

# EXHIBIT 18



NJSIAA

Follow

Sep 6, 2016 · 4 min read

## Op-ed: The True Meaning of High School Sports

by Steve Timko, executive director, NJSIAA

### THE TRUE MEANING OF HIGH SCHOOL SPORTS

HIGH SCHOOL SPORTS ARE AN EXTENSION OF THE CLASSROOM. THE GREATEST BENEFIT OF ATHLETICS IS THE LIFE LESSONS LEARNED, INCLUDING:

DISCIPLINE  
TEAMWORK  
COMPETITIVENESS  
FOLLOWING DIRECTION  
A SENSE OF COMMUNITY  
DEALING WITH ADVERSITY  
HEALTHY AND ACTIVE LIFESTYLE

PLAYING A SPORT SHOULD BE A SAFE AND POSITIVE LEARNING EXPERIENCE FOR ALL.

[WWW.NJSIAA.ORG](http://WWW.NJSIAA.ORG)

I was filled with Garden State-centric pride watching 17-year-old Union Catholic High School student Sydney McLaughlin compete in the Rio Olympics, and I thoroughly enjoy whenever one of our New Jersey scholastic athletes signs a letter of intent to compete on a larger, collegiate stage. But of course—I'm a sports fan, and have been all my life.

5. Granting a waiver to this rule will have an impact not only on WJFL member schools but on all schools in the state of New Jersey, opening the door for all others to request and be granted waivers. There were many concerns voiced at the meeting of leaders from all football conferences in the state (L & C Football Committee).
6. The WJFL has mechanisms in place to give relief to struggling programs
  - a. Every two years align by strength of program, geography,
  - b. Currently going into year 2 of cycle
  - c. A WWP Co Op would completely dismantle the aligning and scheduling criteria of the WJFL for the 2017 season. This would have a serious impact on the schools scheduled against WWPS since the aligning and scheduling was based upon only WWPS strength of program.
  - d. A WWP Co Op would also not only impact the 9 schools scheduled to play WWPN at the varsity level – it would also cause those 9 schools to also have to find JV and Frosh opponents that week as well. If WWPN played just a sub-varsity schedule this would alleviate at least some of this problem.

There are other options for WWPN and its Football Program other than requesting a waiver and/or change to the NJSIAA Constitution. For the reasons listed above the WJFL recommends the following:

1. WWPS play their assigned schedule since they have enough players - This will allow WWPS opponents to play the schedule provided them under the agreed upon alignment and scheduling criteria
2. WWPN field sub varsity teams in 2017 (JV, freshman, or frosh-more teams) - This would allow the program to continue and hopefully grow – hopefully allowing a return to varsity play by the 2018-2019 cycle.
3. WJFL will work with the 9 schools scheduled to play WWPN to find them opponents and enable those schools to have full nine game schedules. It is extremely important to those schools scheduled to play WWPN that they know whom and when they will be playing in place of WWPN.

The WJFL leadership and members schools are willing to work with WWPN to give them relief and help them to grow their program in the next scheduling cycle as has been done for other member schools in years past by utilizing our aligning and scheduling regulations.

We will have leaders from each of the 6 member conferences in attendance at the hearing and will be available to answer any questions that you may have.

Respectfully submitted n behalf of the West Jersey Football League,

Bud Kowal

WJFL President

Yet I'm fully aware that high school athletics are entertaining ...not entertainment. They aren't primarily about state championships, earning scholarships, or even running for Team USA. Those are simply wonderful side benefits, when they happen. The true reason we have athletic competition for high school students is to further extend the reach of classroom education. That's the reason scholastic sports developed in the first place, more than a century ago, and that's why they continue to exist.

Unfortunately, not everyone grasps this reality. It seems a small but vocal number of individuals—who represent every demographic that's naturally connected to high school athletics—are confused. They apparently believe a 15-year-old competitor should be treated like a professional athlete, and that the local football team has the same goals and motivations as the Green Bay Packers or Notre Dame Fighting Irish.

But they don't ... and they shouldn't. Speaking as the head of the 98-year-old, non-profit, governing body of New Jersey high school athletics—which conducts tournaments and crowns champions throughout New Jersey in 32 different sports, representing about a quarter of a million girls and boys—let me outline the multiple benefits athletic competition provides to young people.

First, training in preparation for competition and membership on a team teach a bevy of essential life lessons, many of which will be invaluable in the workplace. There's learning to work in unison with others; following sometimes detailed directions; to earn what you desire; managing setbacks and overall adversity; and feeling a sense of community.

In addition, in an era when obesity impacts a startling one third of the entire U.S. adult population, and nearly 20 percent of all those between 2 and 19, scholastic athletics provide an ideal way for young people to stay in shape and maintain a healthy weight. And since studies indicate that overweight teens are far more likely to struggle with weight-related issues during adulthood, any opportunity for teens to stay fit is extremely valuable.

Further, multiple studies have shown that scholastic athletes do better in the classroom than their classmates who don't play sports. And it's worth noting that student-athletes become much more adept than their peers at time-management, which may certainly contribute to the better grades they achieve.

And while youth-level sports often have built-in guidelines to ensure equal playing time, high school athletics teach the hard lesson that we all have different levels of ability. It can be difficult for a youngster to accept that they'll get less playing time than a classmate based on skill, size, or strength ... but it's a key lesson, since life is rarely a level playing field.

Collectively speaking, all the aforementioned benefits are my case for high school sports. And I trust you'll agree they're overwhelmingly convincing.

Sadly, though, some individuals fail to understand, and choose to view scoring points and winning games as the primary reason any high school has a basketball, or softball, or soccer team. This is more than just frustrating or annoying—it's potentially tragic.

Excessive pressure to achieve on the playing field—and I'm referring to more than just conventional lessons about competition—can give a student athlete more stress than they can process. In turn, this can lead to mental health issues, chronic anxiety, and worse.

As for injury, all athletes are at risk—they're an unavoidable part of physical activity. But the pressure to quickly return to the lineup can potentially lead to abuse of opioid painkillers. I'd hope that by now we all realize such abuse is a nationwide epidemic, and scholastic athletes are more at risk of problems related to managing use of painkillers than almost any other group.

The sometimes intense pressure to qualify for an athletic scholarship, which by necessity includes the need to be noticed by prominent universities, leads some student athletes to jump from high school to high school. Transfers such as these—clearly for athletic advantage—create a difficult environment for someone who, first and foremost is

supposed to be a student. My organization has specific rules governing transfers, but they're difficult to enforce and violations occur regularly.

Of course, winning and losing both are important components of athletic competition. But their significance isn't rooted in cheers or trophies, but in the life lessons they teach. And it's worth noting that competition is integral to our education system. For example, consider those trying out for the lead part in the school musical—only one person can get the part.

I'm not going to suggest that we need some major, structural change to scholastic sports in New Jersey. Far from it—I'm certain our conferences and tournaments already are among the best anywhere in the country, and our scholastic athletes benefit immensely from this.

What I do wish is to send a strict caution—to parents, coaches, school administrators, and journalists—that we overemphasize scoring and winning to the detriment of all our young people. We need to ensure that our greatest concern isn't how many goals Johnny scores, and how many wins the local varsity squad compiles, but whether or not all participants have a safe, positive experience ... and, in the bargain, learn something about life.





## EXHIBIT 19



February 2012

# K-12 EDUCATION

## School-Based Physical Education and Sports Programs



G A O

Accountability \* Integrity \* Reliability



Highlights of GAO-12-350, a report to congressional requesters

February 2012

## K-12 EDUCATION

### School-Based Physical Education and Sports Programs

#### Why GAO Did This Study

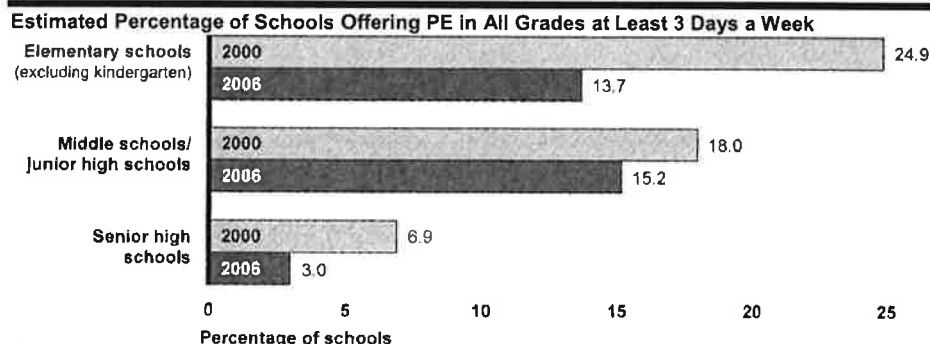
Physical activity is a crucial part of preventing or reducing childhood obesity, and may also yield important academic and social benefits. However, many children do not attain the level of daily physical activity recommended by the Centers for Disease Control and Prevention (CDC). Schools are uniquely positioned to provide students opportunities to increase physical activity through physical education (PE) classes and involvement in sports teams. In view of the federal government's role in promoting the health and welfare of children, the Congress is currently considering a number of proposals aimed in part at increasing the physical activity of youth. To assist the Congress as it considers options for increasing physical activity among students, GAO was asked to review (1) the status of opportunities for elementary and secondary school students to participate in school-based physical education or sports activities; and (2) what challenges schools face in providing physical education and sports opportunities. To conduct this study, GAO reviewed federal survey data; interviewed state, district, and school officials in selected states, as well as federal officials and others with relevant expertise; reviewed relevant federal laws and regulations; and reviewed studies on the benefits of physical education and sports for students.

GAO makes no recommendations in this report. The Departments of Education and Health and Human Services provided technical comments, which were incorporated as appropriate.

View GAO-12-350. For more information, contact Linda Calbom at (206) 287-4809 or [calboml@gao.gov](mailto:calboml@gao.gov).

#### What GAO Found

While the most recent national data show instruction time for PE decreased from 2000 to 2006, officials GAO interviewed stated that school sports opportunities have generally increased in recent years. Specifically, the percentage of schools that offered PE at least 3 days a week decreased from 2000 to 2006, but the percentage of schools that required students in each grade to take some PE increased during the same period. For example, the estimated percentage of schools that required PE in ninth grade increased from 13 percent in 2000 to 55 percent in 2006. Moreover, states, districts, and schools appear to have increased emphasis on the quality of PE programs, such as helping students develop lifelong fitness skills, according to national data and GAO interviews. Data on high school students show that participation in PE varies by grade level but not by gender or across racial groups. In addition, most state, district, and school officials GAO interviewed said opportunities to participate in interscholastic sports have increased, particularly for girls, and that many schools have responded to increased demand by adding new sports teams over the last few years.



Source: School Health Policies and Programs Study 2006 data.

Schools GAO visited cited several challenges to providing PE and sports opportunities but have found ways to alleviate some of the challenges associated with sports. In particular, school officials said that budget cuts and inadequate facilities have affected their ability to provide PE opportunities. For example, officials from one school district GAO visited reported reducing PE instruction time because of limited funding for instructors. Other schools, such as one where the gym doubled as the cafeteria, lack dedicated space to use for PE. In addition, school officials reported challenges in providing sports opportunities, as issues related to transportation, facilities, and staffing have been compounded by budgetary constraints. For example, officials from some schools said funding to transport students to outside facilities for practices or games was limited. Other school officials cited difficulty in attracting quality coaches because of low pay and the large amount of time involved. Even so, some schools have mitigated some challenges related to sports by relying heavily on outside funding sources such as booster clubs and gate receipts and leveraging community facilities. Additionally, some schools charge student fees for sports activities, which may be a barrier for lower-income students. However, many schools waive such fees.

---

# Contents

---

Letter		1
	Background	4
	While PE Instruction Time Has Decreased, Officials Said School Sports Opportunities Have Generally Increased	7
	Schools Cited Resource Challenges to Providing PE and Sports Opportunities but Have Mitigated Some of Them	14
	Concluding Observations	18
	Agency Comments and Our Evaluation	18
Appendix I	Estimated Percentage of All Middle and High Schools That Offered Interscholastic Sports in 2006, by School Level	20
Appendix II	GAO Contact and Staff Acknowledgments	21
Figures		
	Figure 1: Estimated Percentage of Schools Offering PE Daily or at Least 3 Days per Week, in 2000 and 2006	8
	Figure 2: Estimated Percentage of Schools That Required Some PE, by Grade and Year	9
	Figure 3: Estimated Percentage of High School Students Who Attend PE Daily or at Least Once Per Week, by Grade Level	11

---

## Abbreviations

CDC	Centers for Disease Control and Prevention
HHS	Department of Health and Human Services
NASPE	National Association for Sports and Physical Education
PE	physical education
SHPPS	School Health Policies and Practices Survey
YRBS	Youth Risk Behavior Survey

This is a work of the U.S. government and is not subject to copyright protection in the United States. The published product may be reproduced and distributed in its entirety without further permission from GAO. However, because this work may contain copyrighted images or other material, permission from the copyright holder may be necessary if you wish to reproduce this material separately.



GAO

Accountability \* Integrity \* Reliability

United States Government Accountability Office  
Washington, DC 20548

February 29, 2012

The Honorable Tom Harkin  
Chairman  
Committee on Health, Education, Labor,  
and Pensions  
United States Senate

The Honorable Mike McIntyre  
House of Representatives

In the past 30 years, the rate of childhood obesity has increased considerably, almost tripling for children aged 6 to 11 years. Along with this increase, the rate of childhood health problems commonly associated with obesity, such as hypertension and type II diabetes, has also risen, leading some policy makers to rank childhood obesity as a critical health threat. In a 2005 report, we highlighted expert views that increasing physical activity is the most important strategy in any program aimed at preventing or reducing childhood obesity.<sup>1</sup> In addition to its positive health benefits, research on physical activity among children also suggests a strong correlation between children's fitness and their academic performance, as measured by grades in core subjects and scores on standardized tests. Moreover, some experts contend that physical activity provides both personal and social benefits, including the development of leadership skills and increased self-esteem. The Department of Health and Human Services' (HHS) Physical Activity Guidelines for Americans state that children aged 6 to 17 years should get at least 60 minutes of physical activity each day, but the agency acknowledges that most children do not attain this recommended level.

Schools are uniquely positioned to be an access point for students to engage in physical activity through physical education classes and sports teams. According to the Centers for Disease Control and Prevention (CDC), quality physical education can serve as the cornerstone of a comprehensive school-based physical activity program because it provides a unique opportunity for students to obtain the knowledge and

---

<sup>1</sup>GAO, *Childhood Obesity: Most Experts Identified Physical Activity and the Use of Best Practices as Key to Successful Programs*, GAO-06-127R (Washington, D.C.: Oct. 7, 2005).

---

skills needed to establish and maintain physically active lifestyles throughout childhood and adolescence and into adulthood. Toward that end, CDC promotes the National Association for Sports and Physical Education's (NASPE) guidelines for physical education, which recommend that schools provide 150 minutes per week of physical education instruction to elementary school students and 225 minutes per week to middle and high school students. Other school-based physical activities, such as interscholastic and intramural sports, should complement rather than take the place of physical education by providing opportunities to practice and apply the skills taught during physical education, according to CDC.<sup>2</sup>

In view of the federal government's role in promoting the health and welfare of children, the Congress is currently considering a number of proposals aimed in part at increasing physical activity of youth.<sup>3</sup> To assist the Congress as it considers options for increasing physical activity for students, we reviewed: (1) the status of opportunities for elementary and secondary school students to participate in school-based physical education or sports activities; and (2) what challenges schools face in providing physical education and sports opportunities.

In conducting this work, we reviewed data from two CDC national data sets, the 2000 and 2006 School Health Policies and Practices Survey (SHPPS) and the 2005 and 2009 Youth Risk Behavior Survey (YRBS), which address opportunities for students to participate in school-based physical education and sports activities.<sup>4</sup> SHPPS collects survey information on school health programs and practices from state, district, and school officials, and YRBS surveys students in grades 9 through 12 on health-risk behaviors. We reviewed existing documentation related to SHPPS and YRBS data and determined that they are sufficiently reliable for the purposes of this report. All SHPPS estimates used in this report have margins of error at the 95 percent confidence level of plus or minus 7 percentage points or less, unless otherwise noted. All percentage

---

<sup>2</sup>In interscholastic sports, teams from different schools compete against one another. In intramural sports, students from a single school compete against each other.

<sup>3</sup>See, for example, H.R. 422, H.R. 1057, H.R. 1531, H.R. 2816, S. 174, S. 392, S. 576, and S. 919.

<sup>4</sup>Because the most recent SHPPS data are from 2006, they do not reflect any changes that may have occurred as a result of the recession that began in December 2007.

---

estimates from YRBS used in this report have margins of error at the 95 percent confidence level of plus or minus 4.3 percentage points or less, unless otherwise noted. We also interviewed officials at the Department of Education, the Department of Health and Human Services, state educational agencies, state high school athletic associations, school districts, and schools about opportunities for and barriers to participation in physical education and sports. To obtain a more in-depth understanding of issues related to school-based sports and physical education, we conducted site visits to California, Illinois, New York, and North Carolina. We selected these states based on geographic dispersion, childhood obesity rate, and variation in state requirements for physical education programs. Within each state, we selected a nongeneralizable sample of districts and schools based on location (rural, urban, and suburban), school level (elementary, middle, and high), and the percentage of students eligible for free or reduced price lunch.<sup>5</sup> We also considered any known innovative practices in selecting schools. Based on our sample selection, we interviewed officials from four state educational agencies, four state high school athletic associations, seven districts, and 13 schools. In addition, we interviewed others with relevant expertise, including researchers and representatives of professional trade associations to gain additional perspectives on these issues. We also reviewed relevant federal laws and regulations, as well as studies on the benefits of sports and physical education for students.

We conducted our work from March 2011 to February 2012 in accordance with all sections of GAO's Quality Assurance Framework that are relevant to our objectives. The framework requires that we plan and perform the engagement to meet our stated objectives and to discuss any limitations in our work. We believe that the information and data obtained, and the analysis conducted, provide a reasonable basis for any findings and conclusions in this product.

---

<sup>5</sup>Data on the percent of students eligible for free or reduced price lunch come from the U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), "Public Elementary/Secondary School Universe Survey", 2009-10.

---

## Background

---

### Prevalence and Consequences of Obesity among U.S. Children

According to CDC, approximately 12.5 million children aged 2 to 19 years are obese.<sup>6</sup> The prevalence of obesity among children and adolescents has nearly tripled since 1980. Childhood obesity can cause a number of harmful effects on health, including high blood pressure and cholesterol, breathing problems and asthma, and increased risk of type II diabetes. This rise in obesity-related health conditions also introduces added economic costs. The annual direct costs of childhood obesity in the United States are estimated at about \$14.3 billion.<sup>7</sup> Moreover, because studies suggest that obese children are likely to become overweight or obese adults—particularly if they are obese during adolescence—the increase in the number of obese children may also contribute to additional health care expenditures when they become adults. One study estimated the medical costs of obesity to be as high as \$147 billion per year in 2008.<sup>8</sup> Nearly half of all medical spending related to adult obesity is financed by the public sector, through Medicaid and Medicare.

---

### Benefits of Participating in Physical Education and Sports

Research indicates that increased physical activity in general, and physical education (PE) and sports participation in particular, yields a number of important benefits for elementary and secondary students, including:

- *Health benefits*—Research has shown that regular physical activity for youth can benefit them in a number of ways, including helping build and maintain healthy bones, muscles, and joints; helping control weight and reduce fat; and preventing or delaying the development of

---

<sup>6</sup>National Health and Nutrition Examination Survey (NHANES), CDC, National Center for Health Statistics. For children and adolescents aged 2 to 19 years, obesity is defined as a body mass index (BMI) at or above the 95<sup>th</sup> percentile for children of the same age and sex.

<sup>7</sup>R. Hammond and R. Levine, "The Economic Impact of Obesity in the United States," *Diabetes, Metabolic Syndrome and Obesity: Targets and Therapy* (August 2010): 285-295. According to CDC, direct medical costs include preventive, diagnostic, and treatment services related to obesity. Indirect costs relate to morbidity and mortality costs, such as the value of income lost from decreased productivity or premature death.

<sup>8</sup>E.A. Finkelstein, J.G. Trogon, J.W. Cohen, and W. Dietz, "Annual Medical Spending Attributable to Obesity: Payer- and Service-Specific Estimates." *Health Affairs* 2009; 28(5): w822-w831.

---

high blood pressure. One study concluded that expanding PE programs in schools may be an effective intervention for combating obesity in the early years, especially among girls.<sup>9</sup>

- *Academic benefits*—A growing body of evidence indicates a relationship between PE and sports and academic attainment and attendance. A 2010 CDC report that examined 50 existing studies found positive associations between academic performance and both PE and school-based sports.<sup>10</sup> Specifically, it concluded there is substantial evidence that physical activity can help improve academic achievement, including grades and standardized test scores. Further, it suggested physical activity can affect cognitive skills, attitudes, and academic behavior, including enhanced concentration, attention, and improved classroom behavior, and concluded that increasing or maintaining time dedicated to physical education might help academic performance.
- *Personal and social benefits*—A number of studies provide some support for the premise that physical activity, and sports in particular, can positively affect aspects of personal development among young people, such as self-esteem, goal-setting, and leadership.<sup>11</sup> However, evidence indicates that the quality of coaching is a key factor in maximizing positive effects.

---

## Federal, State, and Local Roles

The federal government supports efforts to increase the amount of time children spend being physically active, including within the school context. For example:

- CDC funds 22 states and 1 tribal government to help schools develop a systematic approach to school health, including physical education, through its promotion of a coordinated school health strategy. It also

---

<sup>9</sup>A. Datar, and R. Sturm, "Physical Education in Elementary School and Body Mass Index: Evidence from the Early Childhood Longitudinal Study," *American Journal of Public Health*, vol. 94, no. 9 (September 2004): 1501-1506.

<sup>10</sup>Centers for Disease Control and Prevention, U.S. Department of Health and Human Services, *The Association between School Based Physical Activity, Including Physical Education, and Academic Performance* (Atlanta, Ga.: 2010).

<sup>11</sup>For example, see D. Gould and S. Carson, "Personal Development through Sport," in Hebestreit, H., & Bar-Or, O. (eds.), *The Encyclopedia of Sports Medicine - The Young Athlete*, (p. 287-301) (Oxford: Blackwell Science, 2008).

---

publishes the Physical Education Curriculum Analysis Tool, which is designed to help school districts develop or enhance physical education curricula.

- The Department of Education administers the Carol M. White Physical Education Program, which awards grants to districts and community-based organizations to initiate or enhance physical education programs. In fiscal year 2011, the program had a budget of nearly \$79 million, and funded 76 new awards and 152 continuation awards.
- The President's Council on Fitness, Sports and Nutrition includes the President's Challenge program, which assists schools in assessing student fitness levels, motivating and awarding student physical activity participation, and awarding model school PE programs.
- In 2010, the President launched the White House Task Force on Childhood Obesity, in conjunction with the First Lady's *Let's Move!* initiative aimed at increasing physical activity.
- The Department of Agriculture runs the HealthierUS School Challenge, an initiative to recognize schools that have created healthier school environments through the promotion of nutrition and physical activity.

At the state and district levels, various parties may be involved in providing students with opportunities in PE or sports. For example, many states have requirements regarding schools' provision of PE, according to CDC. However, policies may vary by state or district, such as the required grades in which PE should be offered, the number of minutes students should be in class, or the specific content and curriculum areas that should be taught. For extracurricular athletics, the National Federation of State High School Associations provides leadership for the administration of most high school interscholastic sports—the main form of extracurricular athletic competition in schools, which includes varsity and junior varsity level teams. In turn, each state has its own state high school athletic association that is a voluntary member of the federation.

---

## While PE Instruction Time Has Decreased, Officials Said School Sports Opportunities Have Generally Increased

---

### PE Instruction Time Has Decreased, but Schools Increasingly Require Some PE in Each Grade

---

#### Opportunities

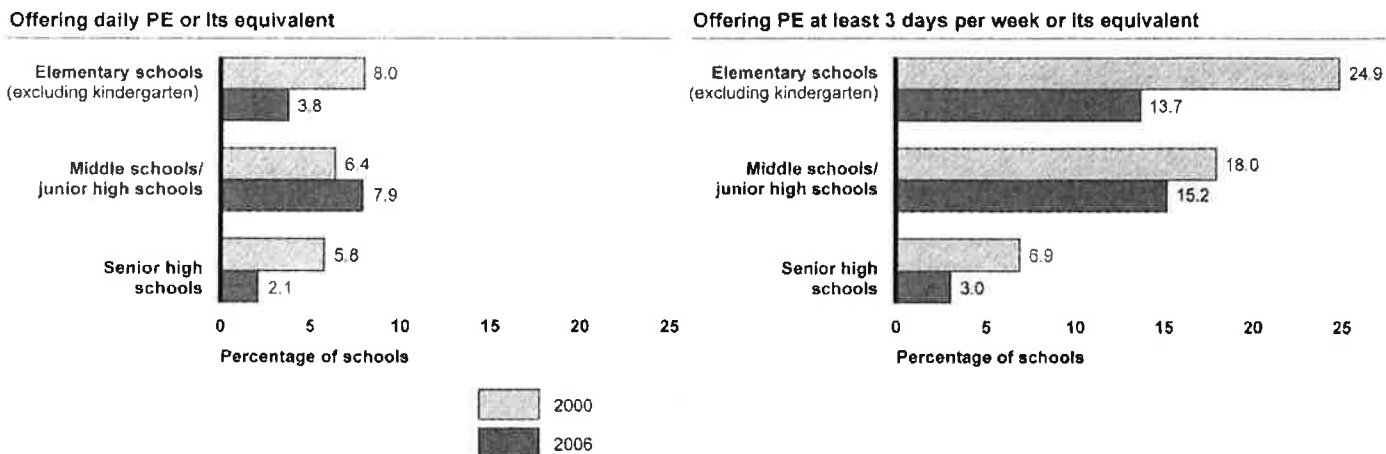
The amount of PE instruction time that schools offer to students generally decreased from 2000 to 2006, according to SHPPS data, and relatively few schools offered students the opportunity to participate in daily PE or its instructional equivalent, as recommended by NASPE (see fig. 1).<sup>12</sup> National data show that a higher percentage of middle schools offered daily PE than did elementary or high schools. Schools we visited differed widely in the amount of PE instruction time offered to their students. For example, only 3 out of 13 schools we visited offered daily PE or its instructional equivalent. These 3 schools had longer school days, which officials said made it easier to fit PE into the daily schedule. Among the 4 elementary schools we visited, 1 provided all students a daily 60-minute PE class, while another provided students just one 30-minute PE class per week.<sup>13</sup>

---

<sup>12</sup>Daily physical education was defined as physical education that occurred for 36 weeks (i.e., a typical school year) per school year for 150 minutes per week in elementary schools and for 225 minutes per week in middle and high schools.

<sup>13</sup>According to the 2006 SHPPS, most elementary schools provided regularly scheduled recess as another opportunity to offer physical activity to their students.

**Figure 1: Estimated Percentage of Schools Offering PE Daily or at Least 3 Days per Week, in 2000 and 2006 <sup>14</sup>**

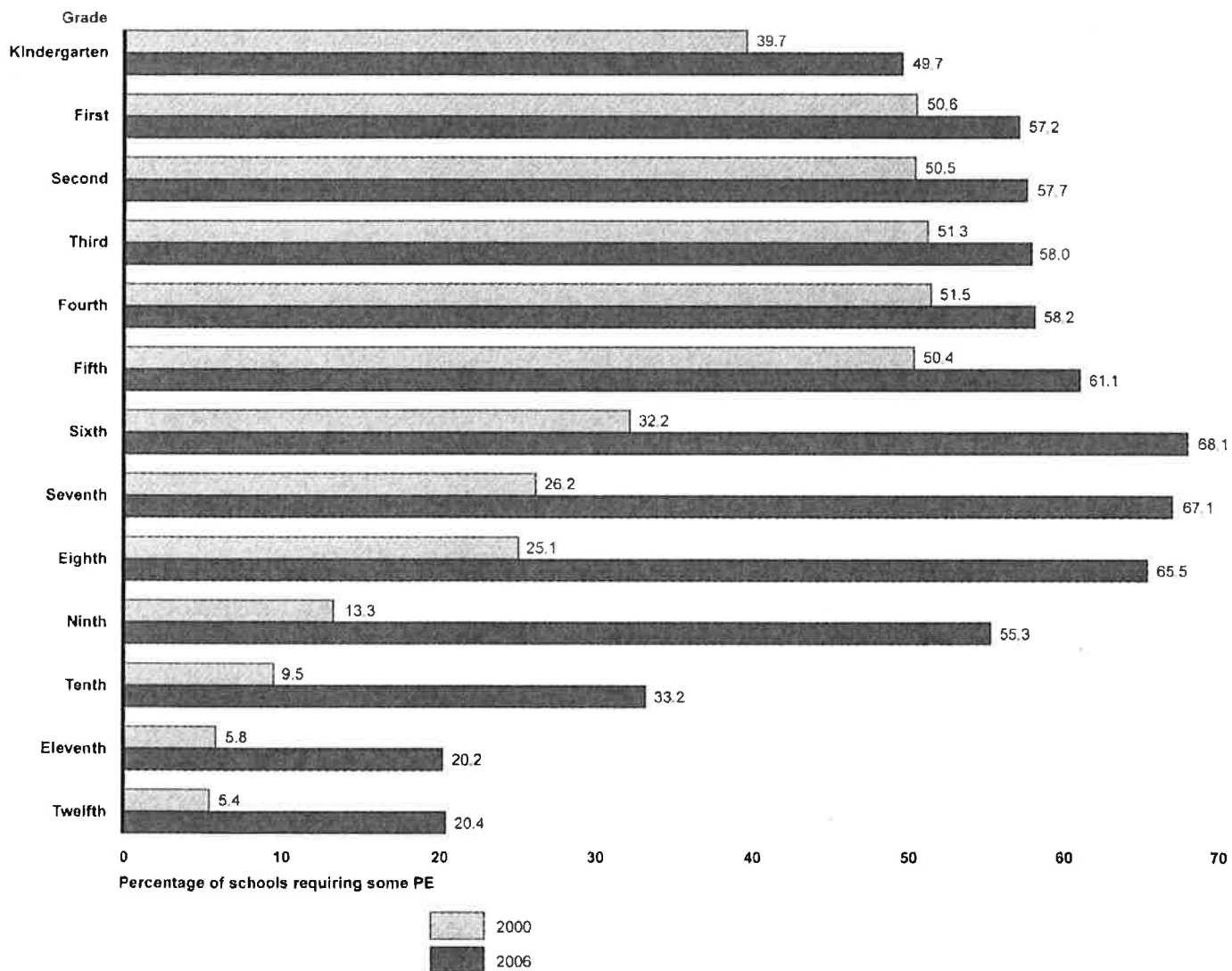


Source: GAO analysis of SHPPS data

At the same time, the estimated percentage of schools that required students to take some PE increased at each grade level from 2000 to 2006, particularly for grades at the middle and high school levels, according to SHPPS data (see fig. 2). For example, the estimated percentage of schools that required ninth grade students to take PE increased from 13 percent in 2000 to 55 percent in 2006.

<sup>14</sup>SHPPS estimates used in this report have margins of error at the 95 percent confidence level of plus or minus 7 percentage points or less, unless otherwise noted.

**Figure 2: Estimated Percentage of Schools That Required Some PE, by Grade and Year**



Source: GAO analysis of SHPPS data.

## Program Standards and Content

Although the amount of PE instruction time has decreased, emphasis on the quality of PE programs appears to have increased, according to SHPPS data and comments from officials we interviewed. The percentage of states that required or encouraged districts or schools to follow NASPE-based PE standards—such as competency in motor skills and promotion of responsible personal and social behavior—increased

---

from 59 percent in 2000 to 76 percent in 2006.<sup>15</sup> In 2006, an estimated 65 percent of schools adopted such standards.<sup>16</sup> District and school officials with whom we spoke said PE curricula now focus less on traditional sports in favor of helping students develop lifelong skills. For instance, three schools we visited offered outdoor adventure-based activities that helped students develop problem solving and teamwork skills. At one middle school we visited, PE staff members taught students how to measure their body mass index and other indicators of fitness. In addition, some school and district officials we interviewed said offering students options may increase student participation in PE. For example, officials at one high school we visited said that each semester students could select two to three different sports or fitness activities from a range of options—such as flag football, tennis, or soccer—to fulfill their PE requirement. School officials noted that students were more engaged in PE because the options were designed to motivate students across a range of athletic abilities and interests. Moreover, several school officials we interviewed said they design their PE curriculum to encourage students to move as much as possible during PE class.

## Participation

National data on high school students show that participation in PE varied considerably by grade level but has not varied significantly across gender or racial groups. According to 2009 YRBS data, the estimated percentage of high school students who reported attending at least one PE class per week decreased with each successive grade level, from 72 percent in 9th grade to 44 percent in 12th grade (see fig. 3).<sup>17</sup> Officials we interviewed in one state said most students do not participate in PE in 11th or 12th grade because they usually complete the state's 2-year high school PE requirement in 9th and 10th grades. High school boys and girls reported participating in PE at about the same rate, as did students in different racial groups, according to YRBS. Officials at all schools we visited said they do not generally have difficulty getting students to participate in the PE opportunities that are offered. At two middle schools we visited,

---

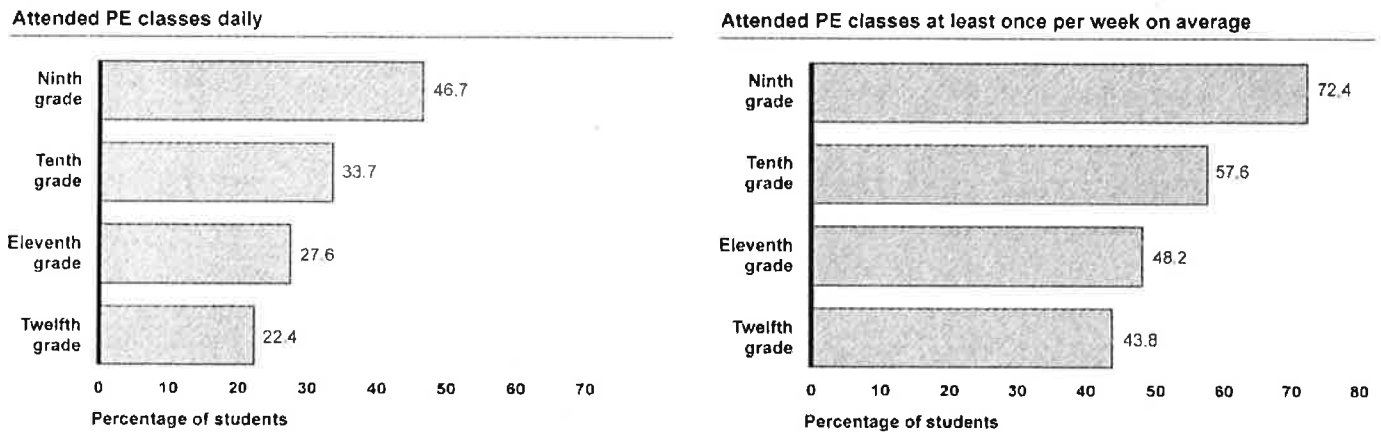
<sup>15</sup>State educational agencies in all 50 states and the District of Columbia were included in the 2006 SHPPS study.

<sup>16</sup>We did not include comparison data because data estimates from 2000 were reported differently than data estimates from 2006.

<sup>17</sup>These YRBS estimates have a margin of error at the 95 percent confidence level of plus or minus 9.6 percentage points or less.

officials told us the PE curriculum is designed to engage as many students as possible.

**Figure 3: Estimated Percentage of High School Students Who Attend PE Daily or at Least Once Per Week, by Grade Level**



Source: GAO analysis of YRBS, 2009.

As previously stated, national data show that many schools have PE requirements. However, some schools allow exemptions for a range of reasons. According to 2006 SHPPS data, state, district, and school policies most commonly allowed student exemptions due to long-term physical or medical disability. Our previous work has shown that students with disabilities generally attend PE class about the same amount of time as students without disabilities.<sup>18</sup> In addition, according to 2006 SHPPS data, most states required schools to implement measures to meet the PE needs of students with long-term disabilities.<sup>19</sup> Officials from most schools and districts we interviewed said that exemptions from PE requirements are rare, and schools generally offer students with long-

<sup>18</sup>GAO, *Students with Disabilities: More Information and Guidance Could Improve Opportunities in Physical Education and Athletics*, GAO-10-519 (Washington, D.C.: June 23, 2010).

<sup>19</sup>Under the implementing regulations for both the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973, schools are required to provide students with disabilities equal opportunity for participation in extracurricular activities, which often include athletics. See 34 C.F.R. § 300.107 and 34 C.F.R. § 104.37, respectively.

---

term disabilities the opportunity to participate in adapted PE or general PE classes.<sup>20</sup>

---

## Most Officials Reported Increased Opportunities to Participate in School Sports

### Opportunities

School sports programs offer another opportunity for students to engage in school-based physical activity. According to 2006 SHPPS data, an estimated 77 percent of middle schools and 91 percent of high schools offered students opportunities to participate in interscholastic sports programs such as basketball, soccer, or softball (see app. I).<sup>21</sup> Most national, state, district, and school officials we interviewed said that opportunities to participate in school sports have generally increased, in part because many schools have added new interscholastic sports teams over the last few years. For example, several schools we visited have added lacrosse and badminton programs as student interest in these sports has increased. Furthermore, officials from each of the four states we visited said they had added new sports programs to their statewide interscholastic competition schedules in response to increased demand. In particular, many officials we interviewed said opportunities for girls to participate in school sports have increased over time, due primarily to the addition of new interscholastic sports teams for girls. For example, one state official we interviewed noted that while only 49 high schools in the state offered girls' soccer in 1986, about 300 high schools offered it in 2010. In addition to interscholastic sports, SHPPS data show that an estimated 50 percent of elementary schools, 49 percent of middle schools, and 45 percent of high schools offered intramural or physical activity clubs in 2006. However, several officials said that such programs, which are relatively small compared to interscholastic programs, have decreased in middle and high schools. Moreover, only a few schools we visited offered intramural programs.

---

<sup>20</sup>Some schools accommodate students with more severe motor development delays by providing specialized or "adapted" PE instruction, using various approaches.

<sup>21</sup>State and district officials we spoke with said that most elementary schools do not offer interscholastic sports programs. Only one district we interviewed offered interscholastic programs at its elementary schools.

---

No-cut policies—in which schools do not limit the number of students who can participate on a sports team—have also contributed to increased opportunities for students to participate in school sports programs, according to many officials we interviewed. For example, in one district we visited, the middle school interscholastic teams adopted no-cut policies, which officials said provided interested students ample opportunities to participate in sports programs and gain exposure to new sports. Similarly, an official at another high school we visited said the school offers at least one no-cut interscholastic team per season so that students who want to participate in school sports always have at least one option.

## Participation

National data show that high school students' participation in at least one school or community sports team remained about the same from 2005 to 2009.<sup>22</sup> Over one-half of high school students reported participating in at least one school or community sports team in 2009, according to YRBS data.<sup>23</sup> Several middle school and high school officials we interviewed reported similar student participation rates.<sup>24</sup> The overall number of students who participate in school sports programs has generally increased over the years, according to most officials we interviewed. High school boys reported a higher rate of participation in school or community sports teams than high school girls in both 2005 and 2009, according to YRBS data. However, according to the officials we interviewed, the number of female athletes has increased over the years, in part due to the addition of new sports programs for girls. While participation did not vary significantly overall by race for white, black, and Hispanic high school students, white high school girls were more likely to report that they participate in at least one sports team than their black or Hispanic counterparts.<sup>25</sup>

---

<sup>22</sup>The YRBS survey instructed students to include any teams run by their school or community groups in their response about participation on a sports team.

<sup>23</sup>Percentage estimates from YRBS used in this report have margins of error at the 95 percent confidence level of plus or minus 4.3 percentage points or less, unless otherwise noted.

<sup>24</sup>Elementary school students do not generally participate in school sports programs because most schools at that level do not offer such programs, according to state and district officials we interviewed.

<sup>25</sup>Race/ethnicity data reporting by YRBS include estimates for white, black, and Hispanic students.

---

## Schools Cited Resource Challenges to Providing PE and Sports Opportunities but Have Mitigated Some of Them

---

### Officials Said PE Opportunities Have Been Affected by Budget Cuts and Inadequate Facilities

Most officials we spoke with cited budget cuts and inadequate facilities as major challenges for schools to provide physical education opportunities for students. Specifically, officials from several of the districts and schools we visited said budget cuts have affected their ability to hire PE teachers, maintain appropriate class sizes, and purchase sufficient equipment. In one district we visited, officials told us that many PE teachers have been laid off, and some schools in the district have been forced to share a part-time PE instructor. As a result, elementary school PE instruction in the district has been reduced to as little as 30 minutes every 2-3 weeks, and a district official told us most elementary and middle schools in the district are not meeting state requirements for PE instruction. At two elementary schools we visited, PE instructors expressed a desire to conduct PE instruction on a daily basis, but cited limited funding as a barrier. Some schools have also seen increased class sizes as a result of budget cuts. In some cases, budget cuts have affected the availability and quality of equipment as well. A PE teacher at one school has stopped including several sports, such as golf, in her PE classes because the supply of equipment no longer matches the class size. In the context of limited funding, some state, district, and school officials expressed the belief that the greater emphasis on assessments for reading and math, as required under the No Child Left Behind Act of 2001,<sup>26</sup> has shifted priorities away from PE. In one district we visited, an official said this focus on academic assessments had led his district to reduce the amount of PE it offers students.

---

<sup>26</sup>The Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001. Pub. L. No. 107-110 (2002).

---

Officials at 9 of the 13 schools we visited told us that a lack of adequate facilities is also a major challenge in providing physical education. For example, because some schools do not have adequate indoor space, they may conduct several PE classes in the gymnasium simultaneously, or use alternative space for their activities. According to SHPPS data, an estimated 54.9 percent of elementary schools, 37.8 percent of middle schools, and 25.3 percent of high schools used a cafeteria, auditorium, or other multipurpose room for indoor physical education in 2006. During our site visits, we observed several PE classes sharing space and saw multipurpose facilities being used as gymnasiums. For example, at one school we visited, the gymnasium also served as the cafeteria. The time it takes to prepare for, serve, and clean up from lunch limits the school's ability to schedule PE classes.

Several school officials told us they have worked hard to stretch the limited funding they receive for PE instruction. Some schools partially rely on federal grant money to help maintain and augment PE opportunities. For example, two school districts we visited were able to purchase equipment, such as fitness center equipment and kick balls, for their PE programs as a result of Carol M. White grants from the Department of Education.

---

**Schools Also Face Budget and Other Challenges in Providing Sports Opportunities but Have Partially Mitigated Them**

Although sports opportunities have generally increased, most officials we spoke with cited budget constraints as a key challenge to providing opportunities. In particular, budget cuts have affected transportation and facilities. Some schools have also struggled to find coaches for their school sports teams.

**Transportation**

Because interscholastic sports games may involve travel and some teams practice off-site, schools often need to provide transportation for athletes. Many school and district officials we spoke with stated that, because of budget constraints, they had a difficult time providing transportation to facilitate student participation in after-school sports activities. According to SHPPS data, an estimated 29 percent of the schools that offered interscholastic sports in 2006 also provided transportation home for participating students, up from 21 percent in 2000. For schools that offered intramural activities, an estimated 31 percent of middle schools and 28 percent of high schools provided transportation home for students. Some school officials told us that transportation costs, including costs associated with maintenance and fuel, are a large part of their school's athletic budget. To help reduce

---

transportation costs, some schools charge students a fee for transportation, enlisting parents to provide carpools, or sharing buses with other athletic teams to transport students to and from athletic events.

## Facilities and Equipment

Several school officials we spoke with stated that budget cuts and space constraints have affected their ability to provide adequate facilities and equipment for sports opportunities. Some smaller schools do not have access to baseball or football fields or other facilities for team sports. In addition, some schools use off-site locations for practices and events due to the lack of space or adequate facilities. Furthermore, some schools, particularly schools in densely populated communities, lack the necessary space to expand their facilities. Moreover, officials at one school we visited said they were prohibited from building new athletic fields or expanding because of land use restrictions. To mitigate some of these challenges, several schools we visited have developed partnerships with local businesses, colleges, nonprofits, or community recreational centers to use their facilities for various sports programs. For example, several schools have agreements to use community athletic fields and other facilities for baseball, football, soccer, and swimming programs. In addition to space constraints, some school officials cited aging or insufficient equipment as a challenge to providing sports opportunities. For example, an official from one school told us the school had to implement a selection policy for the football program, in which some students were cut from the team, because demand exceeded the number of uniforms and helmets available for players. School officials also cited the upkeep and maintenance of fields as a challenge given budget constraints.

## Coaches

Some state, district, and other officials cited finding quality coaches as a challenge to providing sports opportunities. Specifically, some officials told us that fewer faculty members have been coaching sports teams in recent years. Officials attribute this decline to the low pay and increased time commitments that are often required to coach a sport. In one state we visited, an official said over 60 percent of the coaches in the state were considered “walk-on coaches” who were not otherwise a part of the school community. Some officials said that non-faculty coaches may be less accessible to students. In addition, some schools may have a difficult time finding coaches for specific sports. For example, one school official reported difficulty finding cheerleading coaches given the specialized training needed to coach a cheerleading squad.

## Mitigating Funding Challenges

Schools have mitigated some of the budgetary challenges related to providing sports opportunities by relying heavily on outside funding

---

sources or charging fees for certain sports activities. Some school officials we interviewed said their athletics funding depended primarily on community support or the tax base of their district, both of which fluctuate with the economy. For example, one district we visited had strong community support and a high economic tax base. During our site visit, we observed that schools in this district had numerous and high-quality facilities and one official mentioned that even the district's middle schools had swimming pools. The official added that the tax base has remained steady, and the district has not experienced some of the challenges that other school districts face in providing PE and sports opportunities for its students. However, other schools we visited reported relying heavily on booster clubs, gate receipts, private donations, and fundraising to fund their local sports programs. For example, one school official told us that the school relies heavily on ticket sales from sporting events that may total as much as \$60,000 a year to maintain and fund its sports programs. Also, some schools with very strong community support benefit from community fundraising efforts.

In addition, some school districts have implemented "pay-to-play" arrangements, in which students are charged a fee to participate in school sports activities. Specifically, according to SHPPS data, the percentage of schools that require students to pay an activity fee to participate in interscholastic sports was an estimated 33 percent in 2006, which did not differ significantly from the 2000 estimate of 29 percent.<sup>27</sup> In addition, the percentage of schools with intramural activities or physical activity clubs that required students to pay a fee for these activities increased from an estimated 23 percent in 2000 to 35 percent in 2006. However, in two states we visited, officials told us that pay-to-play arrangements are prohibited in their states. Some officials expressed concern that pay-to-play arrangements may negatively impact student participation by serving as a barrier to lower-income students. However, according to 2006 SHPPS data, an estimated 86 percent of schools that charge a fee to participate in sports activities waived the fee for students who could not afford to pay.

---

<sup>27</sup> SHPPS asked schools whether students must pay an activity fee to participate in sports but did not define what such a fee might include.

---

## Concluding Observations

The federal government has an interest in seeing that school-aged children benefit from the positive effects regular physical activity can have on health and overall well-being. As the primary social institution where children learn and spend their time, schools can play a pivotal role in increasing students' physical activity, in part through offering PE classes and opportunities to participate in sports programs. Although it appears schools increasingly acknowledge the benefits of PE by requiring students to take classes, they have reduced the amount of time spent on PE instruction. Opportunities to play school sports, however, appear to be on the rise. While such a trend is encouraging, school-based sports should augment, rather than replace, the experiences and skills acquired in PE, which reaches beyond student athletes to the general student population. A number of challenges inhibit further expansion of school-based PE and sports. At a time when states and districts are operating under severe fiscal constraints, acquiring resources to provide additional opportunities is difficult. Although some districts and schools have developed approaches to partially offset the challenges associated with providing sports opportunities, challenges associated with providing PE remain unresolved. Identifying practical ways to increase students' physical activity may be difficult, but the need to address childhood obesity—and the opportunity to shore up such efforts in the school context—serves as a compelling starting point for addressing obesity-related health issues and their associated costs.

---

## Agency Comments and Our Evaluation

We provided a draft of the report to the Departments of Education and Health and Human Services for review and comment. Both agencies provided technical comments, which we incorporated as appropriate.

As arranged with your offices, unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days from its issue date. At that time, we will send copies of this report to relevant congressional committees, the Secretary of Education, the Secretary of Health and Human Services, and other interested parties. In addition, the report is available at no charge on the GAO website at <http://www.gao.gov>.

---

If you or your staff have any questions about this report, please contact me at (206) 287-4809 or [calboml@gao.gov](mailto:calboml@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix II.



Linda Calbom  
Director, Education, Workforce, and  
Income Security Issues

# Appendix I: Estimated Percentage of All Middle and High Schools That Offered Interscholastic Sports in 2006, by School Level

Interscholastic Sport	% of All Middle Schools	% of All High Schools
Badminton	4.2	7.2
Baseball	35.7	79.6
Basketball	76.4	90.9
Bowling	3.0	17.2
Cheerleading or competitive spirits	50.9	77.3
Cross-country	38.9	68.4
Downhill or cross-country skiing	3.2	5.9
Fast pitch or slow pitch softball	45.2	77.9
Field hockey	7.1	10.2
Football	53.0	71.0
Golf	22.1	68.4
Gymnastics	5.2	10.1
Ice hockey	2.4	14.3
Lacrosse	3.7	12.8
Riflery	2.1	3.8
Soccer	32.3	60.3
Swimming or diving	6.9	37.8
Tennis	12.6	53.0
Track and field	52.1	73.2
Volleyball	57.3	71.4
Water polo	0.5	2.6
Weight lifting	9.9	23.8
Wrestling	28.7	49.6

Source: SHPPS, 2006.

Note: All SHPPS estimates used in this report have margins of error at the 95 percent confidence level of plus or minus 7 percentage points or less, unless otherwise noted.

---

## Appendix II: GAO Contact and Staff Acknowledgments

---

### GAO contact

Linda Calbom (206) 287-4809 or [calboml@gao.gov](mailto:calboml@gao.gov)

---

### Staff Acknowledgments

Debra Prescott (Assistant Director) and Rebecca Woiwode (Analyst-in-Charge) managed this assignment. Vernetta Shaw and Michelle Wong made significant contributions in all facets of the work. In addition, Dana Hopings helped with site visits; Jean McSween and Dae Park provided methodological support; Alex Galuten provided legal assistance; David Chrisinger provided writing assistance; and James Bennett provided graphics for the report.

---

## GAO's Mission

The Government Accountability Office, the audit, evaluation, and investigative arm of Congress, exists to support Congress in meeting its constitutional responsibilities and to help improve the performance and accountability of the federal government for the American people. GAO examines the use of public funds; evaluates federal programs and policies; and provides analyses, recommendations, and other assistance to help Congress make informed oversight, policy, and funding decisions. GAO's commitment to good government is reflected in its core values of accountability, integrity, and reliability.

---

## Obtaining Copies of GAO Reports and Testimony

The fastest and easiest way to obtain copies of GAO documents at no cost is through GAO's website ([www.gao.gov](http://www.gao.gov)). Each weekday afternoon, GAO posts on its website newly released reports, testimony, and correspondence. To have GAO e-mail you a list of newly posted products, go to [www.gao.gov](http://www.gao.gov) and select "E-mail Updates."

---

## Order by Phone

The price of each GAO publication reflects GAO's actual cost of production and distribution and depends on the number of pages in the publication and whether the publication is printed in color or black and white. Pricing and ordering information is posted on GAO's website, <http://www.gao.gov/ordering.htm>.

Place orders by calling (202) 512-6000, toll free (866) 801-7077, or TDD (202) 512-2537.

Orders may be paid for using American Express, Discover Card, MasterCard, Visa, check, or money order. Call for additional information.

---

## Connect with GAO

Connect with GAO on Facebook, Flickr, Twitter, and YouTube. Subscribe to our RSS Feeds or E-mail Updates. Listen to our Podcasts. Visit GAO on the web at [www.gao.gov](http://www.gao.gov).

---

## To Report Fraud, Waste, and Abuse in Federal Programs

Contact:

Website: [www.gao.gov/fraudnet/fraudnet.htm](http://www.gao.gov/fraudnet/fraudnet.htm)

E-mail: [fraudnet@gao.gov](mailto:fraudnet@gao.gov)

Automated answering system: (800) 424-5454 or (202) 512-7470

---

## Congressional Relations

Katherine Siggerud, Managing Director, [siggerudk@gao.gov](mailto:siggerudk@gao.gov), (202) 512-4400, U.S. Government Accountability Office, 441 G Street NW, Room 7125, Washington, DC 20548

---

## Public Affairs

Chuck Young, Managing Director, [youngc1@gao.gov](mailto:youngc1@gao.gov), (202) 512-4800, U.S. Government Accountability Office, 441 G Street NW, Room 7149, Washington, DC 20548



Please Print on Recycled Paper.

## EXHIBIT 20

**ATTENTION:** All regulations provided for Accepted Programs apply to Non-Accepted Programs/International Students.

Member schools will have the responsibility of making certain that International students with an F1 Visa status comply with the requirements of the U.S. Immigration and Naturalization Act, as amended in 8 U.S.C. 1184, effective November, 1996.

## **EXCERPTS FROM LEAGUE/CONFERENCE POSITION STATEMENT**

Adopted by NJSIAA Executive Committee on April 11, 1983  
and Amended on June 6, 2002.

### **Guiding Principles**

The Association is charged with establishing *statewide standards* for the conduct of the interscholastic sports which cannot be left to local or regional discretion, including the establishment and enforcement of minimum standards of eligibility of Student-Athletes, as well as the rules and regulations for the various interscholastic sports, the maintenance of standards of sportsmanship; and the conduct of statewide championships in various sports. As such, the Association cannot delegate these vital responsibilities to any member school or group of such schools, whether they be formed as a conference or not. On the other hand, the Executive Committee recognizes that there must be greater home rule among our conferences so as to foster an improvement in both the quantity and quality of athletic programs; convenient and reasonable scheduling of sports activities; and the development of greater sportsmanship and competition. Toward that end, conferences will be given the greatest degree of self-governance, provided that there is not a violation of the Constitution and Bylaws of the Association, as well as the standardized rules and regulations for the conduct of interscholastic sports, and the mandate of the Commissioner of Education that all schools receive an opportunity to have a full schedule of interscholastic sports for their students. While the respective roles of the parent association and the member conferences is not easily discernible, the Executive Committee believes that it must set down certain guidelines, which will hereafter be observed by member schools. In doing so, the Committee wishes to make clear that this statement is intended to clarify the relationship between the State Association and local conferences. Accordingly, the Executive Committee reserves all of its rights under the Association's Constitution and Bylaws.

### **The Role of NJSIAA**

The role of NJSIAA, principally through its Executive Committee, will continue to exercise the following responsibilities *vis a vis* various conferences and leagues:

1. The determination of eligibility for Student-Athletes.
2. The maintenance of rules and regulations governing the conduct of various interscholastic sports, including contest rules, the calendar for the start of practice, and the start of, and conclusion of, regular seasons, and the minima and maxima of contests in any sport.
3. The determination of state champions in the various sports.
4. Assuring that all students enrolled in member schools, who would otherwise be eligible to participate in interscholastic sports, are not precluded from a full opportunity to do so, irrespective of their race, sex, religion, or the school that they are attending.
5. Review of all constitution conferences, pursuant to Article XII, Section 2 of the Association Bylaws, and the exercise of other authority granted to it under the Association Constitution and Bylaws.

### **The Role of Individual Leagues and Conferences**

The Executive Committee strongly believes that our conferences must be strengthened, rather than weakened, if they are to perform the very important tasks for which they were originally created. Therefore, conferences should have exclusive authority over certain functions, which will not be appealable to the Association; while at the same time assuming expanded authority for other responsibilities, with a very limited review by the Association.

#### **A. Exclusive Responsibilities**

In addition to the traditional internal matters which have never been appealable to the Association, such as the election of officers and the conduct of meetings, conferences will have the exclusive authority over the following functions:

1. Any academic or recreational activity conducted by a conference outside of the interscholastic sports within the jurisdiction of the NJSIAA.
2. The determination of conference or league championships.
3. Internal finances and administration of league activities.

## **B. Responsibilities of Leagues and Conferences Appealable to the NJSIAA**

The following responsibilities will be vested in conferences, with a limited right to appeal by member schools who are challenging league or conference determinations:

1. The Association will continue to exercise its supervisory role to assure *membership* by applicant schools in appropriate conferences and leagues. However, unless it can be shown that there has been a violation of the order of the Commissioner of Education that there be an opportunity for a full schedule of interscholastic sports, there will be no appeals from conference and league *scheduling*.
2. Many of the larger conferences and leagues have segmented their membership into "divisions," usually on the basis of geography or size. Unless it can be shown that such divisional breakdowns are violation of the order of the Commissioner of Education or at variance with the "Conference Criteria" established in May, 1981 by the Association, no appeal from such internal divisional alignments will be considered by the NJSIAA.\* In that vein, the Executive Committee wants to strongly emphasize that a school should not have the right to appeal its placement in a division because the school believes that it should be given a "weaker" or "stronger" schedule. The ability of member schools to have a winning season, or to obtain state or national prominence in its particular sport, is simply not a concern of the Association.
3. To assure full scheduling for all member schools, every member school should be allowed to enter a League or Conference appropriate to size and geography and other factors set forth in the "Conference Criteria," as approved by the Commissioner of Education.\* Any school denied entrance into a League or Conference may appeal to the NJSIAA. When a school seeks to transfer membership from one conference to another, any appeal from denial by either Conference must be based on substantial reasons, recognizing the goal of assuring the stability of Conference structures.
4. The various conferences are strongly encouraged to adopt disciplinary procedures by which infractions of good sportsmanship can be penalized after there has been an observance of appropriate due process. Toward that end, all conferences which have not done so should set forth in their Constitution and/or Bylaws, specific violations and penalties which may be assessed for such violations, as well as a hearing procedure. Pursuant to Article XIII of the NJSIAA Bylaws, any school or school official or coach penalized by a conference may appeal to the Executive Committee. However, that Committee's role will be limited to determine whether the actions of the conferences were arbitrary or capricious or in violation of the NJSIAA Constitution and Bylaws. The NJSIAA and its Executive Committee will not substitute its judgement concerning such issues for that of the conference.
5. The conferences are strongly encouraged to maintain appropriate health and safety standards for athletic facilities among their member schools, provided that such standards are not being utilized to exclude schools, contrary to the order of the Commissioner of Education. Accordingly, the Executive Committee's role on appeal will be limited to determine whether the action of the conference is arbitrary and capricious or in violation of the order of the Commissioner of Education concerning the inclusion of minority and non-public schools. Neither the NJSIAA nor its Executive Committee will substitute its judgement on such questions of health and safety for that of the individual conferences.
6. Article V of the NJSIAA Bylaws incorporates a comprehensive set of minimum eligibility standards for student athletes. While the NJSIAA will continue to exercise exclusive authority in determining the eligibility of students, member schools and conferences will continue to be the free to adopt *higher* eligibility standards. Neither the NJSIAA nor its Executive Committee will interfere in the adoption of such standards, or the enforcement of them by a conference, league or member schools, unless it can be shown these standards are arbitrary or capricious or in violation of the NJSIAA Constitution and Bylaws.

*\*The Commissioner of Education mandated that the NJSIAA provide an opportunity for public schools with high minority enrollment to join appropriate athletic conferences utilizing Conference Criteria such as enrollment, geography and the impact on the involved conference.*

## **WHEN OFFICIALS FAIL TO ARRIVE OR ARE UNABLE TO CONTINUE**

Member schools on a few occasions have been faced with the failure of officials to arrive for a scheduled event. The NJSIAA would like to re-emphasize the absolute necessity for having properly executed contracts, in writing, with either the individual official or the chapter assignor. The officials have been repeatedly advised to report to the game site well in advance of the starting time for a pre-game meeting, and to permit ample time for their pre-game duties relative to facility inspection, equipment approval and instructions to game-related aides.

# EXHIBIT 21

**THE NEWARK PUBLIC SCHOOLS**  
**Newark, New Jersey**  
**POLICY**

**FILE CODE: 6145**

**(Page 1 of 5)**

**EXTRACURRICULAR ACTIVITIES**

The Newark Public Schools believes that the educational goals and objectives of the District are best achieved by a diversity of learning experiences, some of which are more appropriately conducted outside the regular classroom program.

The purpose of extracurricular activities shall be:

- A. To develop useful new capabilities in pupils that can lead to extension of career opportunities;
- B. To develop pupil initiative and provide for the exercise of responsibility;
- C. To develop leadership capabilities and good organizational skills;
- D. To aid pupils in the social skills;
- E. To enable pupils to explore a wider range of individuals interests than might be available in the regular program:

For purposes of this policy, "extracurricular activities" shall be those activities that are sponsored or approved by the State District Superintendent but are not offered for credit toward graduation. Such activities shall generally be conducted outside the regular school day, available to pupils who voluntarily elect to participate, marked by pupil participation in the processes of initiation, planning, organizing and execution, and shall ordinarily include band, clubs, dramatic or musical presentations, and intramural and interscholastic sports.

Equal access to school facilities shall be granted to all activities that meet this definition.

The District's extracurricular program shall:

- A. Assess the needs and interests of the pupils of this District;
- B. Ensure the provision of competent guidance and supervision by staff;
- C. Guard against the exploitation of pupils;
- D. Provide for a variety of experiences and a diversity of organizational models;
- E. Provide for the continuing evaluation of the extracurricular program and staff;

## EXTRACURRICULAR ACTIVITIES (Continued)

- F. Ensure that all extracurricular activities are open to all eligible pupils and that all pupils are fully informed of the opportunities open to them.

The guidance goal for each pupil shall be a balanced program of appropriate academic studies and activities to be determined by the school, the parents/guardians and the pupil. Guidance is necessary to encourage nonparticipants, and to prevent the overenthusiastic from emphasizing activities at the cost of their academic performance.

Only persons in the employ of the Newark Public Schools shall be permitted to organize District pupils during school time or during any recess in the school day for purposes of instruction or coaching or for conducting games, events, or contests in physical education or athletics.

No activity shall be considered to be under the sponsorship of the Newark Public Schools unless it has been approved by the State District Superintendent. Fund-raising activities of extracurricular groups must be approved by the State District Superintendent or designee.

All pupils in good disciplinary and academic standing shall have equal access to all extracurricular activities regardless of race, color, creed, religion, sex, national origin, ancestry, social or economic status, or nonapplicable disability.

### Eligibility

Eligibility for participation in any Newark Public Schools extracurricular activity follows the rules and procedures as outlined below. Eligibility for interscholastic athletic participation follows Article V of the Constitution and Rules and Regulations of the New Jersey Interscholastic Athletic Association.

In order to participate the following general rules of eligibility apply:

- a) Any student in grades 10, 11 and 12 must have earned 27.5 credits by the end of the previous school year in order to be eligible for Fall or Winter sports or Extracurricular club/team in the following school year.
- b) To be eligible for Spring sports and maintain eligibility for continued Extracurricular participation, all students in grades 9, 10, 11 and 12 must have earned 13.75 credits by the end of the first semester.
- c) Any student in grades 9, 10, 11, and 12 must have earned a minimum previous semester Grade Point Average (GPA) of 2.0.
- d) As there is no credit rule in eighth grade, incoming ninth graders who have at least a 2.0 GPA from their 8<sup>th</sup> grade final report card are eligible for Fall and Winter sports and Extracurricular participation; however, any incoming freshman who is sixteen before

## EXTRACURRICULAR ACTIVITIES (Continued)

September 1 of a school year may not participate in Freshman sports. He/she can participate on JV/Varsity teams only.

- e) All Students have eight consecutive semesters for participation, beginning with the first enrollment in ninth grade.
- f) Students who are nineteen before September 1 of a school year are ineligible for athletic participation.
- g) All classified students, as defined by the New Jersey State Department of Education, shall comply with all athletic eligibility rules and regulations of the NJSIAA, with the exception of the credit rule. In addition, a classified student must provide written consent from his/her parent/guardian. Further, the student's individualized education program must indicate that the student can participate in interscholastic athletics.
- h) Students who do not meet the GPA requirement of 2.0 during the previous semester are academically ineligible.
- i) During the students' academic history, grades 9 – 12, a parent/guardian may petition the Principal for the right to exercise a one-time probationary period for their child to participate for the season. The one-time probationary period applies only to students whose previous semester GPA is between 1.5 - 1.9. This request is to be received, reviewed, and a determination rendered no later than the day prior to try-outs.
- j) A student on academic probation or a student whose GPA is 2.0 - 2.5 is mandated to participate in and receive academic supports such as mandatory tutorial programs, assigned mentors, and credit/grade recovery.
- k) If a student on academic probation has two (or more) poor performance reviews for one week and or has one (or more) unexcused absence(s) from school, he/she will be suspended immediately from any athletic competition for one week (7 full days beginning on the day of the suspension). The student will still be expected to report to practice for additional duties. He/she may not dress, but must attend scheduled competitions. At the end of the week's suspension, he/she must have documented signs of improvement from teacher(s) and their parent(s)/guardian(s) in order to be eligible for the next week's competition(s).
- l) If a student on academic probation fails to improve his/her grades/GPA or his/her grades/GPA lowers over the cycle, the student will be removed from participation by the Principal, and Advisor/Head Coach. Once removed, in order for the student to be eligible for participation again, he/she must improve their grades at or above the 2.0 GPA requirement during that semester.

## EXTRACURRICULAR ACTIVITIES (Continued)

- m) Students with GPA's above 2.5 are to participate in after school study sessions while in season.

The principal is responsible for assuring that all participants in his/her school are eligible for extracurricular participation and athletic competition.

Any questions or clarifications regarding matters of eligibility shall be directed to the Director of Athletics and the student activities designee at the high school the student attends or for which the student will be participating.

### Implementation

This policy shall be implemented on an equitable basis. Particular care shall be taken to ensure that all extra-curricular programs and their operation comply with district affirmative action requirements. Participation in academically related coaching or tutoring groups may be exempt from the eligibility requirement at the State District Superintendent's discretion.

Date approved by State District Superintendent: TBA

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 10:5-1 <u>et seq.</u>	Law Against Discrimination
	<u>N.J.S.A.</u> 18A:11-3	Voluntary association regulating conduct of student activities; membership; rules and regulations; appeals
	<u>N.J.S.A.</u> 18A:19-14	Funds derived from pupil activities
	<u>N.J.S.A.</u> 18A:35-20	Participation in courses in which verbalization unessential to understanding of subject matter; location of and children in bilingual programs
	<u>N.J.S.A.</u> 34:13A-1 <u>et seq.</u>	Certain student organizations declared harmful
	<u>N.J.A.C.</u> 6:3-8.1 <u>et seq.</u>	Athletics Procedures
	<u>N.J.A.C.</u> 6:8-4.1	Review of mandated programs and services
	<u>N.J.A.C.</u> 6:11-3.24	Athletics personnel
	<u>N.J.A.C.</u> 6A:7-1.1 <u>et seq.</u>	Managing for Equality and Equity in Education
	<u>N.J.A.C.</u> 6A:8-3.2	Career awareness and exploration
	<u>N.J.A.C.</u> 6A:16-2.2	Required student medical examinations
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

20 U.S.C.A. 4071-4074 – Equal Access Act

**EXTRACURRICULAR ACTIVITIES** (Continued)

20 U.S.C.A. 1681 et seq. – Title IX of the Education Amendments of 1972

Krupp v. Bd. of Ed. of Union County Reg. H.S. Dist. #1, 278 N.J. Super. 31  
(App. Div. 1994) cert. den. 140 N.J. 277 (1994)

Good News Club v. Milford Central School, 121 U.S. 2093 (2001)

NJSIAA Constitution, Bylaws, Rules and Regulations

Manual for the Evaluation of Local School Districts (September 2002)

<b><u>Cross References:</u></b>	1322	Contests for pupils
	2224	Nondiscrimination/affirmative action
	3453	School activity funds
	5113	Absences and excuses
	5126	Awards for achievement
	5131	Conduct/discipline
	5136	Fund-raising activities
	5143	Insurance
	5145.4	Equal educational opportunity
	6010	Goals and objectives
	6142	Subject fields
	6142.5	Travel and exchange programs
	6145.1/6145.2	Intramural competition; interscholastic competition
	6146	Graduation requirements
	6153	Field trips

## EXHIBIT 22

**Contacts:** Kurt Praschak / kpraschak@successcomgroup.com / 973.992-7800, x.289  
Mike Cherenson / mcherenson@successcomgroup.com / 973.992-7800, x.104

**High school-level athletics participation across NJ rises more than 11%  
in just three years, NJSIAA reports**

***Number of student-athletes in state now approaching 300,000***

**ROBBINSVILLE, NJ (July 22, 2014)** – Participation in high school athletics has increased by more than 11 percent during the past three school years, according to the New Jersey Interscholastic Athletic Association (NJSIAA). This increase boosted the total number of student-athletes at association member high schools from 255,892 in 2010-2011 to 285,020 in 2013-2014.

During the past year alone, participation in interscholastic athletics has increased by approximately 5.5%.

"Given what's now expected of high school students academically, the extent of their participation in athletic programs is tremendously impressive," says Steve Timko, NJSIAA executive director. "I'm very proud that, with each passing year, more and more students are demonstrating an ability to successfully balance school, sports, and outside activities."

With 428 NJSIAA member public and non-public high schools, three distinct athletic seasons, and a total of 32 different boys and girls sports -- along with many schools fielding teams at the varsity, junior varsity, and freshman levels -- this trend of increased participation shows no signs of slowing.

While there are many sports with a significant number of athletes, the programs with the largest participation are outdoor track and field, with more than 37,000 athletes, soccer (33,000+), and football (26,000+).

"The multitude of benefits provided by athletic participation are well known to educators and students," Timko adds. "It's appropriate and wise that we continue expanding opportunities for students to enjoy a well-rounded high school experience that includes athletics."

Over time, participation also has increased in less traditional sports. For example, during the 2010-2011 school year, three high school girls played football in New Jersey. During the most recent fall season, that number skyrocketed to 197 female football players. And female athletes have also increased their participation in wrestling, with 83 participants during the most recent winter season.

The nation's eighth largest state interscholastic athletic association, the NJSIAA offers more championship tournaments than does any other state association. It was the first association in the nation to conduct steroid testing, and the first to institute a comprehensive concussion program.

In addition, the NJSIAA oversees the activities of approximately 25,000 coaches and 11,000 officials.

**NOTE: Details on recent, nationwide athletics participation -- including New Jersey -- is available at <http://tinyurl.com/nltpxeq>.**

#### **About the NJSIAA**

Established in 1918, the New Jersey State Interscholastic Athletics Association (NJSIAA) is a voluntary, non-profit organization comprised of 428 accredited public, private, and parochial high schools. A member of the National Federation of State High School Associations, the NJSIAA conducts tournaments and crowns champions in 32 sports. Championship competition for girls is sponsored in basketball, bowling, cross country, fencing, field hockey, golf, gymnastics, lacrosse, soccer, softball, swimming, tennis, outdoor track, winter track, and volleyball. Boys' championships are determined in baseball, basketball, bowling, cross country, fencing, football, golf, ice hockey, lacrosse, soccer, swimming, tennis, outdoor track, winter track, volleyball, and wrestling.

**###**

## EXHIBIT 23