

By: Senator(s) Chaney, Thomas, Clarke, Wilemon, King, Albritton, Burton, Butler, Chassaniol, Dawkins, Dearing, Gollott, Gordon, Harden, Hewes, Horhn, Jackson (11th), Jordan, Lee (47th), Michel, Morgan, Pickering, Ross, Tollison, Walls, White

To: Education; Appropriations

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 2369

1 AN ACT TO AMEND SECTION 37-13-134, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE A MINIMUM PERIOD OF ACTIVITY-BASED INSTRUCTION AS
3 DEFINED BY THE STATE BOARD OF EDUCATION AS APPROPRIATE AND A
4 MINIMUM PERIOD OF HEALTH EDUCATION INSTRUCTION IN GRADES K-8, AND
5 TO PROVIDE FOR THE EMPLOYMENT OF A PHYSICAL ACTIVITY COORDINATOR
6 TO ASSIST SCHOOL DISTRICTS IN THE IMPLEMENTATION OF PHYSICAL
7 EDUCATION PROGRAMS; AND FOR RELATED PURPOSES.

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

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

11 37-13-134. (1) The Legislature recognizes that there is a
12 problem with Mississippi student inactivity and obesity * * *, and
13 therefore requires the following guidelines for school district
14 physical education, health education and fitness classes:
15 Kindergarten through Grade 8: One hundred fifty (150) minutes per
16 week of activity-based instruction as defined by the State Board
17 of Education and forty-five (45) minutes per week of health
18 education instruction; Grades 9 through 12: 1/2 Carnegie unit
19 requirement in physical education for graduation. All instruction
20 in physical education and health education must be based on the
21 most current state standards provided by the Mississippi State
22 Department of Education.

23 (2) * * * State-source funds shall be appropriated for * * *
24 the State Department of Education * * * to employ a physical
25 activity coordinator to assist districts on current and effective
26 practices and on implementation of physical education programs.

27 (3) The physical activity coordinator employed under Section
28 37-13-133 must have the qualifications prescribed in any of the
29 following paragraphs, which are listed in the order of preference:

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

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

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

42 (4) The Governor's Commission on Physical Fitness and Sports
43 created under Section 7-1-551 et seq., the Mississippi Council on
44 Obesity Prevention and Management created under Section 41-101-1
45 et seq., the Task Force on Heart Disease and Stroke Prevention
46 created under Section 41-103-1 et seq., the Mississippi Alliance
47 for Health, Physical Education, Recreation and Dance, and the
48 Mississippi Alliance for School Health shall provide
49 recommendations to the State Department of Education regarding the
50 employment of the physical activity coordinator. The department
51 shall consider the recommendations of those entities in employing
52 the physical activity coordinator.

53 (5) The physical activity coordinator shall present a state
54 physical activity plan each year to the Governor's Commission on
55 Physical Fitness and Sports, the Mississippi Council on Obesity
56 Prevention and Management, the Task Force on Heart Disease and
57 Stroke Prevention, the Mississippi Alliance for Health, Physical
58 Education, Recreation and Dance, and the Mississippi Alliance for
59 School Health.

60 (6) The physical activity coordinator shall monitor the
61 districts for adherence to current Mississippi school
62 accountability standards and for implementation of the physical

63 education curriculum on file with the State Department of
64 Education. The State Department of Education shall monitor and
65 act as a clearinghouse for the activities of the local school
66 health councils established pursuant to subsection (8) of this
67 section.

68 * * *

69 (7) (a) The local school board of each school district
70 shall establish a local school health council for each school
71 which shall ensure that local community values are reflected in
72 the local school's wellness plan to address school health. Such
73 councils shall be established no later than November 1, 2006.

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

76 (i) Recommend age appropriate curriculum and the
77 number of hours of instruction to be provided in health and
78 physical education;

79 (ii) Recommend appropriate practices that * * *
80 include a coordinated approach to school health * * * designed to
81 prevent obesity, cardiovascular disease, Type II diabetes and
82 other health risks through coordination of:

- 83 1. Health education;
- 84 2. Physical education;
- 85 3. Nutritional services;
- 86 4. Parental/Community involvement;
- 87 5. Instruction to prevent the use of tobacco,
88 drugs and alcohol;
- 89 6. Health services;
- 90 7. Healthy environment; * * *
- 91 8. Counseling and psychological services; and
- 92 9. Staff wellness.

93 (iii) Provide guidance on the development and
94 implementation of the local school wellness plan. Beginning with
95 the 2006-2007 school year, each local school board shall adopt a

96 school wellness plan which shall promote a healthy lifestyle for
97 Mississippi's school children and staff.

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

101 (i) Parents who are not employed by the school
102 district;

103 (ii) Public schoolteachers;

104 (iii) Public school administrators;

105 (iv) District students;

106 (v) Health care professionals;

107 (vi) The business community;

108 (vii) Law enforcement;

109 (viii) Senior citizens;

110 (ix) The clergy;

111 (x) Nonprofit health organizations; and

112 (xi) Faith-based organizations.

113 (8) Nothing in this section shall be construed to prohibit
114 or limit the sale or distribution of any food or beverage item
115 through fund-raisers conducted by students, teachers, school
116 groups, or parent groups when the items are intended for sale off
117 the school campus.

118 **SECTION 2.** This act shall take effect and be in force from
119 and after July 1, 2007.