HOUSE BILL NO. 319
(As Passed the House)

AN ACT TO AMEND SECTION 37-13-134, MISSISSIPPI CODE OF 1972, TO DIRECT LOCAL SCHOOL DISTRICTS TO ESTABLISH LOCAL SCHOOL HEALTH COUNCILS BY NOVEMBER 1, 2006, IN CONFORMITY WITH FEDERAL REQUIREMENTS; TO PROVIDE THAT THIS SECTION DOES NOT PROHIBIT SALES OF FOOD THROUGH SCHOOL FUND-RAISERS HELD OFF THE SCHOOL CAMPUS; AND FOR RELATED PURPOSES.

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

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

37-13-134. (1) The Legislature recognizes that there is a problem with Mississippi student inactivity and obesity in the elementary school years, and therefore recommends the following guidelines for school district physical education and fitness classes:

- kindergarten through Grade 6: thirty (30) minutes per day;
- Grades 7 through 9: two (2) hours per week.

(2) Until such time that state-source funds can be appropriated, it is the intention of the Legislature that the State Department of Education make application for any federal funds available to implement this recommendation and to employ a physical activity coordinator.

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

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

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

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

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

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

(6) The physical activity coordinator shall monitor the districts for adherence to current Mississippi school accountability standards and for implementation of the physical education curriculum on file with the State Department of Education. The State Department of Education shall monitor and act as a clearinghouse for the activities of the local school health councils established pursuant to subsection (8) of this section.

(7) The State Department of Education shall conduct a study on the correlation between physical activity or exercise and classroom performance. The study must include recommendations for
the implementation of a healthy schools program. The department
shall submit a report on the results of the study, including
recommendations for legislation, to the Chairmen of the Education
Committees of the House of Representatives and the Senate before
December 1, 2002.

(8) (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. Such councils shall be established no later than November
1, 2006.

(b) The local school health council's duties may
include the following:

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

(ii) Recommend appropriate practices that
may include a coordinated school health program 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 involvement;
5. Instruction to prevent the use of tobacco,
drugs and alcohol;
6. Health services;
7. Healthy environment; and
8. Counseling and psychological services.

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

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

(i) Parents who are not employed by the school district;
(ii) Public schoolteachers;
(iii) Public school administrators;
(iv) District students;
(v) Health care professionals;
(vi) The business community;
(vii) Law enforcement;
(viii) Senior citizens;
(ix) The clergy;
(x) Nonprofit health organizations; and
(xi) Faith-based organizations.

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

SECTION 2. This act shall take effect and be in force from and after July 1, 2006.