

By: Senator(s) Harden, Williamson, Dawkins,
Jordan

To: Education

SENATE BILL NO. 2339
(As Sent to Governor)

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

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

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

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

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

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

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

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



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

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

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

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

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

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



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

67 (8) (a) The local school board of each school district may
68 establish a local school health/physical education advisory
69 council to assist the district in ensuring that local community
70 values are reflected in the district's health and physical
71 education instruction.

72 (b) The local school health/physical education advisory
73 council's duties may include the following:

74 (i) Recommend the number of hours of instruction
75 to be provided in health education; and

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

81 1. Health education;

82 2. Physical education;

83 3. Nutritional services;

84 4. Parental involvement; and

85 5. Instruction to prevent the use of tobacco,
86 drugs and alcohol.

87 (c) The local school board shall appoint members to the
88 local school health/physical education advisory council. The
89 school board shall appoint one (1) person from each of the
90 following groups:

91 (i) Parents who are not employed by the school
92 district;

93 (ii) Public schoolteachers;

94 (iii) Public school administrators;



- 95 (iv) District students;
96 (v) Health care professionals;
97 (vi) The business community;
98 (vii) Law enforcement;
99 (viii) Senior citizens;
100 (ix) The clergy;
101 (x) Nonprofit health organizations; and
102 (xi) Faith-based organizations.

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

