

By: Senator(s) Harden

To: Education

SENATE BILL NO. 2339

1 AN ACT TO AMEND SECTION 37-13-134, MISSISSIPPI CODE OF 1972,
2 TO ESTABLISH LOCAL SCHOOL DISTRICT HEALTH/PHYSICAL EDUCATION
3 ADVISORY COUNCILS TO MAKE LOCAL RECOMMENDATIONS REGARDING HEALTH
4 AND PHYSICAL EDUCATION STANDARDS; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 37-13-134, Mississippi Code of 1972, is
7 amended as follows:

8 37-13-134. (1) The Legislature recognizes that there is a
9 problem with Mississippi student inactivity and obesity in the
10 elementary school years, and therefore recommends the following
11 guidelines for school district physical education and fitness
12 classes: Grades Kindergarten through Six: thirty (30) minutes
13 per day; Grades Seven through Nine: two (2) hours per week.

14 (2) Until such time that state-source funds can be
15 appropriated, it is the intention of the Legislature that the
16 State Department of Education make application for any federal
17 funds available to implement this recommendation and to employ a
18 physical activity coordinator.

19 (3) The physical activity coordinator employed under Section
20 37-13-133 must have the qualifications prescribed in any of the
21 following paragraphs, which are listed in the order of preference:

22 (a) A Doctorate in Physical Education, exercise science
23 or a highly related field, and at least three (3) years of
24 experience in teaching physical education in Grades K-12 or in
25 physical activity promotion/fitness leadership; or

26 (b) A Master's Degree in Physical Education, exercise
27 science or a highly related field, and at least five (5) years of



28 experience in teaching physical education in Grades K-12 or in
29 physical activity promotion/fitness leadership; or

30 (c) A Bachelor's Degree in Physical Education, a
31 teacher's license, and at least seven (7) years of experience in
32 teaching physical education in Grades K-12 or in physical activity
33 promotion/fitness leadership.

34 (4) The Governor's Commission on Physical Fitness and Sports
35 created under Section 7-1-551 et seq., the Mississippi Council on
36 Obesity Prevention and Management created under Section 41-101-1
37 et seq., the Task Force on Heart Disease and Stroke Prevention
38 created under Section 41-103-1 et seq., the Mississippi Alliance
39 for Health, Physical Education, Recreation and Dance, and the
40 Mississippi Alliance for School Health shall provide
41 recommendations to the State Department of Education regarding the
42 employment of the physical activity coordinator. The department
43 shall consider the recommendations of those entities in employing
44 the physical activity coordinator.

45 (5) The physical activity coordinator shall present a state
46 physical activity plan each year to the Governor's Commission on
47 Physical Fitness and Sports, the Mississippi Council on Obesity
48 Prevention and Management, the Task Force on Heart Disease and
49 Stroke Prevention, and the Mississippi Alliance for School Health.

50 (6) The physical activity coordinator shall monitor the
51 districts for adherence to current Mississippi school
52 accountability standards and for implementation of the physical
53 education curriculum on file with the State Department of
54 Education. The physical activity coordinator shall monitor and
55 act as a clearinghouse for the activities of the local school
56 health/physical education advisory councils established pursuant
57 to subsection (8) of this section.

58 (7) The State Department of Education shall conduct a study
59 on the correlation between physical activity or exercise and
60 classroom performance. The study must include recommendations for



61 the implementation of a healthy schools program. The department
62 shall submit a report on the results of the study, including
63 recommendations for legislation, to the Chairmen of the Education
64 Committees of the House of Representatives and the Senate before
65 December 1, 2002.

66 (8) (a) The local school board of each school district
67 shall establish a local school health/physical education advisory
68 council to assist the district in ensuring that local community
69 values are reflected in the district's health and physical
70 education instruction. The local school board must consider the
71 recommendations of the local school health/physical education
72 advisory council before changing the district's health education
73 curriculum or instruction.

74 (b) The local school health/physical education advisory
75 council's duties include recommending:

76 (i) The number of hours of instruction to be
77 provided in health education;

78 (ii) Health education curriculum appropriate for
79 specific grade levels that may include a coordinated health
80 education program designed to prevent obesity, cardiovascular
81 disease and Type II diabetes through coordination of:

82 1. Health education;

83 2. Physical education;

84 3. Nutritional services;

85 4. Parental involvement;

86 5. Instruction to prevent the use of tobacco;

87 and

88 (iii) Appropriate grade levels and methods of
89 instruction for human sexuality instruction.

90 (c) The local school board shall appoint members to the
91 local school health/physical education advisory council. A
92 majority of the members must be persons who are parents of
93 students enrolled in the district and who are not employed by the



94 district. The school board also may appoint one or more persons
95 from each of the following groups or a representative from a group
96 other than a group specified under this subsection:

97 (i) Public schoolteachers;

98 (ii) Public school administrators;

99 (iii) District students;

100 (iv) Health care professionals;

101 (v) The business community;

102 (vi) Law enforcement;

103 (vii) Senior citizens;

104 (viii) The clergy; and

105 (ix) Nonprofit health organizations.

106 (d) Any course materials and instruction relating to
107 human sexuality, sexually transmitted diseases, or human immune
108 deficiency virus or acquired immune deficiency syndrome shall be
109 selected by the local school board with the advice of the local
110 school health/physical education advisory council.

111 (e) A school district shall notify a parent of each
112 student enrolled in the district of:

113 (i) The basic content of the district's human
114 sexuality instruction to be provided to the student; and

115 (ii) The parent's right to remove the student from
116 any part of the district's human sexuality instruction.

117 (f) A school district shall make all curriculum
118 materials used in the district's human sexuality instruction
119 available for reasonable public inspection.

120 **SECTION 2.** This act shall take effect and be in force from
121 and after July 1, 2003.

