

HOUSE BILL No. 1014

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-1-1.1; IC 20-5-13-10; IC 20-10.1-4-5.5.

Synopsis: Childhood obesity. Requires the department of education to develop: (1) recommendations for school corporation nutritional policies and curricula; and (2) model policies for the measurement of student body mass indexes. Requires school corporations to adopt nutritional integrity policies. Requires physical activity during the school day at least five days each week for students in public schools. (The introduced version of this bill was prepared by the commission on excellence in health care.)

Effective: July 1, 2004.

Brown C, Becker, Welch

December 4, 2003, read first time and referred to Committee on Education.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

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HOUSE BILL No. 1014



A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-1-1.1-7, AS AMENDED BY P.L.206-2001,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]: Sec. 7. (a) The department of education shall:
4 (1) establish the position of education consultant for health and
5 physical education; and
6 (2) hire an individual to perform the duties of education
7 consultant.
8 (b) The education consultant for health and physical education shall:
9 (1) plan and develop curriculum for health and physical education
10 for grades kindergarten through 12; and
11 (2) perform other duties as the department designates.
12 (c) The department of education shall establish a program in health
13 and physical education for children in grades kindergarten through 12.
14 The purposes of this program are to encourage children to develop:
15 (1) healthful living habits;
16 (2) an interest in lifetime health and physical fitness; ~~and~~
17 (3) decisionmaking skills in the areas of health and physical



- 1 fitness; **and**
- 2 **(4) increased levels of physical activity.**
- 3 (d) The program in health and physical education must include the
- 4 following elements:
- 5 (1) Local school program development.
- 6 (2) Technical and inservice training assistance for local schools.
- 7 (3) Local school initiatives in writing curricula in the areas of
- 8 health and physical education.
- 9 (4) Cardiopulmonary resuscitation training using a training
- 10 program approved by the American Heart Association or an
- 11 equivalent nationally recognized training program.

12 (e) In establishing the program in health and physical education, the

13 department may give grants to or enter into contracts with individuals

14 or school corporations to carry out the purposes of the program.

15 SECTION 2. IC 20-1-1.1-11 IS ADDED TO THE INDIANA CODE

16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

17 1, 2004]: **Sec. 11. (a) The division of school and community**

18 **nutrition programs of the department shall develop**

19 **recommendations for use by school corporations in:**

- 20 (1) **determining the nutritional content of meals served in**
- 21 **schools;**
- 22 (2) **establishing curricula regarding nutrition; and**
- 23 (3) **establishing policies concerning foods that are available to**
- 24 **students in schools.**

25 (b) **The following apply to recommendations developed under**

26 **subsection (a):**

- 27 (1) **The recommendations must be based on current**
- 28 **nutritional science that has been demonstrated to help**
- 29 **students:**
 - 30 (A) **control excessive weight and weight gain;**
 - 31 (B) **avoid unsafe weight loss practices;**
 - 32 (C) **develop healthy eating habits; and**
 - 33 (D) **avoid diseases caused by unsafe dietary habits.**
- 34 (2) **The recommendations must address the different health**
- 35 **needs and peer influences of students in elementary school,**
- 36 **middle school, and high school.**

37 SECTION 3. IC 20-1-1.1-12 IS ADDED TO THE INDIANA CODE

38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

39 1, 2004]: **Sec. 12. The department, in consultation with the state**

40 **department of health, shall develop and make available to school**

41 **corporations model policies for the measurement of the body mass**

42 **index of students or other measurement of fat composition.**

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SECTION 4. IC 20-5-13-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 10. (a) Each school board shall adopt a nutritional integrity policy that includes the following:**

- (1) A nutrition education curriculum.**
- (2) The incorporation of healthy dietary practices into the school corporation's meal program and the sale of other foods in the school.**

Before adopting a policy, the school board must provide an opportunity for parents and community members to comment on the policy.

(b) The following apply to a nutritional integrity policy adopted under subsection (a):

- (1) The policy must focus on helping students:**
 - (A) control excessive weight and weight gain;**
 - (B) avoid unsafe weight loss practices;**
 - (C) develop healthy eating habits; and**
 - (D) avoid diseases caused by unsafe dietary habits.**
- (2) The policy must address the different health needs and peer influences of students in elementary school, middle school, and high school.**

(c) If foods that are not a part of the school corporation's meal program are sold in a school, the nutritional integrity policy adopted under subsection (a) must include the following:

- (1) At least fifty percent (50%) of the foods available must qualify as healthy foods under the standards set in the nutritional integrity policy and guidelines established by the United States Department of Agriculture.**
- (2) Foods that do not qualify as healthy may be available for sale only at times and in locations that do not interfere with the service of meals.**
- (3) Prices set for foods that qualify as healthy and foods that do not qualify as healthy must be competitive.**

(d) A school board:

- (1) shall review; and**
- (2) may revise;**

a nutritional integrity policy adopted under subsection (a) at least every other school year.

SECTION 5. IC 20-10.1-4-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 5.5. Beginning in the 2004-2005 school year, the governing body of each school corporation shall**

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- 1 provide physical activity for students in grades kindergarten
- 2 through grade 8 during the school day at least five (5) days a week.

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