

By: Representatives Brown (70th), Banks,
Denton

To: Education

HOUSE BILL NO. 593

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 ALIGN 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, 2023.

