

By: Representatives Brown (70th), Bell  
(65th), Blackmon

To: Education

HOUSE BILL NO. 1084

1 AN ACT TO AMEND SECTION 37-13-134, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE LOCAL SCHOOL DISTRICTS TO FULLY IMPLEMENT A PHYSICAL  
3 EDUCATION CURRICULUM IN ALL K-12 SCHOOLS AND ALIGNED TO THE  
4 MISSISSIPPI PHYSICAL EDUCATION FRAMEWORK ADOPTED BY THE STATE  
5 BOARD OF EDUCATION AND ANY AMENDMENT MADE THERETO; TO PROVIDE THAT  
6 SCHOOL DISTRICTS FAILING TO COMPLY WITH THE PROVISIONS OF THIS ACT  
7 SHALL HAVE THE ALLOWABLE PORTION OF THEIR ADEQUATE EDUCATION  
8 PROGRAM FUNDS, WHICH ARE DEVOTED TO PHYSICAL EDUCATION, REDUCED IN  
9 PROPORTION TO ITS PER PUPIL EXPENDITURE; AND FOR RELATED PURPOSES.

10 WHEREAS, physical education, an academic subject  
11 characterized by a planned, sequential K-12 curriculum based on  
12 the national standards, is the foundation of a comprehensive  
13 school physical activity program which provides cognitive content  
14 and instruction designed to develop motor skills, knowledge and  
15 behaviors for physical activity and physical fitness; and

16 WHEREAS, nationwide, only 27% of high school students are  
17 physically active every day for at least 60 minutes, and despite  
18 the evidence showing that students can get many of their physical  
19 activity minutes during physical education, many students do not  
20 attend physical education; and



21           WHEREAS, while many states require K-12 students to  
22 participate in some level of physical education, many physical  
23 education practices can be improved; and

24           WHEREAS, 76% of K-12 schools allow students to be exempted  
25 from physical education requirements for one grading period or  
26 longer; 68% of K-12 schools allow students to be excused from one  
27 or more physical education class periods for additional  
28 instructional time, remedial work, or test preparation for other  
29 subjects; 66% of K-12 schools prohibit staff from excluding  
30 students from all or part of physical education to punish them for  
31 bad behavior or failure to complete class work in another class;  
32 and 59% of K-12 schools require all staff who teach physical  
33 education to have continuing education credits on physical  
34 education topics or instructional strategies; and

35           WHEREAS, the many benefits of physical education in schools  
36 include: increasing students' level of physical activity;  
37 improving students' grades and standardized test scores; aiding  
38 students in remaining on-task in the classroom; and promoting  
39 long-term cognitive health awareness; and

40           WHEREAS, Mississippi ranks last, or close to last in the  
41 nation, in almost every leading health outcome, and these health  
42 disparities are significantly worse for those who have  
43 systematically faced obstacles to health due to their  
44 socio-economic status, race, ethnicity, religion, sexual



45 orientation, geographic location, and other characteristics  
46 historically linked to discrimination or exclusion; and

47 WHEREAS, the result of these inequities result in a  
48 disproportionate burden of disease and illness that is borne by  
49 racial and ethnic minority populations and the rural and urban  
50 poor, which in turn limits the overall improvements in quality of  
51 care, the health status for the broader population, and results in  
52 unnecessary costs; and

53 WHEREAS, in order to maximize the benefits of physical  
54 education, the adoption of policies and programs aimed at  
55 increasing participation in physical education among all students  
56 should be prioritized; NOW, THEREFORE,

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

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

60 37-13-134. (1) The Legislature recognizes that there is a  
61 problem with Mississippi student inactivity and obesity, and  
62 therefore requires the following guidelines for school district  
63 physical education, health education and physical activity and  
64 fitness classes:

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



69 (b) Grades 9 through 12: One-half (1/2) Carnegie unit  
70 requirement in physical education or physical activity for  
71 graduation. Beginning with the 2015-2016 Ninth Grade class, an  
72 instructional component on the proper administration of  
73 cardiopulmonary resuscitation (CPR) and the use of an automated  
74 external defibrillator (AED) shall be included as part of the  
75 physical education or health education curriculum. The curricula  
76 shall incorporate into the instruction the psychomotor skills  
77 necessary to perform cardiopulmonary resuscitation and use of an  
78 automated external defibrillator as follows:

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

81 (ii) An instructional program which is nationally  
82 recognized and is based on the most current national  
83 evidence-based Emergency Cardiovascular Care guidelines for  
84 cardiopulmonary resuscitation and the use of an automated external  
85 defibrillator;

86 (iii) A licensed teacher shall not be required to  
87 be a certified trainer of cardiopulmonary resuscitation, to  
88 facilitate, provide or oversee such instruction for  
89 noncertification; and

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

92 For purposes of this paragraph (b), the term "psychomotor  
93 skills" means the use of hands-on practicing to support cognitive



94 learning. Cognitive-only training does not qualify as  
95 "psychomotor skills."

96 The requirements of this paragraph (b) shall be minimum  
97 requirements. Any local school district shall be authorized to  
98 offer CPR and AED instruction for longer periods of time than  
99 required herein, and may enhance the curriculum and training  
100 components.

101 (c) The State Department of Education shall establish a  
102 procedure for monitoring adherence by school boards to the  
103 requirements set forth in this section and the full implementation  
104 of a physical educational curriculum for all public K-12 students.

105 The physical education curriculum adopted by local school  
106 boards shall provide that all instruction in physical education,  
107 health education and physical activity must be \* \* \* aligned to  
108 the 2013-2014 Mississippi Physical Education Framework adopted by  
109 the State Board of Education and any subsequent amendments made  
110 thereunto by the board. Failure of a local school board to comply  
111 with the requirements of this section shall result in the district  
112 under the local school board's governing authority having the  
113 allowable portion of its adequate education program funds, which  
114 are devoted to physical education, reduced in proportion to its  
115 per pupil expenditure.

116 (2) Beginning with the 2006-2007 school year, each local  
117 school board shall, consistent with regulations adopted by the  
118 State Board of Education, adopt a school wellness plan which shall



119 promote a healthy lifestyle for Mississippi's school children and  
120 staff. Beginning with the 2008-2009 school year, the school  
121 wellness plan shall also promote increased physical activity,  
122 healthy eating habits and abstinence from the use of tobacco and  
123 illegal drugs through programs that incorporate healthy lifestyle  
124 choices into core subject areas which may be developed in  
125 partnership with the Institute for America's Health.

126 (3) Beginning with the 2012-2013 school year, the State  
127 Board of Education, in consultation with the State Department of  
128 Health, shall have the authority to establish a school health  
129 pilot program to improve student health so that all students can  
130 fully participate and be successful in school. The school health  
131 pilot program shall be implemented in local school districts, as  
132 provided in Section 37-13-134.1.

133 (4) The Legislature shall appropriate sufficient  
134 state-source funds for the State Department of Education to employ  
135 a physical activity coordinator to assist districts on current and  
136 effective practices and on implementation of physical education  
137 and physical activity programs.

138 (5) The physical activity coordinator employed under Section  
139 37-13-133 must have the qualifications prescribed in any of the  
140 following paragraphs, which are listed in the order of preference:

141 (a) A doctorate in physical education, exercise science  
142 or a highly related field, and at least three (3) years of



143 experience in teaching physical education in Grades K-12 or in  
144 physical activity promotion/fitness leadership; or

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

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

153 (6) The Governor's Commission on Physical Fitness and Sports  
154 created under Section 7-1-551 et seq., the Mississippi Council on  
155 Obesity Prevention and Management created under Section 41-101-1  
156 et seq., the Task Force on Heart Disease and Stroke Prevention  
157 created under Section 41-103-1 et seq., the Mississippi Alliance  
158 for Health, Physical Education, Recreation and Dance, and the  
159 Mississippi Alliance for School Health shall provide  
160 recommendations to the State Department of Education regarding the  
161 employment of the physical activity coordinator. The department  
162 shall consider the recommendations of those entities in employing  
163 the physical activity coordinator.

164 (7) The physical activity coordinator shall present a state  
165 physical activity plan each year to the Governor's Commission on  
166 Physical Fitness and Sports, the Mississippi Council on Obesity  
167 Prevention and Management, the Task Force on Heart Disease and



168 Stroke Prevention, the Mississippi Alliance for Health, Physical  
169 Education, Recreation and Dance, and the Mississippi Alliance for  
170 School Health.

171 (8) The physical activity coordinator shall monitor the  
172 districts for adherence to current Mississippi school  
173 accountability standards and for implementation of the physical  
174 education curriculum on file with the State Department of  
175 Education. The State Department of Education shall monitor and  
176 act as a clearinghouse for the activities of the local school  
177 health councils established pursuant to subsection (9) of this  
178 section.

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

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

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

190 (ii) Recommend appropriate practices that include  
191 a coordinated approach to school health designed to prevent





192 obesity, cardiovascular disease, Type II diabetes and other health  
193 risks, through coordination of:

- 194 1. Health education;
- 195 2. Physical education;
- 196 3. Nutritional services;
- 197 4. Parental/Community involvement;
- 198 5. Instruction to prevent the use of tobacco,  
199 drugs and alcohol;
- 200 6. Physical activity;
- 201 7. Health services;
- 202 8. Healthy environment;
- 203 9. Counseling and psychological services;
- 204 10. Healthy lifestyles; and
- 205 11. Staff wellness.

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

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

- 211 (i) Parents who are not employed by the school  
212 district;
- 213 (ii) The director of local school food services;
- 214 (iii) Public schoolteachers;
- 215 (iv) Public school administrators;
- 216 (v) District students;



- 217 (vi) Health care professionals;  
218 (vii) The business community;  
219 (viii) Law enforcement;  
220 (ix) Senior citizens;  
221 (x) The clergy;  
222 (xi) Nonprofit health organizations; and  
223 (xii) Faith-based organizations.

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

229 **SECTION 2.** This act shall take effect and be in force from  
230 and after July 1, 2022.

