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 Martinson, Thomas, Warren, Harrison, Clarke,  
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To: Education

COMMITTEE SUBSTITUTE  
 FOR  
 HOUSE BILL NO. 732

1 AN ACT TO BE KNOWN AS THE MISSISSIPPI HEALTHY STUDENTS ACT;  
 2 TO AMEND SECTION 37-13-134, MISSISSIPPI CODE OF 1972, TO REQUIRE A  
 3 MINIMUM PERIOD OF ACTIVITY-BASED INSTRUCTION AS DEFINED BY THE  
 4 STATE BOARD OF EDUCATION AS APPROPRIATE AND A MINIMUM PERIOD OF  
 5 HEALTH EDUCATION INSTRUCTION IN GRADES K-8; TO REQUIRE ONE-HALF OF  
 6 A CARNEGIE UNIT IN PHYSICAL EDUCATION IN GRADES 9-12 FOR  
 7 GRADUATION; TO REQUIRE SCHOOL DISTRICTS TO COLLECT BODY MASS INDEX  
 8 (BMI) INFORMATION FOR EVERY STUDENT AND PROVIDE THAT INFORMATION  
 9 TO PARENTS WITH AN EXPLANATION; TO REQUIRE THE APPROPRIATION OF  
 10 SUFFICIENT STATE-SOURCE FUNDS FOR THE STATE DEPARTMENT OF  
 11 EDUCATION TO EMPLOY A PHYSICAL ACTIVITY COORDINATOR TO ASSIST  
 12 SCHOOL DISTRICTS IN THE IMPLEMENTATION OF PHYSICAL EDUCATION  
 13 PROGRAMS; TO PROVIDE THAT THE STATUTORY DUTIES OF THE LOCAL SCHOOL  
 14 HEALTH COUNCILS SHALL BE MANDATORY RATHER THAN PERMISSIVE; TO  
 15 PROVIDE THAT THE LOCAL SCHOOL HEALTH COUNCILS SHALL INCLUDE A  
 16 REPRESENTATIVE FROM FOOD SERVICE ADMINISTRATORS/DIRECTORS; TO  
 17 DIRECT THE STATE BOARD OF EDUCATION TO ADOPT REGULATIONS, FOR  
 18 COMPLIANCE BY SCHOOL DISTRICTS, THAT ADDRESS THE FOLLOWING AREAS:  
 19 PREPARATION OF FOOD ITEMS; FOOD ITEMS THAT CAN BE PREPARED, SOLD  
 20 OR CONSUMED IN SCHOOL CAFETERIAS AND ON SCHOOL CAMPUSES;  
 21 RESTRICTION OF COMPETITIVE FOOD SALES ON SCHOOL CAMPUSES; THE  
 22 MINIMUM TIME ALLOTTED FOR STUDENTS AND STAFF TO CONSUME SCHOOL  
 23 BREAKFAST AND SCHOOL LUNCH; RESTRICTION OF SALES OF EXTRA FOOD TO  
 24 STUDENTS; AND MARKETING HEALTHY FOOD CHOICES TO STUDENTS AND  
 25 STAFF; TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT REGULATIONS  
 26 SPECIFYING THE FOOD AND BEVERAGE ITEMS AND OTHER ITEMS THAT ARE  
 27 APPROVED FOR SALE THROUGH SCHOOL FUND-RAISERS; AND FOR RELATED  
 28 PURPOSES.

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

30 **SECTION 1.** This act shall be known as the Mississippi  
 31 Healthy Students Act.

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

34 37-13-134. (1) The Legislature recognizes that there is a  
 35 problem with Mississippi student inactivity and obesity \* \* \*, and  
 36 therefore requires the following \* \* \* for school district  
 37 physical education, health education and fitness classes:

38 Kindergarten through Grade 8: One hundred fifty (150)  
 39 minutes per week of activity-based instruction as defined by the  
 40 State Board of Education, which instruction must be provided

41 during a minimum of three (3) days per week. In addition, there  
42 shall be forty-five (45) minutes per week of health education  
43 instruction.

44 Grades 9 through 12: One-half (1/2) Carnegie unit  
45 requirement in physical education for graduation.

46 All instruction in physical education and health education  
47 must be based on the most current state standards provided by the  
48 State Department of Education.

49 (2) At the end of the first semester of each school year,  
50 each school district shall collect an annual body mass index (BMI)  
51 for every Mississippi public school student and provide this  
52 information to parents. The information sent to parents shall  
53 include an explanation of the BMI, benefits of physical activity,  
54 benefits of proper nutrition, and resources for parents that  
55 promote and encourage a healthy lifestyle. The State Board of  
56 Education shall provide resources, training and technical  
57 assistance to school districts on the collection and dissemination  
58 of BMI. The school districts shall treat the students' BMI  
59 information as private information in the same manner as other  
60 student records are treated.

61 (3) The Legislature shall appropriate sufficient  
62 state-source funds for the State Department of Education \* \* \*  
63 to employ a physical activity coordinator to assist school districts  
64 on current and effective practices and on implementation of  
65 physical education programs.

66 (4) The physical activity coordinator employed under Section  
67 37-13-133 must have the qualifications prescribed in any of the  
68 following paragraphs, which are listed in the order of preference:

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

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

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

81           (5) The Governor's Commission on Physical Fitness and Sports  
82 created under Section 7-1-551 et seq., the Mississippi Council on  
83 Obesity Prevention and Management created under Section 41-101-1  
84 et seq., the Task Force on Heart Disease and Stroke Prevention  
85 created under Section 41-103-1 et seq., the Mississippi Alliance  
86 for Health, Physical Education, Recreation and Dance, and the  
87 Mississippi Alliance for School Health shall provide  
88 recommendations to the State Department of Education regarding the  
89 employment of the physical activity coordinator. The department  
90 shall consider the recommendations of those entities in employing  
91 the physical activity coordinator.

92           (6) The physical activity coordinator shall present a state  
93 physical activity plan each year to the Governor's Commission on  
94 Physical Fitness and Sports, the Mississippi Council on Obesity  
95 Prevention and Management, the Task Force on Heart Disease and  
96 Stroke Prevention, the Mississippi Alliance for Health, Physical  
97 Education, Recreation and Dance, and the Mississippi Alliance for  
98 School Health.

99           (7) The physical activity coordinator shall monitor the  
100 districts for adherence to current Mississippi school  
101 accountability standards and for implementation of the physical  
102 education curriculum on file with the State Department of  
103 Education. The State Department of Education shall monitor and  
104 act as a clearinghouse for the activities of the local school

105 health councils established pursuant to subsection (8) of this  
106 section.

107 \* \* \*

108 (8) (a) The local school board of each school district  
109 shall establish a local school health council for each school  
110 which shall ensure that local community values are reflected in  
111 the local school's wellness plan to address school health. Such  
112 councils shall be established no later than November 1, 2006.

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

115 (i) Recommend age appropriate curriculum and the  
116 number of hours of instruction to be provided in health and  
117 physical education;

118 (ii) Recommend appropriate practices that \* \* \*  
119 include a coordinated approach to school health \* \* \* designed to  
120 prevent obesity, cardiovascular disease, Type II diabetes and  
121 other health risks through coordination of:

- 122 1. Health education;
- 123 2. Physical education;
- 124 3. Nutritional services;
- 125 4. Parental/community involvement;
- 126 5. Instruction to prevent the use of tobacco,  
127 drugs and alcohol;
- 128 6. Health services;
- 129 7. Healthy environment; \* \* \*
- 130 8. Counseling and psychological services; and
- 131 9. Staff wellness.

132 (iii) Provide guidance on the development and  
133 implementation of the local school wellness plan. Beginning with  
134 the 2006-2007 school year, each local school board shall adopt a  
135 school wellness plan which shall promote a healthy lifestyle for  
136 Mississippi's school children and staff.

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

140 (i) Parents who are not employed by the school  
141 district;

142 (ii) Public schoolteachers;

143 (iii) Public school administrators;

144 (iv) District students;

145 (v) Health care professionals;

146 (vi) The business community;

147 (vii) Law enforcement;

148 (viii) Senior citizens;

149 (ix) The clergy;

150 (x) Nonprofit health organizations; \* \* \*

151 (xi) Faith-based organizations; and

152 (xii) Food service administrators/directors.

153 (9) (a) The State Board of Education shall adopt  
154 regulations, for compliance by school districts, for the Child  
155 Nutrition School Breakfast and Lunch Programs that are not in  
156 conflict with and may be more stringent than the regulations of  
157 the United States Department of Agriculture (USDA), and that  
158 address the following areas:

159 (i) Preparation of food items;

160 (ii) Food items that can be prepared, sold or  
161 consumed in school cafeterias and on school campuses;

162 (iii) Restriction of competitive food sales on  
163 school campuses;

164 (iv) The minimum time allotted for students and  
165 staff to consume school breakfast and school lunch;

166 (v) Restriction of sales of extra food to  
167 students; and

168 (vi) Marketing healthy food choices to students  
169 and staff.

170           (b) The regulations on preparation of food items for  
171 the Child Nutrition School Breakfast and Lunch Programs shall, at  
172 a minimum, address the methods of preparing foods and the use of  
173 ingredients that will:

174           (i) Reduce the amount of and, whenever possible,  
175 eliminate saturated fat in food items, and reduce the amount of  
176 sugar and sodium in food items;

177           (ii) Eliminate any nonnaturally occurring trans  
178 fatty acids in food items;

179           (iii) Use one hundred percent (100%) whole grain  
180 products and ingredients whenever available; and

181           (iv) Eliminate the frying of food items.

182           In order to promote healthier food preparation, these  
183 regulations shall prohibit any school district, school or other  
184 entity from purchasing deep fryers after January 1, 2008, for the  
185 purpose of preparing foods for the Child Nutrition School  
186 Breakfast and/or Lunch Program, and shall encourage schools to use  
187 baking ovens instead of deep fryers for food preparation.

188           (c) The regulations on food items that can be prepared,  
189 sold or consumed in school cafeterias and on school campuses  
190 during the Child Nutrition School Breakfast and Lunch Programs  
191 shall, at a minimum:

192           (i) Prohibit the sale or consumption of retail  
193 fast foods in the school cafeterias or at any other location on  
194 the school campuses; however, this shall not prohibit the sale or  
195 consumption of retail fast foods at extracurricular school events,  
196 as defined by the State Board of Education, regardless of the  
197 location at which the events are held; and

198           (ii) Prohibit anyone from bringing retail prepared  
199 food into the school cafeterias or onto the school campuses during  
200 the school breakfast and school lunch programs.

201           (d) The State Board of Education shall encourage each  
202 school to provide students and staff with a minimum of fifteen

203 (15) minutes to eat lunch once they have received their food. In  
204 determining the total length of the lunch period, the time to and  
205 from the cafeteria, the time to go through the line, and the time  
206 to bus trays at the end of lunch shall be considered.

207 (e) The regulations on marketing healthy food choices  
208 to students and staff shall provide resources, examples, and/or  
209 methods for assisting schools with marketing healthy food choices  
210 to students and staff to make those choices appealing or  
211 attractive to them, in order to support and increase participation  
212 in the Child Nutrition School Breakfast and/or Lunch Program.

213 (f) The regulations adopted under this subsection (9)  
214 shall be effective from and after July 1, 2008, except for the  
215 regulation under paragraph (b) that prohibits the purchase of deep  
216 fryers, which shall be effective from and after January 1, 2008.

217 (10) The State Board of Education shall adopt regulations,  
218 for compliance by school districts, that specify the food and  
219 beverage items and other items that are approved for sale or  
220 distribution \* \* \* through fund-raisers that are conducted by  
221 students, teachers, school groups or parent groups \* \* \* off the  
222 school campus. With respect to food and beverage items, the board  
223 shall approve only healthy and nutritious items that are not  
224 inconsistent with the regulations adopted under subsection (9)  
225 that govern food and beverage items. The regulations adopted  
226 under this subsection (10) shall be effective from and after July  
227 1, 2008.

228 **SECTION 3.** This act shall take effect and be in force from  
229 and after July 1, 2007.