

By: Representative Brown

To: Education;
Appropriations

HOUSE BILL NO. 319
(As Passed the House)

1 AN ACT TO AMEND SECTION 37-13-134, MISSISSIPPI CODE OF 1972,
2 TO DIRECT LOCAL SCHOOL DISTRICTS TO ESTABLISH LOCAL SCHOOL HEALTH
3 COUNCILS BY NOVEMBER 1, 2006, IN CONFORMITY WITH FEDERAL
4 REQUIREMENTS; TO PROVIDE THAT THIS SECTION DOES NOT PROHIBIT SALES
5 OF FOOD THROUGH SCHOOL FUND-RAISERS HELD OFF THE SCHOOL CAMPUS;
6 AND FOR RELATED PURPOSES.

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

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

10 37-13-134. (1) The Legislature recognizes that there is a
11 problem with Mississippi student inactivity and obesity in the
12 elementary school years, and therefore recommends the following
13 guidelines for school district physical education and fitness
14 classes: * * * kindergarten through Grade 6: thirty (30) minutes
15 per day; Grades 7 through 9: two (2) hours per week.

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

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

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

28 (b) A master's degree in physical education, exercise
29 science or a highly related field, and at least five (5) years of

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

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

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

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

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

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

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

68 (8) (a) The local school board of each school district
69 shall establish a local school health * * * council for each
70 school which shall ensure that local community values are
71 reflected in the local school's wellness plan to address school
72 health. Such councils shall be established no later than November
73 1, 2006.

74 (b) The local school health * * * council's duties may
75 include the following:

76 (i) Recommend age appropriate curriculum and the
77 number of hours of instruction to be provided in health and
78 physical education; * * *

79 (ii) Recommend * * * appropriate practices that
80 may include a coordinated school health * * * program designed to
81 prevent obesity, cardiovascular disease, Type II diabetes and
82 other health risks through coordination of:

- 83 1. Health education;
- 84 2. Physical education;
- 85 3. Nutritional services;
- 86 4. Parental involvement; * * *
- 87 5. Instruction to prevent the use of tobacco,
- 88 drugs and alcohol;
- 89 6. Health services;
- 90 7. Healthy environment; and
- 91 8. Counseling and psychological services.

92 (iii) Provide guidance on the development and
93 implementation of the local school wellness plan. Beginning with
94 the 2006-2007 school year, each local school board shall adopt a

95 school wellness plan which shall promote a healthy lifestyle for
96 Mississippi's school children and staff.

97 (c) The local school board shall appoint members to the
98 local school health * * * council. At a minimum, the school board
99 shall appoint one (1) person from each of the following groups:

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

102 (ii) Public schoolteachers;

103 (iii) Public school administrators;

104 (iv) District students;

105 (v) Health care professionals;

106 (vi) The business community;

107 (vii) Law enforcement;

108 (viii) Senior citizens;

109 (ix) The clergy;

110 (x) Nonprofit health organizations; and

111 (xi) Faith-based organizations.

112 (9) Nothing in this section shall be construed to prohibit
113 or limit the sale or distribution of any food or beverage item
114 through fund-raisers conducted by students, teachers, school
115 groups, or parent groups when the items are intended for sale off
116 the school campus.

117 **SECTION 2.** This act shall take effect and be in force from
118 and after July 1, 2006.