

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.

Act 201 of the Regular Session

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

4
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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11 **For An Act To Be Entitled**

12 AN ACT TO REPEAL THE REQUIREMENT THAT SCHOOL
13 DISTRICTS MUST REQUIRE SCHOOLS IN THE SCHOOL
14 DISTRICT TO PROVIDE TO PARENTS AN ANNUAL BODY
15 MASS INDEX REPORT ON EACH STUDENT; AND FOR OTHER
16 PURPOSES.

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18 **Subtitle**

19 AN ACT TO REPEAL THE REQUIREMENT THAT
20 SCHOOL DISTRICTS MUST PROVIDE TO PARENTS
21 AN ANNUAL BODY MASS INDEX REPORT ON EACH
22 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



1 Services in consultation with the Department of Education shall:

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

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

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

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

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

20 (c) Every school district shall:

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

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

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

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

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

36 (3) Students in grades eleven through twelve (11-12) are exempt

1 from any policy or requirement of a public school or the state for measuring
2 or reporting body mass index.

3 (d) The Department of Education shall:

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

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

8 (e) Every school district shall:

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

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

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

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

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

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

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

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

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

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

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

1 Board of Health; and
2 (3) Require that goals and objectives for nutrition and physical
3 activity be incorporated into the annual school planning and reporting
4 process.
5 (f) The Department of Education and the division shall report annually
6 on progress in implementing nutrition and physical education standards to the
7 chairs of the House Interim Committee on Public Health, Welfare, and Labor
8 and the Senate Interim Committee on Public Health, Welfare, and Labor.

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/s/ Anderson

APPROVED: 3/5/2007