

By: Representative Scott

To: Education

HOUSE BILL NO. 368

1 AN ACT TO AMEND SECTION 37-13-134, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE PUBLIC SCHOOL STUDENTS TO RECEIVE TWENTY HOURS PER
3 SCHOOL YEAR OF HEALTHY LIVING INSTRUCTION AND TO REQUIRE THE
4 HEALTH EDUCATION CURRICULUM IN THE PUBLIC SCHOOLS TO PROMOTE THE
5 MAKING OF HEALTHY CHOICES IN NUTRITION, EXERCISE AND BEHAVIOR; AND
6 FOR RELATED PURPOSES.

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

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

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

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

19 (b) Grades 9 through 12: One-half (1/2) Carnegie unit
20 requirement in physical education or physical activity for



21 graduation and twenty (20) hours per school year of healthy living
22 instruction. Beginning with the 2015-2016 Ninth Grade class, an
23 instructional component on the proper administration of
24 cardiopulmonary resuscitation (CPR) and the use of an automated
25 external defibrillator (AED) shall be included as part of the
26 physical education or health education curriculum. The curricula
27 shall incorporate into the instruction the psychomotor skills
28 necessary to perform cardiopulmonary resuscitation and use of an
29 automated external defibrillator as follows:

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

32 (ii) An instructional program which is nationally
33 recognized and is based on the most current national
34 evidence-based Emergency Cardiovascular Care guidelines for
35 cardiopulmonary resuscitation and the use of an automated external
36 defibrillator;

37 (iii) A licensed teacher shall not be required to
38 be a certified trainer of cardiopulmonary resuscitation * * * to
39 facilitate, provide or oversee such instruction for
40 noncertification; and

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

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



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

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

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

All instruction in physical education, health education and physical activity must be age and grade appropriate and based on the most current state standards provided by the State Department of Education. The health education curriculum must promote the making of healthy choices in nutrition, exercise and behavior.

(2) * * * Each local school board shall, consistent with regulations adopted by the State Board of Education, adopt a school wellness plan which shall promote a healthy lifestyle for Mississippi's school children and staff. * * * The school wellness plan shall also promote increased physical activity, healthy eating habits and abstinence from the use of tobacco and illegal drugs through programs that incorporate healthy lifestyle choices into core subject areas which may be developed in partnership with the Institute for America's Health.



69 (3) Beginning with the 2012-2013 school year, the State
70 Board of Education, in consultation with the State Department of
71 Health, shall have the authority to establish a school health
72 pilot program to improve student health so that all students can
73 fully participate and be successful in school. The school health
74 pilot program shall be implemented in local school districts, as
75 provided in Section 37-13-134.1.

76 (4) The Legislature shall appropriate sufficient
77 state-source funds for the State Department of Education to employ
78 a physical activity coordinator to assist districts on current and
79 effective practices and on implementation of physical education
80 and physical activity programs.

81 (5) The physical activity coordinator employed under Section
82 37-13-133 must have the qualifications prescribed in any of the
83 following paragraphs, which are listed in the order of preference:

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

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

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



94 teaching physical education in Grades K-12 or in physical activity
95 promotion/fitness leadership.

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

107 (7) The physical activity coordinator shall present a state
108 physical activity plan each year to the Governor's Commission on
109 Physical Fitness and Sports, the Mississippi Council on Obesity
110 Prevention and Management, the Task Force on Heart Disease and
111 Stroke Prevention, the Mississippi Alliance for Health, Physical
112 Education, Recreation and Dance, and the Mississippi Alliance for
113 School Health.

114 (8) The physical activity coordinator shall monitor the
115 districts for adherence to current Mississippi school
116 accountability standards and for implementation of the physical
117 education curriculum on file with the State Department of
118 Education. The State Department of Education shall monitor and



act as a clearinghouse for the activities of the local school health councils established * * * under 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. * * * These 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;
5. Instruction to prevent the use of tobacco, drugs and alcohol;



- 144 6. Physical activity;
145 7. Health services;
146 8. Healthy environment;
147 9. Counseling and psychological services;
148 10. Healthy lifestyles; and
149 11. Staff wellness * * *;

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

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

- 155 (i) Parents who are not employed by the school
156 district;
157 (ii) The director of local school food services;
158 (iii) Public schoolteachers;
159 (iv) Public school administrators;
160 (v) District students;
161 (vi) Health care professionals;
162 (vii) The business community;
163 (viii) Law enforcement;
164 (ix) Senior citizens;
165 (x) The clergy;
166 (xi) Nonprofit health organizations; and
167 (xii) Faith-based organizations.



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

173 **SECTION 2.** This act shall take effect and be in force from
174 and after July 1, 2025.

