

By: Representative Brown

To: Education

HOUSE BILL NO. 836

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; TO REQUIRE THE APPROPRIATION OF
9 SUFFICIENT STATE-SOURCE FUNDS FOR THE STATE DEPARTMENT OF
10 EDUCATION TO EMPLOY A PHYSICAL ACTIVITY COORDINATOR TO ASSIST
11 SCHOOL DISTRICTS IN THE IMPLEMENTATION OF PHYSICAL EDUCATION
12 PROGRAMS; TO PROVIDE THAT THE STATUTORY DUTIES OF THE LOCAL SCHOOL
13 HEALTH COUNCILS SHALL BE MANDATORY RATHER THAN PERMISSIVE; AND FOR
14 RELATED PURPOSES.

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

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

18 37-13-134. (1) The Legislature recognizes that there is a
19 problem with Mississippi student inactivity and obesity * * *, and
20 therefore requires the following guidelines for school district
21 physical education, health education and fitness classes:

22 Kindergarten through Grade 8: One hundred fifty (150)
23 minutes per week of activity-based instruction as defined by the
24 State Board of Education, and forty-five (45) minutes per week of
25 health education instruction.

26 Grades 9 through 12: one-half (1/2) Carnegie unit
27 requirement in physical education for graduation.

28 All instruction in physical education and health education
29 must be based on the most current state standards provided by the
30 State Department of Education.

31 (2) Each school district shall collect an annual body mass
32 index (BMI) for every Mississippi public school student and
33 provide this information to parents.

34 (3) The Legislature shall appropriate sufficient
35 state-source funds for the State Department of Education * * * to
36 employ a physical activity coordinator to assist school districts
37 on current and effective practices and on implementation of
38 physical education programs.

39 (4) The physical activity coordinator employed under Section
40 37-13-133 must have the qualifications prescribed in any of the
41 following paragraphs, which are listed in the order of preference:

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

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

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

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

65 (6) The physical activity coordinator shall present a state
66 physical activity plan each year to the Governor's Commission on

67 Physical Fitness and Sports, the Mississippi Council on Obesity
68 Prevention and Management, the Task Force on Heart Disease and
69 Stroke Prevention, and the Mississippi Alliance for School Health.

70 (7) The physical activity coordinator shall monitor the
71 districts for adherence to current Mississippi school
72 accountability standards and for implementation of the physical
73 education curriculum on file with the State Department of
74 Education. The State Department of Education shall monitor and
75 act as a clearinghouse for the activities of the local school
76 health councils established pursuant to subsection (8) of this
77 section.

78 * * *

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

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

86 (i) Recommend age appropriate curriculum and the
87 number of hours of instruction to be provided in health and
88 physical education;

89 (ii) Recommend appropriate practices that * * *
90 include a coordinated approach to school health * * * designed to
91 prevent obesity, cardiovascular disease, Type II diabetes and
92 other health risks through coordination of:

- 93 1. Health education;
- 94 2. Physical education;
- 95 3. Nutritional services;
- 96 4. Parental/community involvement;
- 97 5. Instruction to prevent the use of tobacco,
98 drugs and alcohol;
- 99 6. Health services;

- 100 7. Healthy environment; * * *
- 101 8. Counseling and psychological services; and
- 102 9. Staff wellness.

103 (iii) Provide guidance on the development and

104 implementation of the local school wellness plan. Beginning with

105 the 2006-2007 school year, each local school board shall adopt a

106 school wellness plan which shall promote a healthy lifestyle for

107 Mississippi's school children and staff.

108 (c) The local school board shall appoint members to the

109 local school health council. At a minimum, the school board shall

110 appoint one (1) person from each of the following groups:

111 (i) Parents who are not employed by the school

112 district;

113 (ii) Public schoolteachers;

114 (iii) Public school administrators;

115 (iv) District students;

116 (v) Health care professionals;

117 (vi) The business community;

118 (vii) Law enforcement;

119 (viii) Senior citizens;

120 (ix) The clergy;

121 (x) Nonprofit health organizations; and

122 (xi) Faith-based organizations.

123 (9) Nothing in this section shall be construed to prohibit

124 or limit the sale or distribution of any food or beverage item

125 through fund-raisers conducted by students, teachers, school

126 groups, or parent groups when the items are intended for sale off

127 the school campus.

128 **SECTION 2.** This act shall take effect and be in force from

129 and after July 1, 2007.