

072102768

SENATE BILL NO. 744

Offered January 10, 2007

Prefiled November 15, 2006

A BILL to amend and reenact §§ 22.1-253.13:5, 22.1-270, and 22.1-275.1 of the Code of Virginia, and to amend the Code of Virginia by adding a section numbered 22.1-16.4, relating to the prevention of childhood obesity.

Patron—Miller

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-253.13:5, 22.1-270, and 22.1-275.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-16.4 as follows:

§ 22.1-16.4. Joint regulations on childhood obesity prevention and reduction in the public schools.

The Board of Education, in cooperation with the State Health Department, shall promulgate regulations establishing standards to facilitate the prevention and reduction of childhood obesity in the public schools. Such regulations shall include, but not be limited to, (i) regulation of vending machine sales in middle and high schools, (ii) the prohibition of vending machine sales during the school day in elementary schools, (iii) nutritional guidelines for all competitive foods and beverages sold during the school day, (iv) the disclosure to parents, upon request, of the amounts and sources of funds received and expenditures made from competitive food and beverage contracts, and (v) guidelines for the measurement of body mass index, pursuant to § 22.1-270.

§ 22.1-253.13:5. Standard 5. Quality of classroom instruction and educational leadership.

A. Each member of the Board of Education shall participate in high-quality professional development programs on personnel, curriculum and current issues in education as part of his service on the Board.

B. Consistent with the finding that leadership is essential for the advancement of public education in the Commonwealth, teacher, administrator, and superintendent evaluations shall be consistent with the performance objectives included in the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents. Teacher evaluations shall include regular observation and evidence that instruction is aligned with the school's curriculum. Evaluations shall include identification of areas of individual strengths and weaknesses and recommendations for appropriate professional activities.

C. The Board of Education shall provide guidance on high-quality professional development for (i) teachers, principals, supervisors, division superintendents and other school staff; (ii) administrative and supervisory personnel in the evaluation and documentation of teacher and administrator performance based on student academic progress and the skills and knowledge of such instructional or administrative personnel; (iii) school board members on personnel, curriculum and current issues in education; and (iv) programs in Braille for teachers of the blind and visually impaired, in cooperation with the Virginia Department for the Blind and Vision Impaired.

The Board shall also provide technical assistance on high-quality professional development to local school boards designed to ensure that all instructional personnel are proficient in the use of educational technology consistent with its comprehensive plan for educational technology.

D. Each local school board shall require (i) its members to participate annually in high-quality professional development activities at the state, local, or national levels on governance, including, but not limited to, personnel policies and practices; curriculum and instruction; use of data in planning and decision making; and current issues in education as part of their service on the local board and (ii) the division superintendent to participate annually in high-quality professional development activities at the local, state or national levels.

E. Each local school board shall provide a program of high-quality professional development (i) in the use and documentation of performance standards and evaluation criteria based on student academic progress and skills for teachers and administrators to clarify roles and performance expectations and to facilitate the successful implementation of instructional programs that promote student achievement at the school and classroom levels; (ii) as part of the license renewal process, to assist teachers and principals in acquiring the skills needed to work with gifted students, students with disabilities, and students who have been identified as having limited English proficiency and to increase student achievement and expand the knowledge and skills students require to meet the standards for academic performance set by the Board of Education; (iii) in educational technology for all instructional personnel

INTRODUCED

SB744

59 which is designed to facilitate integration of computer skills and related technology into the curricula,
60 and (iv) for administrative personnel designed to increase proficiency in instructional leadership and
61 management, including training in the evaluation and documentation of teacher and administrator
62 performance based on student academic progress and the skills and knowledge of such instructional or
63 administrative personnel.

64 In addition, each local school board shall also provide teachers and principals with high-quality
65 professional development programs each year in (i) instructional content; (ii) the preparation of tests and
66 other assessment measures; (iii) methods for assessing the progress of individual students, including
67 Standards of Learning assessment materials or other criterion-referenced tests that match locally
68 developed objectives; (iv) instruction and remediation techniques in English, mathematics, science, and
69 history and social science; (v) interpreting test data for instructional purposes; ~~and~~ (vi) technology
70 applications to implement the Standards of Learning; *and (vii) the importance of proper nutrition and*
71 *physical activity.*

72 F. Schools and school divisions shall include as an integral component of their comprehensive plans
73 required by § 22.1-253.13:6, high-quality professional development programs that support the
74 recruitment, employment, and retention of qualified teachers and principals. Each school board shall
75 require all instructional personnel to participate each year in these professional development programs.

76 G. Each local school board shall annually review its professional development program for quality,
77 effectiveness, participation by instructional personnel, and relevancy to the instructional needs of
78 teachers and the academic achievement needs of the students in the school division.

79 § 22.1-270. Preschool physical examinations.

80 A. No pupil shall be admitted for the first time to any public kindergarten or elementary school in a
81 school division unless such pupil shall furnish, prior to admission, (i) a report from a qualified licensed
82 physician, or a licensed nurse practitioner or licensed physician assistant acting under the supervision of
83 a licensed physician, of a comprehensive physical examination of a scope prescribed by the State Health
84 Commissioner performed within the 12 months prior to the date such pupil first enters such public
85 kindergarten or elementary school or (ii) records establishing that such pupil furnished such report upon
86 prior admission to another school or school division and providing the information contained in such
87 report. *Such report shall contain a measure of the pupil's body mass index (BMI).*

88 If the pupil is a homeless child or youth as defined in § 22.1-3, and for that reason cannot furnish
89 the report or records required by (i) or (ii) of this subsection, and the person seeking to enroll the pupil
90 furnishes to the school division an affidavit so stating and also indicating that, to the best of his
91 knowledge, such pupil is in good health and free from any communicable or contagious disease, the
92 school division shall immediately refer the student to the local school division liaison, as described in
93 the federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001, as amended
94 (42 U.S.C. § 11431 et seq.) (the Act), who shall, as soon as practicable, assist in obtaining the necessary
95 physical examination by the county or city health department or other clinic or physician's office and
96 shall immediately admit the pupil to school, as required by such Act.

97 B. The physician, or licensed nurse practitioner or licensed physician assistant acting under the
98 supervision of a licensed physician, making a report of a physical examination required by this section
99 shall, at the end of such report, summarize the abnormal physical findings, if any, *including a BMI that*
100 *would qualify the child as being underweight, overweight, or obese*, and shall specifically state what, if
101 any, conditions are found that would identify the child as handicapped.

102 C. Such physical examination report shall be placed in the child's health record at the school and
103 shall be made available for review by any employee or official of the State Department of Health or any
104 local health department at the request of such employee or official.

105 D. Such physical examination shall not be required of any child whose parent shall object on
106 religious grounds and who shows no visual evidence of sickness, provided that such parent shall state in
107 writing that, to the best of his knowledge, such child is in good health and free from any communicable
108 or contagious disease.

109 E. The health departments of all of the counties and cities of the Commonwealth shall conduct such
110 physical examinations for medically indigent children without charge upon request and may provide
111 such examinations to others on such uniform basis as such departments may establish.

112 F. Parents of entering students shall complete a health information form which shall be distributed by
113 the local school divisions. Such forms shall be developed and provided jointly by the Department of
114 Education and Department of Health, or developed and provided by the school division and approved by
115 the Superintendent of Public Instruction. Such forms shall be returnable within 15 days of receipt unless
116 reasonable extensions have been granted by the superintendent or his designee. Upon failure of the
117 parent to complete such form within the extended time, the superintendent may send to the parent
118 written notice of the date he intends to exclude the child from school; however, no child who is a
119 homeless child or youth as defined in subdivision 6 of § 22.1-3 shall be excluded from school for such
120 failure to complete such form.

121 *G. In addition to the initial required BMI measurement, a school board may implement a program to*
122 *measure each student's BMI annually, with the result of such measurement being reported to the*
123 *student's parent or guardian. Along with the results, parents may be provided with an explanation of the*
124 *child's BMI, as well as information on the health effects of being underweight, overweight, or obese,*
125 *and the importance of regular physical activity and a nutritious diet.*

126 § 22.1-275.1. School health advisory board.

127 Each school board shall establish a school health advisory board of no more than twenty members
128 which shall consist of broad-based community representation including, but not limited to, parents,
129 students, health professionals, educators, and others. The school health advisory board shall assist with
130 the development of health policy in the school division and the evaluation of the status of school health,
131 health education, the school environment, and health services.

132 The school health advisory board shall hold meetings at least semi-annually and shall annually report
133 on the status and needs of student health in the school division to any relevant school, the school board,
134 the Virginia Department of Health, and the Virginia Department of Education.

135 The local school board may request that the school health advisory board recommend to the local
136 school board procedures relating to *preventing and reducing the incidence of overweight and obese*
137 *students in public schools, and procedures for children with acute or chronic illnesses or conditions,*
138 including, but not limited to, appropriate emergency procedures for any life-threatening conditions and
139 designation of school personnel to implement the appropriate emergency procedures. The procedures
140 relating to children with acute or chronic illnesses or conditions shall be developed with due
141 consideration of the size and staffing of the schools within the jurisdiction.