SENATE BILL NO. 2369

AN ACT TO AMEND SECTION 37-13-134, MISSISSIPPI CODE OF 1972, TO REQUIRE A MINIMUM PERIOD OF ACTIVITY-BASED INSTRUCTION AS DEFINED BY THE STATE BOARD OF EDUCATION AS APPROPRIATE AND A MINIMUM PERIOD OF HEALTH EDUCATION INSTRUCTION IN GRADES K-8, AND TO PROVIDE FOR THE EMPLOYMENT OF A PHYSICAL ACTIVITY COORDINATOR TO ASSIST SCHOOL DISTRICTS IN THE IMPLEMENTATION OF PHYSICAL EDUCATION PROGRAMS; 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 *, * *, and therefore requires the following guidelines for school district physical education, health education and fitness classes:

Kindergarten through Grade 8: one hundred fifty (150) minutes per week of activity-based instruction as defined by the State Board of Education and forty-five (45) minutes per week of health education instruction; Grades 9 through 12: 1/2 Carnegie unit requirement in physical education for graduation. All instruction in physical education and health education must be based on the most current state standards provided by the Mississippi State Department of Education.

(2) * * * State-source funds shall be appropriated for * * * the State Department of Education * * * to employ a physical activity coordinator to assist districts on current and effective practices and on implementation of physical education programs.

(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 State Department of Education shall monitor and
act as a clearinghouse for the activities of the local school health councils established pursuant to subsection (8) of this section.

* * *

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

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

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

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

1. Health education;
2. Physical education;
3. Nutritional services;
4. Parental/Community involvement;
5. Instruction to prevent the use of tobacco, drugs and alcohol;
6. Health services;
7. Healthy environment;
8. Counseling and psychological services; and
9. Staff wellness.

(iii) Provide guidance on the development and implementation of the local school wellness plan. Beginning with the 2006-2007 school year, each local school board shall adopt a school wellness plan which shall promote a healthy lifestyle for Mississippi's school children and staff.
(c) The local school board shall appoint members to the local school health council. At a minimum, 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.

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

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