

By: Representative Scott

To: Education

HOUSE BILL NO. 248

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



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

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

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

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

60 (2) \* \* \* Each local school board shall, consistent with  
61 regulations adopted by the State Board of Education, adopt a  
62 school wellness plan which shall promote a healthy lifestyle for  
63 Mississippi's school children and staff. \* \* \* The school  
64 wellness plan shall also promote increased physical activity,  
65 healthy eating habits and abstinence from the use of tobacco and  
66 illegal drugs through programs that incorporate healthy lifestyle  
67 choices into core subject areas which may be developed in  
68 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



119 act as a clearinghouse for the activities of the local school  
120 health councils established \* \* \* under subsection (9) of this  
121 section.

122 (9) (a) The local school board of each school district  
123 shall establish a local school health council for each school  
124 which shall ensure that local community values are reflected in  
125 the local school's wellness plan to address school health. \* \* \*  
126 These councils shall be established no later than November 1,  
127 2006.

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

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

134 (ii) Recommend appropriate practices that include  
135 a coordinated approach to school health designed to prevent  
136 obesity, cardiovascular disease, Type II diabetes and other health  
137 risks, through coordination of:

- 138 1. Health education;
- 139 2. Physical education;
- 140 3. Nutritional services;
- 141 4. Parental/Community involvement;
- 142 5. Instruction to prevent the use of tobacco,  
143 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, 2024.

