

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 94

By: Garvin

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6 AS INTRODUCED

7 An Act relating to schools; directing school  
8 districts to conduct an annual fitness assessment;  
9 requiring certain methods to conduct assessment;  
10 providing exemption; directing the State Department  
11 of Education to adopt certain assessment instrument;  
12 requiring annual report and copies of results;  
13 authorizing use of certain funds; authorizing  
14 Governor to establish certain recognition program;  
15 providing for codification; providing an effective  
16 date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 11-103.9c of Title 70, unless  
there is created a duplication in numbering, reads as follows:

A. Beginning in the 2023-2024 school year, each school district  
in this state shall conduct an annual fitness assessment that is  
approved by the State Department of Education. The assessment shall  
be conducted each school year for students in grades three through  
five as part of a course that satisfies the physical education  
program requirements of Section 11-103.9 of Title 70 of the Oklahoma  
Statutes and for students in grades six through twelve during the

1 school year when the assessment can be administered by trained  
2 personnel including but not limited to school nurses, physical  
3 education and health teachers, coaches, and any other certified  
4 school employees. The assessments shall include methods deemed by  
5 the State Department of Education as appropriate to ascertain levels  
6 of student physical fitness and include the factors and standards  
7 required in subsection B of this section. A school district shall  
8 not be required to conduct the annual fitness assessment for  
9 students with a disability or other condition that requires an  
10 exemption as determined by the State Department of Education.

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

- 20 1. Be based on factors related to student health including the  
21 following factors that have been identified as essential to overall  
22 health and function:
- 23 a. aerobic capacity,
  - 24 b. body composition, and
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1 c. muscular strength, endurance, and flexibility; and

2 2. Include criterion-referenced standards specific to a  
3 student's age and gender and based on the physical fitness level  
4 required for good health.

5 C. A school district shall annually provide the results of  
6 individual student performance on the physical fitness assessment  
7 required by this section to the State Department of Education and  
8 the State Department of Health. The results shall not contain the  
9 name of the individual student, the student's Social Security  
10 number, or the student's date of birth. The performance results  
11 provided to the State Department of Education pursuant to this  
12 subsection may be used for assessing the effectiveness of health  
13 programs and developing recommendations for modifications to  
14 physical education, health and wellness programs, or health  
15 education curriculum.

16 D. Not later than the last day of the school year, a school  
17 district shall provide a parent or legal guardian with the results  
18 of the physical fitness assessment of the parent's or legal  
19 guardian's child. The results provided to a parent or legal  
20 guardian pursuant to this subsection shall be clear, precise, and  
21 easy to understand.

22 E. 1. The State Department of Education and the State  
23 Department of Health shall analyze the performance results provided  
24 pursuant to subsection C of this section and identify, for each

1 school district, any correlation between the results and the  
2 following:

- 3 a. student obesity,
- 4 b. student attendance levels,
- 5 c. student academic performance levels,
- 6 d. student disciplinary problems, and
- 7 e. school meal programs.

8 2. The State Department of Education may contract with a public  
9 or private entity to conduct all or part of the analysis required by  
10 paragraph 1 of this subsection. The State Department of Education  
11 may use state, federal, or private funding or a combination thereof  
12 to implement the provisions of this section.

13 F. The State Department of Education shall submit an annual  
14 report to the Governor, beginning October 1, 2024, and annually  
15 thereafter. The report shall include the compliance status of each  
16 school district with the provisions of this section. The Governor  
17 may, in coordination with the State Department of Education,  
18 establish one or more recognition programs to acknowledge school  
19 districts and schools which have most improved in their physical  
20 fitness assessments. The Governor may collaborate with private  
21 corporations in the development and implementation of recognition  
22 programs pursuant to this subsection, including providing monetary  
23 or other incentives to school districts or schools for attaining  
24 certain levels of health status. All school districts or schools

1 receiving acknowledgment through a recognition program established  
2 by the Governor pursuant to this subsection shall also be recognized  
3 on the State Department of Education's website.

4 SECTION 2. This act shall become effective July 1, 2023.

5 SECTION 3. It being immediately necessary for the preservation  
6 of the public peace, health, or safety, an emergency is hereby  
7 declared to exist, by reason whereof this act shall take effect and  
8 be in full force from and after its passage and approval.

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