

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas As Engrossed: H1/24/07 H1/26/07 S2/22/07

2 86th General Assembly

A Bill

3 Regular Session, 2007

HOUSE BILL 1173

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5 By: Representatives Anderson, Adcock, J. Brown, Cook, Cooper, Cornwell, S. Dobbins, Dunn, L. Evans,

6 George, R. Green, D. Hutchinson, King, Lovell, Lowery, Medley, Norton, Pennartz, Petrus, Pyle,

7 Ragland, J. Roebuck, Sample, Stewart, Thyer, Breedlove, Harris, Kenney, Sullivan

8 By: Senators Bisbee, Baker, Hendren, G. Jeffress, Miller, Salmon

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For An Act To Be Entitled

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AN ACT TO REPEAL THE REQUIREMENT THAT SCHOOL

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DISTRICTS MUST REQUIRE SCHOOLS IN THE SCHOOL

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DISTRICT TO PROVIDE TO PARENTS AN ANNUAL BODY

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MASS INDEX REPORT ON EACH STUDENT; AND FOR OTHER

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PURPOSES.

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Subtitle

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AN ACT TO REPEAL THE REQUIREMENT THAT

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SCHOOL DISTRICTS MUST PROVIDE TO PARENTS

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AN ANNUAL BODY MASS INDEX REPORT ON EACH

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STUDENT.

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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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27 SECTION 1. Arkansas Code 20-7-135 is amended to read as follows:

28 20-7-135. Nutrition and physical activity standards - Implementation.

29 (a) After having consulted the Child Health Advisory Committee and the

30 State Board of Health, the State Board of Education shall promulgate

31 appropriate rules and regulations to ensure that nutrition and physical

32 *activity standards and body mass index for age assessment protocols are*

33 *implemented to provide students with the skills, opportunities, and*

34 *encouragement to adopt healthy lifestyles.*

35 (b) The Division of Health of the Department of Health and Human

36 Services in consultation with the Department of Education shall:



1 (1) Employ one (1) qualified community health promotion
2 professional with training or experience, or both, in nutrition, chronic
3 disease, or another related field to be housed within the division to plan,
4 develop, implement, and evaluate pilot or model programs to support schools
5 and communities if funds are available;

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

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

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

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

19 (c) *Every school district shall:*

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

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

25 (3) Beginning with kindergarten and then in even numbered
26 grades, ~~Require~~ ~~require~~ schools to include as a part of a student health
27 report to parents ~~an annual~~ a body mass index percentile by age for each
28 student; and

29 (4) ~~Require schools to annually provide parents with an~~
30 ~~explanation of the possible health effects of body mass index, nutrition, and~~
31 ~~physical activity~~ Permit any parent to refuse to have their child's body mass
32 index percentile for age assessed and reported, by providing a written
33 refusal to the school.

34 (d) ~~The Department of Education shall:~~

35 (3) Students in grades eleven through twelve (11-12) are exempt
36 from any policy or requirement of a public school or the state for measuring

1 or reporting body mass index.

2 (d) The Department of Education shall:

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

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

7 (e) Every school district shall:

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

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

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

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

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

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

25 (iv) Ensuring that students receive nutrition
26 education and engage in healthful levels of vigorous physical activity;

27 (v) Improving the quality of physical education
28 curricula and increasing training of physical education teachers;

29 (vi) Enforcing existing physical education
30 requirements; and

31 (vii) Pursuing contracts that both encourage healthy
32 eating by students and reduce school dependence on profits from the sale of
33 foods of minimal nutritional value;

34 (2) Begin the implementation of standards developed by the
35 committee with the approval of the Department of Education and the State
36 Board of Health; and

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(3) Require that goals and objectives for nutrition and physical activity be incorporated into the annual school planning and reporting process.

(f) The Department of Education and the division shall report annually on progress in implementing nutrition and physical education standards to the chairs of the House Interim Committee on Public Health, Welfare, and Labor and the Senate Interim Committee on Public Health, Welfare, and Labor.

/s/ Anderson