

By: Senator(s) Tollison, Jackson (11th)

To: Education;
Appropriations

SENATE BILL NO. 2752
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 37-13-134, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE STATE DEPARTMENT OF EDUCATION AND THE STATE
3 DEPARTMENT OF HEALTH TO ESTABLISH A SCHOOL HEALTH PILOT PROGRAM
4 BASED UPON APPROPRIATE SCIENCE-BASED WELLNESS POLICIES; AND FOR
5 RELATED PURPOSES.

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

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

9 37-13-134. (1) The Legislature recognizes that there is a
10 problem with Mississippi student inactivity and obesity, and
11 therefore requires the following guidelines for school district
12 physical education, health education and physical activity and
13 fitness classes:

14 Kindergarten through Grade 8: One hundred fifty (150)
15 minutes per week of physical activity-based instruction and
16 forty-five (45) minutes per week of health education instruction,
17 as defined by the State Board of Education.

18 Grades 9 through 12: 1/2 Carnegie unit requirement in
19 physical education or physical activity for graduation.

20 All instruction in physical education, health education and
21 physical activity must be based on the most current state
22 standards provided by the State Department of Education.

23 (2) Beginning with the 2006-2007 school year, each local
24 school board shall, consistent with regulations adopted by the
25 State Board of Education, adopt a school wellness plan which shall
26 promote a healthy lifestyle for Mississippi's school children and
27 staff. Beginning with the 2008-2009 school year, the school
28 wellness plan shall also promote increased physical activity,



29 healthy eating habits and abstinence from the use of tobacco and
30 illegal drugs through programs that incorporate healthy lifestyle
31 choices into core subject areas which may be developed in
32 partnership with the Institute for America's Health.

33 (3) Beginning with the 2012-2013 school year, the State
34 Board of Education, in consultation with the State Department of
35 Health, shall have the authority to establish a school health
36 pilot program to improve student health so that all students can
37 fully participate and be successful in school. The school health
38 pilot program shall be implemented in local school districts, as
39 provided in Section 2 of this act.

40 (4) The Legislature shall appropriate sufficient
41 state-source funds for the State Department of Education to employ
42 a physical activity coordinator to assist districts on current and
43 effective practices and on implementation of physical education
44 and physical activity programs.

45 (5) The physical activity coordinator employed under Section
46 37-13-133 must have the qualifications prescribed in any of the
47 following paragraphs, which are listed in the order of preference:

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

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

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

60 (6) The Governor's Commission on Physical Fitness and Sports
61 created under Section 7-1-551 et seq., the Mississippi Council on



62 Obesity Prevention and Management created under Section 41-101-1
63 et seq., the Task Force on Heart Disease and Stroke Prevention
64 created under Section 41-103-1 et seq., the Mississippi Alliance
65 for Health, Physical Education, Recreation and Dance, and the
66 Mississippi Alliance for School Health shall provide
67 recommendations to the State Department of Education regarding the
68 employment of the physical activity coordinator. The department
69 shall consider the recommendations of those entities in employing
70 the physical activity coordinator.

71 (7) The physical activity coordinator shall present a state
72 physical activity plan each year to the Governor's Commission on
73 Physical Fitness and Sports, the Mississippi Council on Obesity
74 Prevention and Management, the Task Force on Heart Disease and
75 Stroke Prevention, the Mississippi Alliance for Health, Physical
76 Education, Recreation and Dance, and the Mississippi Alliance for
77 School Health.

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

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

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

93 (i) Recommend age appropriate curriculum and the
94 number of hours of instruction to be provided in health and



95 physical activity-based education, provided that the number of
96 hours shall not be less than that required by Section 37-13-134;

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

- 101 1. Health education;
- 102 2. Physical education;
- 103 3. Nutritional services;
- 104 4. Parental/Community involvement;
- 105 5. Instruction to prevent the use of tobacco,
106 drugs and alcohol;
- 107 6. Physical activity;
- 108 7. Health services;
- 109 8. Healthy environment;
- 110 9. Counseling and psychological services;
- 111 10. Healthy lifestyles; and
- 112 11. Staff wellness.

113 (iii) Provide guidance on the development and
114 implementation of the local school wellness plan.

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

- 118 (i) Parents who are not employed by the school
119 district;
- 120 (ii) The director of local school food services;
- 121 (iii) Public schoolteachers;
- 122 (iv) Public school administrators;
- 123 (v) District students;
- 124 (vi) Health care professionals;
- 125 (vii) The business community;
- 126 (viii) Law enforcement;
- 127 (ix) Senior citizens;



- 128 (x) The clergy;
129 (xi) Nonprofit health organizations; and
130 (xii) Faith-based organizations.

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

136 **SECTION 2.** (1) Subject to available funding, the State
137 Department of Education, in consultation with the State Department
138 of Health, shall establish the school health grant pilot program
139 to improve student health by assisting local school districts in
140 implementing a school health program. In order to qualify for a
141 school health grant, a school district shall submit a detailed
142 implementation plan, developed in accordance with the guidelines
143 for a school health program developed by the State Department of
144 Education, and including the following components:

145 (a) A dedicated school health coordinator and technical
146 and administrative support for collection of data and program
147 evaluation.

148 (b) A description of how the school district currently
149 addresses physical activity, nutrition, and other obesity
150 prevention measures.

151 (c) A description of how the agency would use the state
152 grant to augment what it is currently doing, including defining
153 priorities based on the students' health need and meeting
154 education performance indicators, developing an action plan for
155 addressing those needs based on realistic goals and measurable
156 objectives, establishing a timeline for implementation, and
157 developing and maintaining a system to evaluate progress and
158 outcomes for the program.

159 (d) All school districts receiving grants will report
160 annually to the State Department of Education progress towards the



161 achievement of state education performance indicators and
162 standards and requirements relating to physical activity and
163 nutrition.

164 (2) The amount in the coordinated school health grant pilot
165 program shall be limited to the amount appropriated and shall be
166 available to school districts based on the guidelines developed by
167 the State Department of Education.

168 (3) Any grants made to school district shall be expended to
169 supplement and not supplant any funds already expended as school
170 health programs. For this purpose, expenditures of components
171 enumerated in subsection (2) of this section for the current
172 fiscal year shall be considered the base expenditure on school
173 health and any school district receiving grant funds shall
174 maintain this base.

175 (4) There is created in the State Treasury a fund into which
176 any public or private funds from any source shall be deposited for
177 the support of the activities of coordinated school health grant
178 pilot program.

179 (5) State grants are only for coordination and improvement
180 of school health programs to improve student health in accordance
181 with the detailed plan submitted in accordance with subsection (2)
182 of this section.

183 (6) The State Department of Education and the State
184 Department of Health shall coordinate existing school health
185 programs, grants and initiatives. To the extent possible,
186 existing contracts and waiver requirements and funding, including
187 Medicaid funding, shall also be coordinated.

188 (7) The use of grant funds shall be subject to audit by the
189 Office of the State Auditor.

190 **SECTION 3.** This act shall take effect and be in force from
191 and after July 1, 2012.

