

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 POLICY COMMITTEE
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 3288

7 By: Roe

8 POLICY COMMITTEE RECOMMENDATION

9 An Act relating to schools; amending 70 O.S. 2021,
10 Section 11-103.9, which relates to physical education
11 programs; adding full-day prekindergarten to
12 elementary physical education instruction
13 requirements; increasing amount of weekly physical
14 education instruction for elementary school students;
15 prohibiting the withholding of physical education as
16 a form of punishment; increasing amount of weekly
17 physical activity for elementary school students;
18 directing schools to provide recess or physical
19 activity before tests or assessments; requiring local
20 school boards to adopt a policy regarding weekly
21 physical education instruction for students in grades
22 six through twelve; and providing an effective date.

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

24 SECTION 1. AMENDATORY 70 O.S. 2021, Section 11-103.9, is
amended to read as follows:

Section 11-103.9. A. Except as otherwise provided for in this
section, the State Board of Education shall require, as a condition

1 of accreditation, that school districts provide to all students
2 physical education programs which may include athletics.

3 B. The Board shall require, as a condition of accreditation,
4 that public elementary schools provide instruction, for students in
5 full-day prekindergarten, kindergarten, and grades one through five,
6 in physical education or exercise programs for a minimum of an
7 average of ~~sixty (60)~~ one hundred fifty (150) minutes each week.

8 The time students participate in recess shall not be counted toward
9 the ~~sixty-minutes-per-week~~ one-hundred-fifty-minutes-per-week
10 physical education requirement. ~~Schools may exclude from~~
11 ~~participation in the physical education or exercise programs~~
12 ~~required in this subsection those students who have been placed into~~
13 ~~an in-house suspension or detention class or placement or those~~
14 ~~students who are under an in-school restriction or are subject to an~~
15 ~~administrative disciplinary action~~ Physical education activities
16 shall not be withheld as a form of punishment in students in
17 prekindergarten through fifth grade, except in situations where
18 aggression or other threatening behaviors has threatened the safety
19 of the individual student or other students. In this situation, the
20 student involved shall have accommodations made so he or she will be
21 allowed to participate in some type of physical activity.

22 C. The Board shall require, as a condition of accreditation,
23 that public elementary schools provide to students in full-day
24 prekindergarten, kindergarten, and grades one through five, in

1 addition to the requirements set forth in subsection B of this
2 section, an average of sixty (60) minutes each week of physical
3 activity, which may include, but not be limited to, physical
4 education, exercise programs, fitness breaks, recess, and classroom
5 activities, and wellness and nutrition education. During end-of-
6 term or school-year assessment and testing, every attempt shall be
7 made to coordinate recess periods, or periods of moderate physical
8 activity, within the ninety-minute period prior to the time of such
9 assessment or testing session beginning. Each school district board
10 of education shall determine the specific activities and means of
11 compliance with the provisions of this subsection, giving
12 consideration to the recommendations of each school's Healthy and
13 Fit School Advisory Committee as submitted to the school principal
14 pursuant to the provisions of Section 24-100a of this title.

15 D. The Board shall disseminate information to each school
16 district on the benefits of physical education programs and shall
17 strongly encourage districts to provide physical education
18 instruction or exercise programs to students in grades six through
19 twelve. Local school boards shall adopt a policy related to the
20 requirement of physical education instruction for students in grades
21 six through twelve. The Board shall ~~also~~ strongly encourage school
22 districts to incorporate physical activity into the school day by
23 providing to students in full-day prekindergarten, kindergarten, and
24 grades one through five at least ~~a twenty-minute~~ two fifteen-minute

1 daily ~~recess~~ recesses, which shall be in addition to the ~~sixty (60)~~
2 one hundred fifty (150) minutes of physical education as required by
3 subsection B of this section, and by allowing all students brief
4 physical activity breaks throughout the day, physical activity
5 clubs, and special events.

6 E. Instruction in physical education required in this section
7 shall be aligned with the subject matter standards as adopted by the
8 Board.

9 F. The physical education curriculum shall be sequential,
10 developmentally appropriate, and designed, implemented, and
11 evaluated to enable students to develop the motor and self-
12 management skills and knowledge necessary to participate in physical
13 activity throughout life. Each school district shall establish
14 specific objectives and goals the district intends to accomplish
15 through the physical education curriculum.

16 G. In identifying the essential knowledge and skills, the State
17 Board of Education shall ensure that the subject matter standards
18 for physical education:

19 1. Emphasize the knowledge and skills capable of being used
20 during a lifetime of regular physical activity;

21 2. Are consistent with national physical education standards
22 for:

23 a. the information that students should learn about
24 physical activity, and

1 b. the physical activities that students should be able
2 to perform;

3 3. Require that, on a weekly basis, at least ~~fifty percent~~
4 ~~(50%)~~ eighty percent (80%) of the physical education class be used
5 for actual student physical activity and that the activity be, to
6 the extent practicable, at a moderate or vigorous level;

7 4. Offer students an opportunity to choose among many types of
8 physical activity in which to participate;

9 5. Offer students both cooperative and competitive games;

10 6. Meet the needs of students of all physical ability levels,
11 including students who have a disability, chronic health problem, or
12 other special need that precludes the student from participating in
13 regular physical education instruction but who might be able to
14 participate in physical education that is suitably adapted and, if
15 applicable, included in the student's individualized education
16 program;

17 7. Teach self-management and movement skills;

18 8. Teach cooperation, fair play, and responsible participation
19 in physical activity;

20 9. Promote student participation in physical activity outside
21 of school; and

22 10. Allow physical education classes to be an enjoyable
23 experience for students.
24

1 H. The Board shall adopt rules to implement the provisions of
2 this section.

3 SECTION 2. This act shall become effective July 1, 2028.
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