SENATE BILL NO. 2339
(As Sent to Governor)

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

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

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

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

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

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

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

(b) A Master's Degree in Physical Education, exercise science or a highly related field, and at least five (5) years of
experience in teaching physical education in Grades K-12 or in physical activity promotion/fitness leadership; or

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

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

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

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

(7) The State Department of Education shall conduct a study on the correlation between physical activity or exercise and classroom performance. The study must include recommendations for
the implementation of a healthy schools program. The department shall submit a report on the results of the study, including recommendations for legislation, to the Chairmen of the Education Committees of the House of Representatives and the Senate before December 1, 2002.

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

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

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

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

1. Health education;
2. Physical education;
3. Nutritional services;
4. Parental involvement; and
5. Instruction to prevent the use of tobacco, drugs and alcohol.

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

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

(ii) Public schoolteachers;

(iii) Public school administrators;
(iv) District students;

(v) Health care professionals;

(vi) The business community;

(vii) Law enforcement;

(viii) Senior citizens;

(ix) The clergy;

(x) Nonprofit health organizations; and

(xi) Faith-based organizations.

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