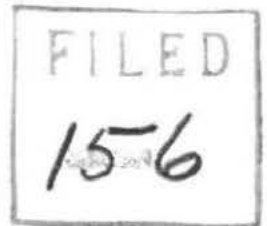


Opinion No. 156

Answered by letter

May 13, 1964



Honorable Francis Toohy, Jr.  
Prosecuting Attorney  
Perry County  
Perryville, Missouri

Dear Mr. Toohy:

This letter is in response to your request of April 2, 1964 for an official opinion of this office. You inquire:

"If a student attends a physical education class one period per day five days a week during the school year, is the local school required to give a student one-fourth unit of credit or one-half unit of credit? If the answer to the first question is that they are required to give one-half unit of credit, is it sufficient for graduation if the student attains one-half credit in one year, as indicated in question one, and one-fourth credit in two additional years. Would these requirements be sufficient for the student to graduate?"

You refer us to the School Administrator's Handbook, 1961, Publication No. 20-H of the State Department of Education. The minimum requirements for high school graduation as determined by the State Board of Education are set out at pages 113-114. A total of 17 units is required. As to physical education the requirement reads:

"A minimum of one unit of credit should be earned by all high school pupils. One-fourth unit per year is allowed for physical education classes which meet two times per week and one-half unit of credit is allowed for physical education classes which meet four or five times per week.

"Of the total of seventeen units for graduation, no more than one unit may be in physical education."

These requirements are created by the State Board of Education pursuant to statutes authorizing the Board to formulate rules governing accreditation of school work and to secure courses in physical education.

Section 160.090 (2), RSMo 1959, provides in part:

"The state board of education shall:

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"(3) Classify the public schools of the state, subject to such limitation as may hereafter be provided by law, establish requirements for the schools of each class, formulate rules governing the inspection and accreditation of schools preparatory to classification, and such accredited school work shall be given full credit in requirements for entrance to and classification in any educational institution supported in whole or in part by state appropriation."

Section 163.250, RSMo 1959, provides:

"The state board of education shall have authority and it shall be the duty of said board:

"(1) To adopt and promulgate such rules and regulations as it may deem necessary to secure courses in physical education to all pupils and students in all public schools and in all educational institutions supported in whole or in part by the state;  
• • •"

The power and duty to define accreditation of physical education courses is prescribed by these statutes as a matter solely within the jurisdiction of the State Board of Education.

Honorable Francis Toohy, Jr.

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May 13, 1964

Therefore, this office has no authority to make judgments as to the accreditation of high school courses.

We have discussed accreditation requirements with the Department of Education and they inform us as follows: The high school credit requirements established by the Board are minimum requirements. A high school student is required to have one unit of physical education for graduation. In order to receive one-fourth unit he must attend for a school year a class which meets at least twice a week. In order to receive one-half unit he must attend for a school year a class which meets at least four times a week. The required one unit may be earned by any combination of quarter or half units. That is, the high school student may earn the required one unit of physical education over a two, a three, or a four year period.

I hope this information will be sufficient to answer the questions before you. If more detailed information is required, we refer you to the State Department of Education.

Yours very truly,

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THOMAS F. EAGLETON  
Attorney General

LCD/dg

cc: Department of Education  
Attn: Delmar Cobble