance issue and lack of district paperwork with ISBE. (not recommended if you are a non-tenured teacher)
   3. Recruit multiple tenured teachers, parents who support the program, and even district residents who are in the PE profession to speak directly to the board about this non-compliance issue (this is tough, but will be most effective).

Most Superintendents want to be compliant. Stay professional and focused on the importance of PE on the Health and well-being of the students. Never mention loss of teaching positions.

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| Allowable Exemptions | Waivers (examples) |
| Interscholastic athletics, grades 7 through 12 (on a case by case basis) | No PE during the semester a student takes Driver Education |
| Enrollment in academic classes required for admission to an institution of student’s choice if failure to take the course results in denied admission, grades 11 and 12 | Elementary Teacher Directed PE in lieu of days with a certified PE teacher |
| Enrollment in classes required for graduation if failure to take the course results in the student being unable to graduate, grades 11 and 12 | A student taking 5 academic classes |
| Marching band, grades 9 through 12 | A student in Competitive Show Choir |
| Special Education IEP, grades 3 through 12 | A student taking 2 or more AP classes |
| ROTC, grades 9 through 12 | ***Anything else the school board asks for…*** |