

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 509

95TH GENERAL ASSEMBLY

1506L.03P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 167, RSMo, by adding thereto three new sections relating to student health.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 167, RSMo, is amended by adding thereto three new sections, to be
2 known as sections 167.205, 167.206, and 167.720, to read as follows:

**167.205. 1. Each public school district in this state shall adopt the following
2 nutritional standards for all foods and beverages provided or sold to students on campus
3 during the school day as a la carte, vending, school stores, and fund-raising activities:**

4 **(1) All food and beverages sold to students on campus during the school day shall
5 be a recognized component of the food-based meal pattern or must contain five percent of
6 the daily value, per serving or per one hundred calories, of at least one of the eight essential
7 nutrients: iron, calcium, protein, vitamin A, vitamin C, niacin, thiamine, or riboflavin;**

8 **(2) All snacks sold to students on campus during the school day shall contain fewer
9 than three hundred calories per item and shall contain no more than thirty percent of
10 calories from fat, except nuts and seeds;**

11 **(3) Beverages sold to students on campus during the school day shall be one
12 hundred percent fruit juices or fruit juice drinks with a minimum of twenty-five percent
13 fruit juice, water, flavored water with zero calories, and low-fat or nonfat milk; and**

14 **(4) The cafeteria and entire school campus shall sell snacks with no more than
15 thirty percent by weight sugar per serving, excluding fruits and vegetables.**

16 **2. Competitive foods may be sold during the school day in staff break rooms and
17 areas only accessible to staff members in elementary schools, and may be sold to staff and
18 students at secondary schools in hours outside the school day, as defined in subsection 3**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 of this section. "Competitive foods" means any foods sold in competition with the school
20 lunch program.

21 3. For purposes of this section, "school day" means the period of time from 6:00
22 a.m. until one-half hour after the school's last lunch period, and the money from the sale
23 of food or drink during this protected time period shall accrue to the school nutrition
24 program account of each school.

167.206. 1. School meals shall meet the following standards:

2 (1) Saturated fat shall be limited to less than ten percent of calories; and

3 (2) Total fat shall be limited to thirty percent of calories.

4 2. Notwithstanding any other law, compliance with subsection 1 of this section shall
5 be measured over a school day, and shall include lunches and breakfasts offered to pupils.

167.720. 1. All school districts shall comply with the requirements of this section
2 by July 1, 2011.

3 2. As used in this section, unless the context otherwise requires, the following terms
4 mean:

5 (1) "Moderate physical activity", low to medium impact physical exertion that
6 causes an individual's heart rate to rise to fifty to seventy-five percent of his or her
7 maximum heart rate. Maximum heart rate is roughly calculated as 220 minus a person's
8 age;

9 (2) "Physical education", instruction in healthy active living by a teacher certified
10 to teach physical education, structured in such a way that it is a regularly scheduled class
11 for students;

12 (3) "Recess", a structured play environment, outside of regular classroom
13 instructional activities, where students are allowed to engage in supervised safe, active free
14 play. This does not count as physical education.

15 3. The required elements of physical education shall be as follows:

16 (1) Every student in kindergarten through eighth grade shall participate in daily
17 physical education for the entire school year, including students with disabling conditions
18 and those in alternative education programs. Students in the elementary schools shall
19 participate in physical education for at least one hundred fifty minutes during each school
20 week, with an average of thirty minutes per day, and students in middle schools shall
21 participate for at least two hundred twenty-five minutes per school week, consistent with
22 the recommendations of the National Association for Sport and Physical Education as
23 approved by the American Heart Association;

24 (2) A minimum of one recess period of twenty minutes per day shall be provided
25 for children in elementary schools;

26 (3) Schools shall establish specific learning goals and objectives for physical
27 education. A sequential, developmentally appropriate curriculum shall be designed,
28 implemented, and evaluated to help students develop the knowledge, motor skills,
29 self-management skills, attitudes, and confidence needed to adopt and maintain physical
30 activity throughout their lives. The physical activity program shall:

31 (a) Emphasize knowledge and skills for a lifetime of regular physical activity;

32 (b) Be consistent with the show-me standards and grade level expectations for
33 physical education that define what students should know and be able to do;

34 (c) Devote at least fifty percent of class time to moderate physical activity in each
35 week;

36 (d) Provide many different physical activity choices;

37 (e) Feature predominantly fitness-based activities;

38 (f) Meet the needs of all students, especially those who are not athletically gifted;

39 (g) Teach healthy active living skills;

40 (h) Actively teach cooperation, fair play, and responsible participation in physical
41 activity;

42 (i) Have student/teacher ratios comparable to department of elementary and
43 secondary education physical education ratios to ensure safety and to devote adequate
44 attention to each student; and

45 (j) Promote participation in physical activity outside of school.

46 (4) All students shall be regularly assessed at the local level for attainment of
47 physical education learning objectives;

48 (5) Health-related fitness testing shall be integrated into the curriculum as an
49 instructional tool. Tests shall be appropriate to students' developmental levels and
50 physical abilities. Such testing shall be used to teach students how to assess their fitness
51 levels, set goals for improvement, and monitor progress in reaching their goals. In the first
52 through eighth grades, all students shall be assessed on their physical fitness proficiency
53 using the state's physical fitness assessment. Results shall be reported to the department
54 in the June reporting cycle for core data.

55 4. Exemptions for physical education courses shall not be permitted on the basis
56 of participation on an athletic team, community recreation program, ROTC, marching
57 band, or other school or community activity.

58 5. Physical education shall be taught by teachers certified by the state to teach
59 physical education. All physical education teachers shall be adequately prepared and
60 regularly participate in professional development activities to deliver the physical
61 education program effectively.

62 **6. School leaders shall ensure the cost-efficient provision of adequate spaces,**
63 **facilities, equipment, supplies, and operational budgets that are necessary to achieve the**
64 **objectives of the physical education program.**

65 **7. The physical education program shall be closely coordinated with other**
66 **components of the overall school health program, local wellness policy, and the health**
67 **education and physical education grade level expectations.**

68 **8. A school district shall be allowed to have any certificated teacher fulfill the**
69 **requirements of this bill above current law if the General Assembly doesn't appropriate**
70 **sufficient additional funds above the amount required for basic school aid under section**
71 **163.031, RSMo, to meet the additional personnel and operating costs required by this**
72 **section.**

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