**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “HEALTHY STUDENTS ACT OF 2013”; TO AMEND SECTION 59‑10‑10, RELATING TO PHYSICAL ACTIVITY STANDARDS FOR ELEMENTARY SCHOOL STUDENTS, SO AS TO REQUIRE NINETY MINUTES OF WEEKLY PHYSICAL ACTIVITY FOR MIDDLE SCHOOL AND HIGH SCHOOL STUDENTS, TO INCLUDE SECOND GRADE STUDENTS AMONG THOSE WHOSE FITNESS STATUSES MUST BE REPORTED, TO REQUIRE THE DEPARTMENT OF EDUCATION TO PROVIDE A SUMMARY REPORT OF THE FITNESS STATUS OF STUDENTS IN CERTAIN GRADES IN EACH SCHOOL DISTRICT, AND TO DELETE OBSOLETE LANGUAGE; TO AMEND SECTION 59‑10‑310, RELATING TO ELEMENTARY SCHOOL MEAL AND COMPETITIVE FOOD NUTRITIONAL REQUIREMENTS, SO AS TO REVISE THE REQUIREMENTS AND APPLY THEM TO STUDENTS IN KINDERGARTEN THROUGH TWELFTH GRADE; TO AMEND SECTION 59‑10‑330, RELATING TO RESTRICTIONS ON ELEMENTARY SCHOOL VENDING SALES AND OTHER SALES OF FOOD AND BEVERAGES OF MINIMAL NUTRITIONAL VALUE, SO AS TO DELETE OBSOLETE LANGUAGE; AND TO REPEAL SECTION 59‑10‑340 RELATING TO SNACKS IN SCHOOL VENDING MACHINES.

Whereas, childhood obesity has more than doubled in children and tripled in adolescents in the past thirty years; and

Whereas, overweight and obese children face increased incidence of various health‑related conditions, such as increased risk of heart disease, diabetes, high blood pressure, some forms of cancer and other chronic diseases; and

Whereas, obesity places a huge economic burden on our State with expenses well over one billion dollars each year; and

Whereas, schools can play a critical role in combating childhood obesity by providing an environment where policies and practices support healthy behavior and young people learn to take responsibility for their own lifelong health; and

Whereas, the General Assembly is committed to addressing the childhood obesity epidemic by ensuring that schools provide increased opportunities for physical activity during the school day for all children, as well as ensuring their food options are healthy and nutritious; and

Whereas, furthermore, these goals will assist all students in reaching their full academic potential as a child’s health impacts his school attendance, readiness to learn, potential learning, and achievement. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act must be known and may be cited as the “Healthy Students Act of 2013”.

SECTION 2. (A) Chapter 10, Title 59 of the 1976 Code is retitled “Physical Activity, School Health Services, and Nutritional Standards”.

(B) Article 1, Chapter 10, Title 59 of the 1976 Code is retitled “Physical Activity Standards”.

SECTION 3. Section 59‑10‑10 of the 1976 Code, as added by Act 102 of 2005, is amended to read:

“Section 59‑10‑10. (A)(1) The goal of this article is to provide every elementary student with the equivalent of thirty minutes of physical activity daily.

(2)(a) Beginning in the ~~2006‑07~~ 2006‑2007 school year, students in kindergarten through fifth grade must be provided a minimum of one hundred fifty minutes a week of physical education and physical activity. In ~~2006‑07~~ 2006‑2007, a minimum of sixty minutes a week must be provided in physical education, and as Section 59‑10‑20 is phased in, the minimum time for physical education must be increased to ninety minutes a week.

(b) Beginning in the 2014‑2015 school year, students in sixth grade through twelfth grade must be provided a minimum of ninety minutes of physical activity each week, integrated into the classroom experience throughout each school day.

(3) The certified physical education teacher to student ratio is designed to provide students in kindergarten through fifth grade with scheduled physical education either every day or on alternate days throughout the school year and must be based on the South Carolina Physical Education Curriculum Standards. The student to teacher ratio in a physical education class may not exceed the average student to teacher ratio of 28 to 1.

(4) An individual student’s fitness status must be reported to his parent or guardian during a student’s second grade, fifth grade, eighth grade, and high school physical education courses.

(5) The physical activity must be planned and coordinated by the Physical Education Activity Director pursuant to Section 59‑10‑30.

(B) A student may be exempted from these physical education and activity requirements required by subsection (A) by seeking a waiver as outlined in Section 59‑29‑80(B).

(C) During each year of implementation of the reduced student to physical education teacher ratio, each district shall report to the State Department of Education by June fifteenth, the number of minutes of physical education instruction and the minutes of additional physical activity students receive daily with a total for the week. The report must be listed by elementary school and by individual class and grade level. The State Department of Education shall provide a summary of this information and a summary report of the fitness status of students in the school district provided in (A)(4) to the General Assembly by December first of each year of implementation.

(D) The implementation of decreased student to teacher ratio and increased instruction in physical education pursuant to Section 59‑10‑20 is not intended to replace or reduce time dedicated to instruction in the arts taught by certified arts specialists.”

SECTION 4. Section 59‑10‑310 of the 1976 Code, as added by Act 102 of 2005, is amended to read:

“Section 59‑10‑310. In an effort to promote optimal healthy eating patterns, the State Board of Education by policy shall establish requirements for ~~elementary school food service meals and competitive foods based upon the recommendations outlined in the State Department of Education Task Force on Student Nutrition and Physical Activity Report, National School Lunch Act, and the most recent applicable Dietary Guidelines for Americans~~ school service meals and competitive foods in kindergarten through twelfth grade in compliance with standards established by the United States Department of Agriculture under the Healthy Hunger‑Free Kids Act of 2010, and shall continuously update these state requirements to reflect updates in these federal requirements. However, this policy does not restrict the food that a parent or guardian may provide for his child’s consumption at school. A school district board of trustees may adopt a more restrictive policy.”

SECTION 5. Section 59‑10‑330 of the 1976 Code, as added by Act 102 of 2005, is amended to read:

“Section 59‑10‑330. (A) Each school district shall establish and maintain a Coordinated School Health Advisory Council (CSHAC) to assess, plan, implement, and monitor district and school health policies and programs, including the development of a district wellness policy to begin implementation in the ~~2006‑07~~ 2006‑2007 school year. The council must be composed of members of the community, school representatives, students, parents, district food service employees, and school board members.

(B) Each district, in collaboration with the CSHAC, shall develop a school health improvement plan that addresses strategies for improving student nutrition, health, and physical activity and includes the district’s wellness policy. The district health improvement plan goals and progress toward those goals must be included in the district’s strategic plan required pursuant to Section 59‑20‑60.

~~(C)~~ ~~Each school board of trustees shall establish health and nutrition policies for its elementary schools designed to limit vending sales and sales of foods and beverages of minimal nutritional value at any time during the school day except in the case of medical emergency and special occasions celebrated during school hours. However, this policy does not restrict the food that a parent or guardian may provide for his child’s consumption at school. A school district board of trustees may adopt a more restrictive policy.~~”

SECTION 6. Section 59‑10‑340 of the 1976 Code is repealed.

SECTION 7. This act takes effect upon approval by the Governor and is applicable beginning with the 2014‑2015 school year and is applicable beginning with the 2014‑2015 school year.

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