

By: Representatives Evans (43rd), Miles,
Faulkner

To: Education;
Appropriations

HOUSE BILL NO. 432
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 37-13-134, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THAT PROPER ADMINISTRATION OF CARDIOPULMONARY
3 RESUSCITATION (CPR) AND USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR
4 (AED) BE INCLUDED AS AN INSTRUCTIONAL COMPONENT OF THE PHYSICAL
5 EDUCATION CURRICULUM FOR GRADES 9-12; TO REQUIRE THAT THE
6 CURRICULUM INCORPORATE INSTRUCTION OF PSYCHOMOTOR SKILLS
7 DEVELOPMENT; TO REQUIRE THE INSTRUCTION TO BE BASED ON AN
8 INSTRUCTIONAL PROGRAM ESTABLISHED BY THE AMERICAN HEART
9 ASSOCIATION, THE AMERICAN RED CROSS, OR ANOTHER PROGRAM WHICH IS
10 NATIONALLY RECOGNIZED AND USES THE MOST CURRENT NATIONAL
11 EVIDENCE-BASED EMERGENCY CARDIOVASCULAR CARE GUIDELINES; TO EXEMPT
12 LICENSED TEACHERS FROM REQUIRING CERTIFICATION AS A TRAINER OF CPR
13 OR AED TO FACILITATE THE INSTRUCTION; TO REQUIRE THE STATE
14 DEPARTMENT OF EDUCATION TO ESTABLISH A PROCEDURE FOR MONITORING
15 ADHERENCE TO THE CURRICULUM REQUIREMENTS; AND FOR RELATED
16 PURPOSES.

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

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

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



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

29 (b) Grades 9 through 12: One-half (1/2) Carnegie unit
30 requirement in physical education or physical activity for
31 graduation, which shall include an instructional component on the
32 proper administration of cardiopulmonary resuscitation (CPR) and
33 the use of an automated external defibrillator (AED) as part of
34 the physical education curriculum. The curriculum shall
35 incorporate into the instruction the psychomotor skills necessary
36 to perform cardiopulmonary resuscitation and use of an automated
37 external defibrillator as follows:

38 (i) An instructional program developed by the
39 American Heart Association or the American Red Cross;

40 (ii) An instructional program which is nationally
41 recognized and is based on the most current national
42 evidence-based Emergency Cardiovascular Care guidelines for
43 cardiopulmonary resuscitation and the use of an automated external
44 defibrillator;

45 (iii) A licensed teacher shall not be required to
46 be a certified trainer of cardiopulmonary resuscitation, to
47 facilitate, provide or oversee such instruction for
48 noncertification; and



49 (iv) Courses which result in a certification being
50 earned must be taught by an authorized CPR/AED instructor.

51 For purposes of this paragraph (b), the term "psychomotor
52 skills" means the use of hands-on practicing to support cognitive
53 learning. Cognitive-only training does not qualify as
54 "psychomotor skills."

55 The requirements of this paragraph (b) shall be minimum
56 requirements. Any local school district shall be authorized to
57 offer CPR and AED instruction for longer periods of time than
58 required herein, and may enhance the curriculum and training
59 components.

60 (c) The State Department of Education shall establish a
61 procedure for monitoring adherence by school boards to the
62 requirements set forth in this section.

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

66 (2) Beginning with the 2006-2007 school year, each local
67 school board shall, consistent with regulations adopted by the
68 State Board of Education, adopt a school wellness plan which shall
69 promote a healthy lifestyle for Mississippi's school children and
70 staff. Beginning with the 2008-2009 school year, the school
71 wellness plan shall also promote increased physical activity,
72 healthy eating habits and abstinence from the use of tobacco and
73 illegal drugs through programs that incorporate healthy lifestyle



74 choices into core subject areas which may be developed in
75 partnership with the Institute for America's Health.

76 (3) Beginning with the 2012-2013 school year, the State
77 Board of Education, in consultation with the State Department of
78 Health, shall have the authority to establish a school health
79 pilot program to improve student health so that all students can
80 fully participate and be successful in school. The school health
81 pilot program shall be implemented in local school districts, as
82 provided in Section 37-13-134.1.

83 (4) The Legislature shall appropriate sufficient
84 state-source funds for the State Department of Education to employ
85 a physical activity coordinator to assist districts on current and
86 effective practices and on implementation of physical education
87 and physical activity programs.

88 (5) The physical activity coordinator employed under Section
89 37-13-133 must have the qualifications prescribed in any of the
90 following paragraphs, which are listed in the order of preference:

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

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



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

103 (6) The Governor's Commission on Physical Fitness and Sports
104 created under Section 7-1-551 et seq., the Mississippi Council on
105 Obesity Prevention and Management created under Section 41-101-1
106 et seq., the Task Force on Heart Disease and Stroke Prevention
107 created under Section 41-103-1 et seq., the Mississippi Alliance
108 for Health, Physical Education, Recreation and Dance, and the
109 Mississippi Alliance for School Health shall provide
110 recommendations to the State Department of Education regarding the
111 employment of the physical activity coordinator. The department
112 shall consider the recommendations of those entities in employing
113 the physical activity coordinator.

114 (7) The physical activity coordinator shall present a state
115 physical activity plan each year to the Governor's Commission on
116 Physical Fitness and Sports, the Mississippi Council on Obesity
117 Prevention and Management, the Task Force on Heart Disease and
118 Stroke Prevention, the Mississippi Alliance for Health, Physical
119 Education, Recreation and Dance, and the Mississippi Alliance for
120 School Health.

121 (8) The physical activity coordinator shall monitor the
122 districts for adherence to current Mississippi school
123 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 (9) of this section.

(9) (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 activity-based education, provided that the number of hours shall not be less than that required by this section;

(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;



- 148 5. Instruction to prevent the use of tobacco,
149 drugs and alcohol;
150 6. Physical activity;
151 7. Health services;
152 8. Healthy environment;
153 9. Counseling and psychological services;
154 10. Healthy lifestyles; and
155 11. Staff wellness.

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

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

- 161 (i) Parents who are not employed by the school
162 district;
163 (ii) The director of local school food services;
164 (iii) Public schoolteachers;
165 (iv) Public school administrators;
166 (v) District students;
167 (vi) Health care professionals;
168 (vii) The business community;
169 (viii) Law enforcement;
170 (ix) Senior citizens;
171 (x) The clergy;
172 (xi) Nonprofit health organizations; and



173 (xii) Faith-based organizations.

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

179 **SECTION 2.** This act shall take effect and be in force from
180 and after July 1, 2014.

