

By: Representative Dixon

To: Education

HOUSE BILL NO. 1070

1 AN ACT TO AMEND SECTION 37-9-69, MISSISSIPPI CODE OF 1972, TO
 2 LIMIT THE AUTHORITY SUPERINTENDENTS, PRINCIPALS AND TEACHERS TO
 3 PROHIBIT STUDENTS FROM COMMUNICATING VERBALLY WITH THEIR FELLOW
 4 PEERS IN A NONDISRUPTIVE MANNER DURING CERTAIN PERIODS OF THE
 5 SCHOOL DAY, INCLUDING RECESS AND LUNCH; TO REQUIRE SCHOOL
 6 PERSONNEL TO ENDEAVOR TO MAINTAIN THE VOLUME OF STUDENTS AT A
 7 REASONABLE LEVEL TO ENSURE THAT STUDENTS ABIDE BY THE CODE OF
 8 CONDUCT ADOPTED BY THE SCHOOL BOARD; TO REQUIRE SCHOOL PERSONNEL
 9 TO ALLOW STUDENTS A RECESS OR SOCIALIZATION PERIOD CONSISTENT
 10 WITHOUT REPRIMAND UNLESS SUCH ACTIVITIES BECOME DISORDERLY; TO
 11 AMEND SECTION 37-13-134, MISSISSIPPI CODE OF 1972, IN CONFORMITY
 12 THERETO; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** Section 37-9-69, Mississippi Code of 1972, is
 15 amended as follows:

16 37-9-69. It shall be the duty of each superintendent,
 17 principal and teacher in the public schools of this state to
 18 enforce in the schools the courses of study prescribed by law or
 19 by the State Board Of Education, to comply with the law in
 20 distribution and use of free textbooks, and to observe and enforce
 21 the statutes, rules and regulations prescribed for the operation
 22 of schools. Such superintendents, principals and teachers shall
 23 hold the pupils to strict account for disorderly conduct at



24 school, on the way to and from school, on the playgrounds, and
25 during recess. However, while maintaining orderly conduct,
26 superintendents, principals and teachers shall not prohibit
27 students from communicating verbally with their fellow peers in a
28 manner that is not disruptive to the learning environment while
29 engaged in recess activities or during the lunch period.
30 Superintendents, principals and teachers shall endeavor to
31 maintain the volume of such students at a reasonable level to
32 ensure that students abide by the code of conduct adopted by the
33 school board. In order to facilitate unrestricted student
34 communication and interaction, the superintendents, principals and
35 teachers of each school district shall allow students a recess or
36 socialization period consistent with the provisions of Section
37 37-13-134, without reprimand unless such activities become
38 disorderly.

39 **SECTION 2.** Section 37-13-134, Mississippi Code of 1972, is
40 amended as follows:

41 37-13-134. (1) The Legislature recognizes that there is a
42 problem with Mississippi student inactivity and obesity, and
43 therefore requires the following guidelines for school district
44 physical education, health education and physical activity and
45 fitness classes:

46 (a) Kindergarten through Grade 8: One hundred fifty
47 (150) minutes per week of physical activity-based instruction and



48 forty-five (45) minutes per week of health education instruction,
49 as defined by the State Board of Education.

50 (b) Grades 9 through 12: One-half (1/2) Carnegie unit
51 requirement in physical education or physical activity for
52 graduation. Beginning with the 2015-2016 Ninth Grade class, an
53 instructional component on the proper administration of
54 cardiopulmonary resuscitation (CPR) and the use of an automated
55 external defibrillator (AED) shall be included as part of the
56 physical education or health education curriculum. The curricula
57 shall incorporate into the instruction the psychomotor skills
58 necessary to perform cardiopulmonary resuscitation and use of an
59 automated external defibrillator as follows:

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

62 (ii) An instructional program which is nationally
63 recognized and is based on the most current national
64 evidence-based Emergency Cardiovascular Care guidelines for
65 cardiopulmonary resuscitation and the use of an automated external
66 defibrillator;

67 (iii) A licensed teacher shall not be required to
68 be a certified trainer of cardiopulmonary resuscitation, to
69 facilitate, provide or oversee such instruction for
70 noncertification; and

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



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

77 The requirements of this paragraph (b) shall be minimum
78 requirements. Any local school district shall be authorized to
79 offer CPR and AED instruction for longer periods of time than
80 required herein, and may enhance the curriculum and training
81 components.

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

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

88 (2) Beginning with the 2006-2007 school year, each local
89 school board shall, consistent with regulations adopted by the
90 State Board of Education, adopt a school wellness plan which shall
91 promote a healthy lifestyle for Mississippi's school children and
92 staff. Beginning with the 2008-2009 school year, the school
93 wellness plan shall also promote increased physical activity,
94 healthy eating habits and abstinence from the use of tobacco and
95 illegal drugs through programs that incorporate healthy lifestyle
96 choices into core subject areas which may be developed in
97 partnership with the Institute for America's Health.



98 (3) Beginning with the 2012-2013 school year, the State
99 Board of Education, in consultation with the State Department of
100 Health, shall have the authority to establish a school health
101 pilot program to improve student health so that all students can
102 fully participate and be successful in school. The school health
103 pilot program shall be implemented in local school districts, as
104 provided in Section 37-13-134.1.

105 (4) The Legislature shall appropriate sufficient
106 state-source funds for the State Department of Education to employ
107 a physical activity coordinator to assist districts on current and
108 effective practices and on implementation of physical education
109 and physical activity programs.

110 (5) The physical activity coordinator employed under Section
111 37-13-133 must have the qualifications prescribed in any of the
112 following paragraphs, which are listed in the order of preference:

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

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

121 (c) A bachelor's degree in physical education, a
122 teacher's license, and at least seven (7) years of experience in



123 teaching physical education in Grades K-12 or in physical activity
124 promotion/fitness leadership.

125 (6) The Governor's Commission on Physical Fitness and Sports
126 created under Section 7-1-551 et seq., the Mississippi Council on
127 Obesity Prevention and Management created under Section 41-101-1
128 et seq., the Task Force on Heart Disease and Stroke Prevention
129 created under Section 41-103-1 et seq., the Mississippi Alliance
130 for Health, Physical Education, Recreation and Dance, and the
131 Mississippi Alliance for School Health shall provide
132 recommendations to the State Department of Education regarding the
133 employment of the physical activity coordinator. The department
134 shall consider the recommendations of those entities in employing
135 the physical activity coordinator.

136 (7) The physical activity coordinator shall present a state
137 physical activity plan each year to the Governor's Commission on
138 Physical Fitness and Sports, the Mississippi Council on Obesity
139 Prevention and Management, the Task Force on Heart Disease and
140 Stroke Prevention, the Mississippi Alliance for Health, Physical
141 Education, Recreation and Dance, and the Mississippi Alliance for
142 School Health.

143 (8) The physical activity coordinator shall monitor the
144 districts for adherence to current Mississippi school
145 accountability standards and for implementation of the physical
146 education curriculum on file with the State Department of
147 Education. The State Department of Education shall monitor and



148 act as a clearinghouse for the activities of the local school
149 health councils established pursuant to subsection (9) of this
150 section.

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

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

158 (i) Recommend age-appropriate curriculum and the
159 number of hours of instruction to be provided in health and
160 physical activity-based education, provided that the number of
161 hours shall not be less than that required by this section;

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

- 166 1. Health education;
- 167 2. Physical education;
- 168 3. Nutritional services;
- 169 4. Parental/Community involvement;
- 170 5. Instruction to prevent the use of tobacco,
171 drugs and alcohol;
- 172 6. Physical activity;



- 173 7. Health services;
174 8. Healthy environment;
175 9. Counseling and psychological services;
176 10. Healthy lifestyles; and
177 11. Staff wellness.

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

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

- 183 (i) Parents who are not employed by the school
184 district;
185 (ii) The director of local school food services;
186 (iii) Public schoolteachers;
187 (iv) Public school administrators;
188 (v) District students;
189 (vi) Health care professionals;
190 (vii) The business community;
191 (viii) Law enforcement;
192 (ix) Senior citizens;
193 (x) The clergy;
194 (xi) Nonprofit health organizations; and
195 (xii) Faith-based organizations.

196 (10) Nothing in this section shall be construed to prohibit
197 or limit the sale or distribution of any food or beverage item



198 through fund-raisers conducted by students, teachers, school
199 groups, or parent groups when the items are intended for sale off
200 the school campus.

201 (11) Beginning with the 2018-2019 school year, each local
202 school board shall adopt a school socialization plan which shall
203 promote healthy peer-to-peer communication. The plan shall
204 provide for monitored physical activity as prescribed by this
205 section and established social interaction periods during which
206 students shall be allowed to engage with one another without
207 disciplinary action, unless such students disrupt the learning
208 environment through disorderly conduct.

209 **SECTION 3.** This act shall take effect and be in force from
210 and after July 1, 2018.

