

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1938

By: Sterling

6 AS INTRODUCED

7 An Act relating to schools; directing school
8 districts to conduct an annual fitness assessment;
9 prescribing grade levels for student participation;
10 requiring certain methods to conduct assessment;
11 providing exceptions for certain students; directing
12 the State Department of Education to adopt an
13 assessment instrument; prescribing minimum required
14 contents for assessment; requiring development and
15 dissemination of annual report; prohibiting inclusion
16 of certain student information; requiring results of
assessment be provided to a parent or guardian and
the student's health insurance provider; directing
analysis of performance results to find correlations;
permitting the Department to contract with separate
entity to conduct analysis; requiring analysis
submission to school districts; authorizing certain
funding; authorizing establishment of recognition
program; providing for codification; and declaring an
emergency.

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19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. NEW LAW A new section of law to be codified

21 in the Oklahoma Statutes as Section 11-103.9c of Title 70, unless
22 there is created a duplication in numbering, reads as follows:

23 A. Beginning in the 2025-2026 school year, each school district
24 shall conduct an annual fitness assessment, as approved by the State

1 Board of Education, each school year for students in grades three
2 through twelve, to be conducted in a course that satisfies the
3 physical education program required pursuant to Section 11-103.9 of
4 Title 70 of the Oklahoma Statutes or during the school year where
5 the assessment can be administered by trained personnel, including,
6 but not limited to, school nurses, physical education and health
7 teachers, coaches and any other certified school employees. The
8 assessments shall include methods deemed by the Board as appropriate
9 to ascertain levels of student physical fitness and factors and
10 standards required in subsection B of this section. A school
11 district shall not be required to conduct the annual fitness
12 assessment for students with a disability or other condition that
13 requires an exemption as determined by the State Department of
14 Education.

15 B. The State Department of Education shall adopt an assessment
16 instrument to be used by all school districts in assessing student
17 physical fitness that includes standards accessible to districts
18 which adequately express the most current and widely accepted best
19 practices and benchmarks in the areas of student health and physical
20 education. The minimum required contents of the assessment shall
21 address the measurements and assessment instrument to be used by a
22 school district in assessing student physical fitness under this
23 section. The assessment instrument shall:

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1 1. Be based on factors related to student health, including the
2 following factors that have been identified as essential to overall
3 health and function:

- 4 a. aerobic capacity,
- 5 b. body composition, and
- 6 c. muscular strength, endurance and flexibility or power;
- 7 and

8 2. Include criterion-referenced standards specific to a
9 student's age and gender, and be based on the physical fitness level
10 required for good health.

11 C. A school district shall annually report the results of each
12 student's performance on the physical fitness assessment required by
13 this section to the Board and the State Department of Health. The
14 results shall not contain the name of the student or the student's
15 Social Security number. The performance results provided to the
16 Board pursuant to this subsection may be used for assessing the
17 effectiveness of health programs and developing recommendations for
18 modifications to physical education and health and wellness programs
19 or related curriculum.

20 D. Not later than the last day of the school year, a school
21 district shall provide a parent or guardian with a copy of the
22 results of the physical fitness assessment of the parent's or
23 guardian's child. The results provided to a parent or guardian
24 under this subsection shall be clear, precise, and easy to

1 understand. A copy of the results shall be submitted to the
2 student's health insurance provider.

3 E. 1. The State Department of Education and the State
4 Department of Health shall analyze the performance results provided
5 pursuant to subsection C of this section and identify, for each
6 school district, any correlation between the results and the
7 following:

- 8 a. student obesity,
- 9 b. student attendance levels,
- 10 c. student academic achievement levels,
- 11 d. student disciplinary problems, and
- 12 e. school meal programs.

13 2. The State Department of Education may contract with a public
14 or private entity to conduct all or part of the analysis required in
15 paragraph 1 of this subsection. The State Department of Education's
16 efforts may be supported with state, federal or private funding, or
17 a combination thereof.

18 3. The State Department of Education shall submit a copy of
19 each school district's analysis required in paragraph 1 of this
20 subsection to the applicable district for its information and
21 review.

22 F. The State Board of Education shall submit an annual report
23 to the Governor, beginning October 1, 2026, and annually thereafter.
24 The report shall include the compliance status of each school

1 district. The Governor may, in coordination with the Board,
2 establish one or more recognition programs to acknowledge school
3 districts and schools which have most improved in their physical
4 fitness assessments. The Governor may collaborate with private
5 corporations in the development and implementation of recognition
6 programs pursuant to this subsection, including providing monetary
7 or other incentives to school districts or schools for attaining
8 certain levels of health status. All school districts or schools
9 receiving acknowledgment through a recognition program established
10 by the Governor pursuant to this subsection shall also be recognized
11 on the Board's website.

12 SECTION 2. It being immediately necessary for the preservation
13 of the public peace, health or safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

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