

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4416

FISCAL
NOTE

By Delegate W. Clark

[Introduced January 10, 2024; Referred
to the Committee on Education]

1 A BILL to amend the Code of West Virginia 1931, as amended, by adding thereto a new section,
 2 designated §18-2E-12, relating to the creation of the Heart Health Equity Inclusion
 3 Program; providing for legislative findings; and providing for required physical education
 4 program in physical fitness.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.

§18-2E-12. Heart Health Equity Inclusion Program; legislative findings; required physical education program in physical fitness.

1 (a) Legislative Findings:

2 (1) The Legislature hereby finds that obesity is a significant problem of epidemic
 3 proportions in this state.

4 (2) There is increasing evidence that all segments of the population, beginning with
 5 children, are becoming more sedentary, more overweight, and more likely to develop health risks
 6 and diseases, including Type II Diabetes, high blood cholesterol, and high blood pressure.

7 (3) The Legislature further finds that the promotion of physical activity during the school
 8 day for school children is a crucial step in combating this growing epidemic and in changing the
 9 attitudes and behavior of the residents of this state toward health-promoting physical activity.

10 (b) Enactment. – The West Virginia Department of Education shall establish the
 11 requirement that each child enrolled in the public schools of this state actively participates in
 12 nutrition, and aerobic exercise classes during the month of February for four weeks straight to the
 13 level of the child's ability as follows:

14 (1) Heart heath education shall be taught during the month of February, and shall require
 15 the teaching of proper nutrition, and aerobic exercise, consisting of at least 20 minutes of aerobic
 16 exercise in conjunction with numeracy and literacy at least three days per week.

17 (2) Selected programs need to be aligned to the state literacy, numeracy, and health
 18 standards. Upon completion of the program required herein, the child shall receive a pass or fail

19 grade.

20 (3) The program required herein shall be selected from nationally accepted nutrition and
21 aerobic exercise programs designed for school-aged children that test nutrition knowledge,
22 cardiovascular fitness, muscular strength, and endurance. The program shall include modified
23 tests for exceptional students.

24 (4) Each school in the state of West Virginia shall participate in Heart Health education
25 during the month of February for four weeks straight and shall make available to schools within the
26 district a program in which the subject of proper nutrition and aerobic exercise education is taught
27 that focuses on the importance of how nutrition (nutrients) and regular aerobic exercise improve
28 heart health to prevent hypertension, obesity, diabetes, and heart disease.

29 (5) The heart health program shall include a provision for evidence-based nutrition and
30 aerobic exercise education for all teachers and children in grades three through six. The education
31 for teachers shall include all classroom teachers, including physical education teachers and
32 teachers teaching health.

33 (6) The program shall be four weeks long and shall include the provision of all third-through
34 sixth-grade teachers and students with complete access to turnkey, evidence- based nutrition and
35 aerobic exercise education to implement in the classroom, during school, before school, after
36 school, and/or at home with the family.

37 (7) The nutrition and aerobic exercise education may be in the form of book, DVD, CD,
38 online, or another form of technology. Each school in a school district shall ensure the following:

39 (A) Time is allowed during the school day for the classroom, physical education, and/or
40 health education teaching personnel to provide students with up to 30 minutes of aerobic exercise
41 and education to learn how exercise improves heart health;

42 (B) Time is allowed during the school day for the classroom, physical education, and/or
43 health education teaching personnel to provide students with proper nutrition education that
44 teaches about the nutrients and their relationship to improving heart health;

45 (C) Time is allowed during the school day for the classroom, physical, and/or health
46 education teaching personnel to provide both students and the teacher with time to fill out a journal
47 to track information relating to any of the following: Food, nutrient, and exercise. The nutrient
48 information may include information such as the amounts of water, carbohydrates, protein, fat,
49 minerals, and vitamins consumed;

50 (D) All data that is necessary to comply with the accountability measures set forth by the
51 Department of Education and its service providers. Data collected pursuant to this program is
52 subject to state and federal data privacy laws to protect the privacy and confidentiality of individual
53 students and not subject to disclosure under the West Virginia Freedom of Information Act set forth
54 in §29B-1-1 et seq. of this code.

55 (8) School districts may issue a request for proposals to contract with qualified service
56 providers on a per-student rate to provide evidence-based nutrition and aerobic exercise
57 programs and/or products consisting of nutrition education, aerobic exercise, use of technology,
58 and associated licenses for teachers and students in grades three through six in school districts
59 provided for under this section.

60 (9) School districts may consider all providers of programs and products that meet the
61 following criteria:

62 (A) The provider has operated for 10 or more years in schools serving primarily
63 underserved, low-income students; and

64 (B) The provider has at least 10 years of empirical research data demonstrating
65 improvement in students' nutrition knowledge, heart health measurements, such as blood
66 pressure and resting heart rate, and strength endurance, such as through push-ups and sit-ups.

67 (10) Programs implemented pursuant to this section shall include the following
68 accountability measures:

69 (A) Annually, school districts shall report the identity of the participating schools and
70 accountability measures in the aggregate to the West Virginia Department of Education, which

71 shall make such reports available to the general public.

72 (B) At a minimum, reports submitted to the West Virginia Department of Education shall
73 include aggregated student pre- and post-testing data in the areas of:

74 (i) Nutrition knowledge;

75 (ii) Heart health using such measures as blood pressure and heart rate;

76 (iii) Strength endurance using such measures as push-ups and sit-ups;

77 (C) The pre-testing required by subdivision of this subsection shall occur prior to the
78 beginning of the nutrition and aerobic exercise instruction each school year, and the post-testing
79 shall occur each school year near or after the conclusion of the instruction.

NOTE: The purpose of this bill is to create the heart health equity inclusion program. The bill provides for legislative findings. Finally, the bill provides for required physical education program in physical fitness.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.