MISSISSIPPI LEGISLATURE REGULAR SESSION 2012

By: Representative Gardner

To: Education;
Appropriations

HOUSE BILL NO. 521

AN ACT TO AMEND SECTION 37-13-134, MISSISSIPPI CODE OF 1972, TO REQUIRE SCHOOL DISTRICTS TO COLLECT AN ANNUAL BODY MASS INDEX (BMI) PERCENTILE BY AGE FOR EACH STUDENT IN KINDERGARTEN AND IN EVEN NUMBERED GRADES THROUGH GRADE 10, AND TO PROVIDE THAT INFORMATION TO PARENTS WITH AN EXPLANATION; TO ALLOW ANY PARENT TO REFUSE TO HAVE THEIR CHILD'S BMI PERCENTILE ASSESSED AND REPORTED, BY PROVIDING A WRITTEN REFUSAL TO THE SCHOOL; TO PROVIDE THAT STUDENTS IN GRADES 11 AND 12 ARE EXEMPT FROM THE REQUIREMENT TO MEASURE AND REPORT THEIR BMI PERCENTILE; 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, and therefore requires the following guidelines for school district physical education, health education and physical activity and fitness classes:

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

Grades 9 through 12: 1/2 Carnegie unit requirement in physical education or physical activity for graduation.

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

(2) Beginning with the 2006-2007 school year, 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. Beginning with the 2008-2009 school year, 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.

(3) Beginning with the 2012-2013 school year, each school district shall require the schools in the district to collect an annual body mass index (BMI) percentile by age for each student in kindergarten and in even numbered grades through Grade 10, and provide that information to parents. Any parent may refuse to have their child's BMI percentile assessed and reported, by providing a written refusal to the school. Students in Grades 11 and 12 are exempt from the requirement to measure and report their BMI percentile. The information provided to parents shall include an explanation of the BMI percentile, benefits of physical activity, benefits of proper nutrition, and resources for parents that promote and encourage a healthy lifestyle. The State Board of Education shall provide resources, training and technical assistance to school districts on the collection and dissemination of the BMI percentile. The school districts shall treat the students' BMI information as private information in the same manner as other student records are treated.

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

(5) 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.

(6) 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.

(7) 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, the Mississippi Alliance for Health, Physical Education, Recreation and Dance, and the Mississippi Alliance for School Health.

(8) 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 (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. Such 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 subsection (1) of 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;

6. Physical activity;

7. Health services;

8. Healthy environment;

9. Counseling and psychological services;

10. Healthy lifestyles; and

11. Staff wellness;

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

(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) The director of local school food services;

(iii) Public schoolteachers;

(iv) Public school administrators;

(v) District students;

(vi) Health care professionals;

(vii) The business community;

(viii) Law enforcement;

(ix) Senior citizens;

(x) The clergy;

(xi) Nonprofit health organizations; and

(xii) Faith-based organizations.

(10) 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, 2012.