

Note: It is anticipated this rule will be finalized in May 2014

**Title 5—Department of Elementary and Secondary Education**  
**Division 20—Division of Learning Services**  
**Chapter 200—Office of College and career Readiness**

**5 CSR 20-200.290 Physical Fitness Challenge/Assessment “Cade’s Law”**

*Purpose: This rule establishes the physical fitness recognition plan for the public elementary, middle, and high school students.*

(1) For the purposes of Cade’s Law, the following terms shall mean:

(A) Team is defined as a group of two (2) or more students participating in a class, course, or grade level during the regular school day and school year as defined by the school’s official start and ending dates or summer school;

(B) School includes all Missouri public schools; and

(C) Eligible student is defined as a student who is enrolled in a physical education class and does not have an exemption for taking the physical fitness assessment.

(2) Local Education Agencies (LEAs) collect and report data on aerobic capacity, muscular strength, endurance, and flexibility for all eligible elementary students in grade five (5), middle school students in grade seven (7), and high school students in grade nine (9) who are enrolled in a physical education class for any part of the traditional school year as identified by each LEA’s beginning and ending date or summer school. Public schools are encouraged to assess fitness at all grade levels.

(A) Fitness assessments must be administered by a teacher certified in Physical Education by the state of Missouri.

(B) LEAs shall use recommended protocols and ranges to ensure consistency and to measure the components of fitness for students, teams, and schools. Schools may access these resources and materials from the Department of Elementary and Secondary Education (department) website.

(C) Schools shall use the alternative assessment as recommended by the department for students with disabilities.

(3) Individual, team and school-wide performance are recognized.

(A) Schools are encouraged to recognize students and teams in meeting fitness goals.

1. Students scoring within the healthy range of a fitness area are determined to have met the standard for that area.

2. When the average of a team score in a fitness area fits within a healthy range, that team is determined to have met the standard in that area.

3. Ninety-five percent (95%) of eligible students in the reporting grade span must participate in each assessment for a school to be eligible for department recognition.

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4. When the average score of the students in a reporting grade fall within a fitness range, that school is determined to have met that fitness range for the grade level.

5. For the 2014-2015 school year, schools in which twenty-five (25%) of eligible students have met three (3) of four (4) fitness ranges shall be recognized by the department. In subsequent years recognition is based on aggregated school fitness data reported to the department.

(B) The department recognizes local education agencies when every school in the LEA meets the school recognition criteria during a school year.

(4) Schools are encouraged to review and use the free resources and materials, including assessment protocols and scoring guides for each fitness component, found on the department's website.

*AUTHORITY: section 161.092, RSMo Supp. 2012 and section 161.450, RSMo 2013.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Department of Elementary and Secondary Education, Attention: Sharon Helwig, Assistant commissioner, Office of College and Career Readiness, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*