

1 **SENATE FLOOR VERSION**

2 April 7, 2021

3 **AS AMENDED**

4 ENGROSSED HOUSE
5 BILL NO. 2381

6 By: Sterling, McCall, Boles,
7 McEntire, Hasenbeck, Roe,
8 Wallace, Talley and Bush of
9 the House

10 and

11 Simpson of the Senate

12 [schools - directing local school districts to
13 conduct an annual fitness assessment - authorizing
14 certain funding - **codification**]

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

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

19 A. Beginning in the 2022-2023 school year, each local school
20 district shall conduct an annual fitness assessment, as approved by
21 the State Board of Education, each school year for students in
22 grades three through twelve, to be conducted in a course that
23 satisfies the physical education program required pursuant to
24 Section 11-103.9 of Title 70 of the Oklahoma Statutes or during the
school year where the assessment can be administered by trained

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

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

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

- 22 a. aerobic capacity,
- 23 b. body composition, and
- 24 c. muscular strength, endurance and flexibility; and

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

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

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

20 E. 1. The State Department of Education and the State
21 Department of Health shall analyze the performance results provided
22 pursuant to subsection C of this section and identify, for each
23 school district, any correlation between the results and the
24 following:

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

2. The State Department of Education may contract with a public or private entity for that entity to conduct all or part of the analysis required in paragraph 1 of this subsection.

The State Board of Education's efforts may be supported with state, federal or private funding or a combination thereof.

F. The State Board of Education shall submit an annual report to the Governor, beginning October 1, 2023, and annually thereafter. The report shall include the compliance status of each local school district. The Governor may, in coordination with the State Board of Education, establish one or more recognition programs to acknowledge local school districts and schools which have most improved in their physical fitness assessments. The Governor may collaborate with private corporations in the development and implementation of recognition programs pursuant to this subsection, including providing monetary or other incentives to local school districts or schools for attaining certain levels of health status. All local school districts or schools receiving acknowledgment through a recognition program established by the Governor pursuant to this

1 subsection shall also be recognized on the State Board of
2 Education's website.

3 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
4 April 7, 2021 - DO PASS AS AMENDED

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