

By: Representatives Reeves, Myers, Brown,
Martinson, Thomas, Warren

To: Education

HOUSE BILL NO. 732

1 AN ACT TO AMEND SECTION 37-13-134, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE A MINIMUM PERIOD OF ACTIVITY-BASED INSTRUCTION AS
3 DEFINED BY THE STATE BOARD OF EDUCATION AS APPROPRIATE AND A
4 MINIMUM PERIOD OF HEALTH EDUCATION INSTRUCTION IN GRADES K-8; TO
5 REQUIRE ONE-HALF OF A CARNEGIE UNIT IN PHYSICAL EDUCATION IN
6 GRADES 9-12 FOR GRADUATION; TO REQUIRE SCHOOL DISTRICTS TO COLLECT
7 BODY MASS INDEX (BMI) INFORMATION FOR EVERY STUDENT AND PROVIDE
8 THAT INFORMATION TO PARENTS WITH AN EXPLANATION; TO REQUIRE THE
9 APPROPRIATION OF SUFFICIENT STATE-SOURCE FUNDS FOR THE STATE
10 DEPARTMENT OF EDUCATION TO EMPLOY A PHYSICAL ACTIVITY COORDINATOR
11 TO ASSIST SCHOOL DISTRICTS IN THE IMPLEMENTATION OF PHYSICAL
12 EDUCATION PROGRAMS; TO PROVIDE THAT THE STATUTORY DUTIES OF THE
13 LOCAL SCHOOL HEALTH COUNCILS SHALL BE MANDATORY RATHER THAN
14 PERMISSIVE; TO PROVIDE THAT THE LOCAL SCHOOL HEALTH COUNCILS SHALL
15 INCLUDE A REPRESENTATIVE FROM FOOD SERVICE
16 ADMINISTRATORS/DIRECTORS; TO DIRECT THE STATE BOARD OF EDUCATION
17 TO ADOPT REGULATIONS, FOR COMPLIANCE BY SCHOOL DISTRICTS, THAT
18 ADDRESS THE FOLLOWING AREAS: PREPARATION OF FOOD ITEMS; FOOD
19 ITEMS THAT MAY BE PREPARED, SOLD OR CONSUMED IN SCHOOL CAFETERIAS
20 AND ON SCHOOL CAMPUSES; COMPETITIVE FOOD SALES ON SCHOOL CAMPUSES;
21 THE MINIMUM TIME ALLOTTED FOR STUDENTS AND STAFF TO CONSUME SCHOOL
22 BREAKFAST AND SCHOOL LUNCH; RESTRICTING SALES OF EXTRA FOOD TO
23 STUDENTS; AND MARKETING HEALTHY FOOD CHOICES TO STUDENTS AND
24 STAFF; TO ENCOURAGE THE GROUPS THAT ORGANIZE SCHOOL FUND-RAISERS
25 TO SELL HEALTHY AND NUTRITIOUS FOOD AND BEVERAGES; AND FOR RELATED
26 PURPOSES.

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

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

30 37-13-134. (1) The Legislature recognizes that there is a
31 problem with Mississippi student inactivity and obesity * * *, and
32 therefore requires the following guidelines for school district
33 physical education, health education and fitness classes:

34 Kindergarten through Grade 8: One hundred fifty (150)
35 minutes per week of activity-based instruction as defined by the
36 State Board of Education, which instruction must be provided
37 during a minimum of three (3) days per week, and forty-five (45)
38 minutes per week of health education instruction.

39 Grades 9 through 12: One-half (1/2) Carnegie unit
40 requirement in physical education for graduation.

41 All instruction in physical education and health education
42 must be based on the most current state standards provided by the
43 State Department of Education.

44 (2) Each school district shall collect an annual body mass
45 index (BMI) for every Mississippi public school student and
46 provide this information to parents. The information sent to
47 parents shall include an explanation of the body mass index,
48 benefits of physical activity, benefits of proper nutrition, and
49 resources for parents that promote and encourage a healthy
50 lifestyle.

51 (3) The Legislature shall appropriate sufficient
52 state-source funds for the State Department of Education * * * to
53 employ a physical activity coordinator to assist school districts
54 on current and effective practices and on implementation of
55 physical education programs.

56 (4) The physical activity coordinator employed under Section
57 37-13-133 must have the qualifications prescribed in any of the
58 following paragraphs, which are listed in the order of preference:

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

63 (b) A master's degree in physical education, exercise
64 science or a highly related field, and at least five (5) years of
65 experience in teaching physical education in Grades K-12 or in
66 physical activity promotion/fitness leadership; or

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

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

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

87 (7) The physical activity coordinator shall monitor the
88 districts for adherence to current Mississippi school
89 accountability standards and for implementation of the physical
90 education curriculum on file with the State Department of
91 Education. The State Department of Education shall monitor and
92 act as a clearinghouse for the activities of the local school
93 health councils established pursuant to subsection (8) of this
94 section.

95 * * *

96 (8) (a) The local school board of each school district
97 shall establish a local school health council for each school
98 which shall ensure that local community values are reflected in
99 the local school's wellness plan to address school health. Such
100 councils shall be established no later than November 1, 2006.

101 (b) The local school health council's duties shall
102 include, but not be limited to, the following:

103 (i) Recommend age appropriate curriculum and the
104 number of hours of instruction to be provided in health and
105 physical education;

106 (ii) Recommend appropriate practices that * * *
107 include a coordinated approach to school health * * * designed to
108 prevent obesity, cardiovascular disease, Type II diabetes and
109 other health risks through coordination of:

- 110 1. Health education;
- 111 2. Physical education;
- 112 3. Nutritional services;
- 113 4. Parental/community involvement;
- 114 5. Instruction to prevent the use of tobacco,
115 drugs and alcohol;
- 116 6. Health services;
- 117 7. Healthy environment; * * *
- 118 8. Counseling and psychological services; and
- 119 9. Staff wellness.

120 (iii) Provide guidance on the development and
121 implementation of the local school wellness plan. Beginning with
122 the 2006-2007 school year, each local school board shall adopt a
123 school wellness plan which shall promote a healthy lifestyle for
124 Mississippi's school children and staff.

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

- 128 (i) Parents who are not employed by the school
129 district;
- 130 (ii) Public schoolteachers;
- 131 (iii) Public school administrators;
- 132 (iv) District students;
- 133 (v) Health care professionals;
- 134 (vi) The business community;
- 135 (vii) Law enforcement;

- 136 (viii) Senior citizens;
137 (ix) The clergy;
138 (x) Nonprofit health organizations; * * *
139 (xi) Faith-based organizations; and
140 (xii) Food service administrators/directors.

141 (9) (a) The State Board of Education shall adopt
142 regulations, for compliance by school districts, for the Child
143 Nutrition School Breakfast and Lunch Programs that are not in
144 conflict with the regulations of the United States Department of
145 Agriculture (USDA) and that address the following areas:

- 146 (i) Preparation of food items;
147 (ii) Food items that may be prepared, sold or
148 consumed in school cafeterias and on school campuses;
149 (iii) Competitive food sales on school campuses;
150 (iv) The minimum time allotted for students and
151 staff to consume school breakfast and school lunch;
152 (v) Restricting sales of extra food to students;
153 and
154 (vi) Marketing healthy food choices to students
155 and staff.

156 (b) The regulations on preparation of food items for
157 the Child Nutrition School Breakfast and Lunch Programs shall, at
158 a minimum, address the methods of preparing foods and the use of
159 ingredients that will:

- 160 (i) Reduce the amount of or eliminate saturated
161 fat in food items, and reduce the amount of sugar and salt in food
162 items;
163 (ii) Eliminate any nonnaturally occurring trans
164 fatty acids in food items;
165 (iii) Use one hundred percent (100%) whole grain
166 products and ingredients as available; and
167 (iv) Eliminate the frying of food items.

168 In order to promote healthier food preparation, these
169 regulations shall prohibit any school district, school or other
170 entity from purchasing deep fryers after May 2007 for the purpose
171 of preparing foods for the Child Nutrition School Breakfast and/or
172 Lunch Program, and shall encourage schools to use baking ovens
173 instead of deep fryers for food preparation.

174 (c) The regulations on food items that may be prepared,
175 sold or consumed in school cafeterias and on school campuses
176 shall, at a minimum:

177 (i) Prohibit the sale or consumption of retail
178 fast foods in the school cafeterias or at any other location on
179 the school campuses during the school breakfast and school lunch
180 meal program; and

181 (ii) Prohibit anyone from bringing retail prepared
182 food into the school cafeterias or onto the school campuses during
183 the school breakfast and school lunch meal program.

184 (d) The regulations on the minimum time allotted for
185 students and staff to consume school breakfast and school lunch
186 shall require each school to provide students with a minimum of
187 fifteen (15) minutes to eat lunch once they have received their
188 food. In determining the total length of the lunch period, the
189 time to and from the cafeteria, the time to go through the line,
190 and the time to bus trays at the end of lunch must be considered.

191 (e) The regulations on marketing healthy food choices
192 to students and staff shall provide resources, examples, and/or
193 methods for assisting schools with marketing healthy food choices
194 to students and staff to make those choices appealing or
195 attractive to them, in order to support and increase participation
196 in the Child Nutrition School Breakfast and/or Lunch Program.

197 (10) Nothing in this section shall be construed to prohibit
198 or limit the sale or distribution of any food or beverage item
199 through fund-raisers conducted by students, teachers, school
200 groups, or parent groups when the items are intended for sale off

201 the school campus. However, the Legislature encourages the
202 persons or groups that organize those fund-raisers to sell healthy
203 and nutritious food and beverages instead of food and beverages
204 that are of minimal nutritional value or are high in saturated fat
205 or sugar.

206 **SECTION 2.** This act shall take effect and be in force from
207 and after July 1, 2007.