

20-7-133. Child Health Advisory Committee — Creation.

Statute text

(a) There is created a Child Health Advisory Committee to consist of twenty (20) members.

(b)(1) The Director of the Department of Health shall appoint:

(A) One (1) member to represent the Department of Health;

(B) One (1) member to represent the Arkansas Academy of Nutrition and

Dietetics;

(C) One (1) member to represent the American Academy of Pediatrics, Arkansas

Chapter;

(D) One (1) member to represent the Arkansas Academy of Family Practice;

(E) One (1) member to represent the Arkansas Association for Health, Physical

Education, Recreation and Dance;

(F) One (1) member to represent jointly the American Heart Association, the

American Cancer Society, and the American Lung Association;

(G) One (1) member to represent the Fay W. Boozman College of Public Health

of the University of Arkansas for Medical Sciences;

(H) One (1) member to represent the Arkansas Center for Health Improvement;

(I) One (1) member to represent the Arkansas Advocates for Children and

Families;

(J) One (1) member to represent the University of Arkansas Cooperative

Extension Service; and

(K) One (1) member to represent the Office of Minority Health and Health

Disparities of the Department of Health.

(2) The Commissioner of Education shall appoint:

(A) One (1) member to represent the Department of Education;

(B) One (1) member to represent the Arkansas School Nutrition Association;

(C) One (1) member to represent the Arkansas School Nurses Association;

(D) One (1) member to represent the Arkansas Association of Educational

Administrators;

(E) One (1) member to represent the Arkansas Parent Teacher Association;

(F) One (1) member to represent the Arkansas School Boards Association;

(G) One (1) member to represent the Arkansas Association of School Business

Officials;

(H) One (1) member to represent the Arkansas Association for Supervision and

Curriculum Development; and

(I) One (1) member who is a classroom teacher.

(c) Terms of committee members shall be three (3) years except for the initial members, whose terms shall be determined by lot so as to stagger terms to equalize as nearly as possible the number of members to be appointed each year.

(d) If a vacancy occurs, the officer who made the original appointment shall appoint a person who represents the same constituency as the member being replaced.

(e) The committee shall elect one (1) of its members to act as chair for a term of one (1) year.

(f) A majority of the members shall constitute a quorum for the transaction of business.

(g) The committee shall meet at least monthly.

(h) The Department of Health shall provide office space and staff for the committee.

(i) Members of the committee shall serve without pay but may receive expense reimbursement in accordance with § 25-16-902 if funds are available.

History

History. Acts 2003, No. 1220, § 1; 2007, No. 719, § 1.

20-7-134. Powers and duties.

Statute text

(a) The Child Health Advisory Committee shall meet at least one (1) time per month and make recommendations to the State Board of Education and the State Board of Health consistent with the intent and purpose of this section and §§ 20-7-133 and 20-7-135.

(b) The committee shall develop nutrition and physical activity standards and policy recommendations with consideration of the following:

(1) Foods sold individually in school cafeterias but outside the regulated National School Lunch Program;

(2) Competitive foods as defined by the United States Department of Agriculture as the definition is in existence on January 1, 2015, and offered at schools typically through vending machines, student stores, school fundraisers, food carts, or food concessions;

(3) The continuing professional development of food service staff;

(4) The expenditure of funds derived from competitive food and beverage contracts;

(5) Physical education and activity;

(6) Systems to ensure the implementation of nutrition and physical activity standards;

and

(7) The monitoring and evaluating of results and reporting of outcomes.

(c) The committee shall examine the progress of the Arkansas Coordinated School Health Program and make recommendations to the Department of Education and the Department of Health concerning the implementation of the Arkansas Coordinated School Health Program.

History

History. Acts 2003, No. 1220, § 1; 2007, No. 719, § 1; 2015, No. 846, § 36.

Annotations

Amendments. The 2015 amendment substituted “January 1, 2015” for “January 1, 2003” in (b)(2).

20-7-135. Nutrition and physical activity standards — Implementation.

Statute text

(a) After having consulted the Child Health Advisory Committee and the State Board of Health, the State Board of Education shall promulgate appropriate rules and regulations to ensure that nutrition and physical activity standards and body mass index for age assessment protocols are implemented to provide students with the skills, opportunities, and encouragement to adopt healthy lifestyles.

(b) The Department of Health in consultation with the Department of Education shall:

(1) Employ one (1) qualified community health promotion professional with training or experience, or both, in nutrition, chronic disease, or another related field to be housed within the

Department of Health to plan, develop, implement, and evaluate pilot or model programs to support schools and communities if funds are available;

(2) Employ one (1) statewide health promotion consultant to be housed within the Department of Education if funds are available;

(3) Employ one (1) person as a community health promotion specialist to support implementation of pilot or model programs in schools and communities in nutrition and physical activity in several distinct geographical areas of the state if funds are available;

(4) Assign all community health nurses under its supervision to work with schools to assure that body mass index for age assessment protocols are followed by school employees or their designees who conduct body mass index for age assessments and other student health screenings; and

(5) Not use more than five percent (5%) of the annual Department of Health Master Settlement Agreement funds for the salaries or programs created under this subsection.

(c) Every school district shall:

(1) Prohibit for elementary school students in-school access to vending machines offering food and beverages;

(2) Require schools to include as part of the annual report to parents and the community the amounts and specific sources of funds received and expenditures made from competitive food and beverage contracts;

(3) Beginning with kindergarten and then in even-numbered grades, require schools to include as a part of a student health report to parents a body mass index percentile by age for each student; and

(4)(A) Permit any parent to refuse to have his or her child's body mass index percentile for age assessed and reported, by providing a written refusal to the school.

(B) Students in grades eleven and twelve (11-12) are exempt from any policy or requirement of a public school or the state for measuring or reporting body mass index.

(d) The Department of Education shall:

(1) Begin the implementation of standards developed by the committee and approved by the Department of Education; and

(2) Annually monitor and evaluate the implementation and effectiveness of the nutrition and physical education standards.

(e) Every school district shall:

(1) Convene a school nutrition and physical activity advisory committee that shall include members from school district governing boards, school administrators, food service personnel, teacher organizations, parents, students, and professional groups such as nurses and community members to:

(A) Help raise awareness of the importance of nutrition and physical activity; and

(B) Assist in the development of local policies that address issues and goals, including but not limited to the following:

(i) Assisting with the implementation of nutrition and physical activity standards developed by the school nutrition and physical activity advisory committee with the approval of the Department of Education and the State Board of Health;

(ii) Integrating nutrition and physical activity into the overall curriculum;

(iii) Ensuring that professional development for staff includes nutrition and physical activity issues;

- (iv) Ensuring that students receive nutrition education and engage in healthful levels of vigorous physical activity;
 - (v) Improving the quality of physical education curricula and increasing training of physical education teachers;
 - (vi) Enforcing existing physical education requirements; and
 - (vii) Pursuing contracts that both encourage healthy eating by students and reduce school dependence on profits from the sale of foods of minimal nutritional value;
- (2) Begin the implementation of standards developed by the committee with the approval of the Department of Education and the State Board of Health; and
- (3) Require that goals and objectives for nutrition and physical activity be incorporated into the annual school planning and reporting process.

(f)(1) The Department of Education and the Department of Health shall report annually on progress in implementing nutrition and physical education standards to the:

- (A) Chair of the House Committee on Public Health, Welfare, and Labor;**
- (B) Chair of the Senate Committee on Public Health, Welfare, and Labor;**
- (C) Chair of the House Committee on Education; and**
- (D) Chair of the Senate Committee on Education.**

(2) The State Board of Education shall submit to the House Committee on Education and the Senate Committee on Education for the committees' review any proposed rules regarding physical education or physical activity standards for grades kindergarten through twelve (K-12) developed pursuant to this section.

History

History. Acts 2003, No. 1220, § 1; 2003 (2nd Ex. Sess.), No. 29, § 1; 2007, No. 201, § 1; 2007, No. 317, § 3.