

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 HOUSE BILL 1938

By: Sterling of the House

5 and

6 **Rader** of the Senate

7
8
9 AS INTRODUCED

10 An Act relating to schools; directing school
11 districts to conduct an annual fitness assessment;
12 prescribing grade levels for student participation;
13 requiring certain methods to conduct assessment;
14 providing exceptions for certain students; directing
15 the State Department of Education to adopt an
16 assessment instrument; prescribing minimum required
17 contents for assessment; requiring development and
18 dissemination of annual report; prohibiting inclusion
19 of certain student information; requiring results of
20 assessment be provided to a parent or guardian and
21 the student's health insurance provider; directing
22 analysis of performance results to find correlations;
23 permitting the Department to contract with separate
24 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.

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

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

4 A. Beginning in the 2025-2026 school year, each school district
5 shall conduct an annual fitness assessment, as approved by the State
6 Board of Education, each school year for students in grades three
7 through twelve, to be conducted in a course that satisfies the
8 physical education program required pursuant to Section 11-103.9 of
9 Title 70 of the Oklahoma Statutes or during the school year where
10 the assessment can be administered by trained personnel, including,
11 but not limited to, school nurses, physical education and health
12 teachers, coaches and any other certified school employees. The
13 assessments shall include methods deemed by the Board as appropriate
14 to ascertain levels of student physical fitness and factors and
15 standards required in subsection B of this section. A school
16 district shall not be required to conduct the annual fitness
17 assessment for students with a disability or other condition that
18 requires an exemption as determined by the State Department of
19 Education.

20 B. The State Department of Education shall adopt an assessment
21 instrument to be used by all school districts in assessing student
22 physical fitness that includes standards accessible to districts
23 which adequately express the most current and widely accepted best
24 practices and benchmarks in the areas of student health and physical

1 education. The minimum required contents of the assessment shall
2 address the measurements and assessment instrument to be used by a
3 school district in assessing student physical fitness under this
4 section. The assessment instrument shall:

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

- 8 a. aerobic capacity,
- 9 b. body composition, and
- 10 c. muscular strength, endurance and flexibility or power;
- 11 and

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

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

1 D. Not later than the last day of the school year, a school
2 district shall provide a parent or guardian with a copy of the
3 results of the physical fitness assessment of the parent's or
4 guardian's child. The results provided to a parent or guardian
5 under this subsection shall be clear, precise, and easy to
6 understand. A copy of the results shall be submitted to the
7 student's health insurance provider.

8 E. 1. The State Department of Education and the State
9 Department of Health shall analyze the performance results provided
10 pursuant to subsection C of this section and identify, for each
11 school district, any correlation between the results and the
12 following:

- 13 a. student obesity,
- 14 b. student attendance levels,
- 15 c. student academic achievement levels,
- 16 d. student disciplinary problems, and
- 17 e. school meal programs.

18 2. The State Department of Education may contract with a public
19 or private entity to conduct all or part of the analysis required in
20 paragraph 1 of this subsection. The State Department of Education's
21 efforts may be supported with state, federal or private funding, or
22 a combination thereof.

23 3. The State Department of Education shall submit a copy of
24 each school district's analysis required in paragraph 1 of this

1 subsection to the applicable district for its information and
2 review.

3 F. The State Board of Education shall submit an annual report
4 to the Governor, beginning October 1, 2026, and annually thereafter.
5 The report shall include the compliance status of each school
6 district. The Governor may, in coordination with the Board,
7 establish one or more recognition programs to acknowledge school
8 districts and schools which have most improved in their physical
9 fitness assessments. The Governor may collaborate with private
10 corporations in the development and implementation of recognition
11 programs pursuant to this subsection, including providing monetary
12 or other incentives to school districts or schools for attaining
13 certain levels of health status. All school districts or schools
14 receiving acknowledgment through a recognition program established
15 by the Governor pursuant to this subsection shall also be recognized
16 on the Board's website.

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

21
22 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
23 03/06/2025 - DO PASS, As Coauthored.
24