

REFERENCE TITLE: school health pilot program; appropriations

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

SB 1399

Introduced by
Senators Pace: Boyer

AN ACT

ESTABLISHING THE PHYSICAL AND HEALTH EDUCATION PROFESSIONAL DEVELOPMENT
PILOT PROGRAM; APPROPRIATING MONIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Physical and health education professional
3 development pilot program; application;
4 prioritization; request for proposals; report;
5 delayed repeal

6 A. The department of education shall conduct a three-year physical
7 and health education professional development pilot program to improve the
8 ability of physical and health educators in this state to provide high
9 quality physical and health education to students in this state thereby
10 improving student health and reducing Arizona health care cost containment
11 system and other health-related costs.

12 B. A school that is operated by a school district, a charter
13 school, a tribal school or any other public school may apply to
14 participate in the pilot program by submitting an application to the
15 department of education or its designated service provider. The
16 department shall establish the application process for the pilot program.
17 The department or its designated service provider shall select pilot
18 program participants based on all of the following:

19 1. The availability of certified or otherwise adequate physical or
20 health education teaching personnel.

21 2. The degree of support shown by the school principal for the
22 pilot program. A school principal shall demonstrate a commitment to the
23 pilot program by agreeing to all of the following:

24 (a) Providing time off and arrange a substitute teacher for
25 physical or health education teaching personnel during training periods.

26 (b) Having the school develop and implement an effective school
27 wellness policy.

28 (c) Allowing student fitness assessments, physical activity
29 monitoring, nutrition behavior reporting and, at the option of the school
30 principal, body-mass index data reporting to track child obesity.

31 (d) Allowing aggregated, anonymized, privacy-protected data by
32 grade for the school to be published for the public and to provide such
33 data to the department of education and its service providers. Data
34 collected pursuant to this pilot program shall be aggregated and always
35 protect the privacy and confidentiality of individual students.
36 Individually identifiable student data may not be provided by schools or
37 solicited or stored in the state or service provider databases.

38 3. Any other factor as determined by the department of education.

39 C. If the amount appropriated for the pilot program is not adequate
40 to allow all applicants to participate, the department of education shall
41 implement professional development based on the following order of
42 priority:

43 1. Physical and health education school accountability A-F
44 workgroup pilot schools.

45 2. Schools with grades three through eight.

1 3. Schools with a substantially higher percentage of students
2 likely to be unhealthy or at risk of chronic disease. Of these schools,
3 schools with lower than average total funding per student, including
4 school lacking override or desegregation monies, have additional priority.

5 4. Schools representing a broad cross-section of geographic and
6 demographic groups and enrollment sizes, including a representative
7 cross-section of qualifying urban, suburban and rural schools in as many
8 counties as feasible.

9 5. Schools that opt in to health and medical monitoring and
10 evaluation in accordance with privacy, confidentiality, parental consent,
11 the health insurance portability and accountability act, the institutional
12 review board and school district and other relevant rules.

13 D. The department of education shall issue a request for proposals
14 to contract with qualified service providers to provide professional
15 development services for those participating in the pilot program, to
16 implement the health, medical and return on investment monitoring and
17 evaluation and for related systems, equipment and support. The department
18 shall develop the request for proposals in close consultation with all of
19 the following:

20 1. This state's main professional association of physical and
21 health educators.

22 2. The organizations named in tactic 2 of the school health section
23 of this state's official Arizona Health Improvement Plan published by the
24 department of health services.

25 3. Key personnel involved in a youth health program that meets all
26 of the following requirements:

27 (a) Has operated in this state for three or more years in schools
28 with primarily low-income, Latino and Native American populations.

29 (b) Has been recognized by the Centers for Disease Control and
30 Prevention and the Presidential Youth Fitness Program.

31 (c) Trains and supports existing physical education and classroom
32 teachers and develops volunteer student leaders for peer-led activity.

33 (d) Was funded by a federal PEP grant from 2012 through 2015.

34 E. The organizations described in subsection D of this section may
35 also submit a proposal for the request for proposals.

36 F. On or before November 30, 2019, the department of education
37 shall select one or more qualified service providers to provide
38 professional development services for those participating in the pilot
39 program during the remainder of the 2019-2020 school year, the 2020-2021
40 and 2021-2022 school years and the first semester of the 2022-2023 school
41 year. The department of education shall determine the criteria by which
42 it will select the qualified service providers.

43 G. The professional development services provided by the qualified
44 service provider or providers shall develop the ability of each
45 participating school's physical and health educators and related school

1 staff to improve student health through the type of program described in
2 subsection D, paragraph 3 of this section. The department of education
3 shall determine the specific objectives and duties of the qualified
4 service provider or providers, including duties related to developing
5 online and in-person professional development curriculum, training,
6 materials and support. At a minimum, as a result of the professional
7 development services, physical and health educators and other school
8 personnel participating in the pilot program shall have all of the
9 following abilities:

10 1. To develop and implement high quality, effective school wellness
11 policy plans.

12 2. To substantially increase levels of moderate-to-vigorous
13 physical activity among students over time.

14 3. To build effective student wellness advocacy teams to provide
15 student-led peer assistance to lead student activities and improve student
16 habits and health.

17 4. To administer accurate body mass index measurements.

18 5. To introduce and use valid regular student fitness assessments,
19 physical activity data monitoring and student nutrition behavior
20 reporting, as described by the Arizona physical and health education A-F
21 school accountability work group.

22 H. On or before December 15, 2019, the department of education, in
23 consultation with the Arizona health care cost containment system, shall
24 select one or more qualified service providers to implement the health,
25 medical and return on investment monitoring and evaluation of the
26 professional development services during the remainder of the 2019-2020
27 school year, the 2020-2021 and 2021-2022 school years and the first
28 semester of the 2022-2023 school year. The qualified service provider or
29 providers selected pursuant to this subsection shall be independent from
30 the qualified service providers selected pursuant to subsection F of this
31 section. The department, in consultation with the Arizona health care
32 cost containment system, shall determine the required monitoring and
33 evaluation criteria.

34 I. The department of education shall also:

35 1. Select a service provider to develop, implement and support
36 user-friendly information systems in support of more efficient and
37 automated data collection and reporting needed for this section, ideally
38 at no ongoing cost to schools and minimal ongoing cost to this state,
39 including usage of widely available free web-based and smartphone-based
40 forms and spreadsheets, and providing aggregated privacy-protected
41 information to the public.

42 2. Provide a limited number of grants to pilot less widely used
43 equipment such as digital physical activity monitoring in support of this
44 professional development.

1 J. All training or other materials, documents, web pages,
2 processes, software, systems or other intellectual property that is
3 developed specifically for this pilot program and for which state monies
4 are used shall be:

5 1. Considered open source and in the public domain, with sufficient
6 documentation for others to readily understand and use.

7 2. Posted online in a user-friendly manner and made available to
8 the public at no charge, including through the department of education.

9 K. Notwithstanding subsection J of this section, no individually
10 identifiable student data shall be provided by schools or solicited or
11 stored in the state or service provider databases. Student data shall be
12 aggregated, and individual student privacy and confidentiality shall at
13 all times be protected and maintained.

14 L. Each school participating in the pilot program shall receive a
15 stipend in an amount as follows:

16 1. For the first year a school participates in the program:

17 (a) \$1,500 for a school with one physical and health educator.

18 (b) \$2,000 for a school with two physical and health educators.

19 (c) \$2,500 for a school with three or more physical and health
20 educators.

21 2. For each subsequent full year that a school participates in the
22 program, \$1,000 per school.

23 M. A school shall use the stipend described in subsection L of this
24 section to cover professional development participation and implementation
25 and reporting follow-through costs, including the costs of substitute
26 teachers and out-of-pocket travel or other costs to participate in
27 training or other aspects of professional development. The school shall
28 make any remaining monies available for use by the school's physical and
29 health educators to spend as needed to implement improvements in physical
30 and health education learned during the pilot program.

31 N. After the first year of the pilot program, the department of
32 education may withhold stipend payments from a school if the department
33 determines that the school is not following through on the professional
34 development with improved implementation in practice or with satisfactory
35 data reporting. Subject to available monies, the department or its
36 service provider selected pursuant to subsection O of this section may
37 make reasonable changes in the allocation of stipend payments by school by
38 year if a school's expenses for participation in the pilot program are
39 higher or lower than average.

40 O. The department of education may delegate to a qualified service
41 provider the payment of stipends to individual schools if appropriate
42 oversight and auditing are provided.

43 P. The department of education shall pay qualified service
44 providers selected pursuant to this section as follows:

1 1. For the qualified service provider or providers selected
2 pursuant to subsection F of this section, up to \$5,000 cumulatively per
3 school for each pilot school for which the service provider is
4 responsible.

5 2. For qualified service providers selected pursuant to subsection
6 H of this section, up to \$950,000 in total for monitoring and evaluation
7 of the pilot program, with the terms and final amount based on the request
8 for proposals and associated contract. The qualified service provider or
9 providers conducting the monitoring and evaluation may use a portion of
10 these monies to provide payments to schools or health organizations
11 participating in health and medical outcome monitoring and evaluation to
12 help cover the additional costs of monitoring and evaluation
13 participation.

14 Q. The department of education may use any remaining monies not
15 spent during the pilot program for ongoing associated statewide
16 professional development follow-through and scaling and reporting.

17 R. On or before September 1 of 2020, 2021, 2022 and 2023, each
18 qualified service provider selected pursuant to this section shall
19 comprehensively report findings to the department of education, which
20 shall provide them to the general public. All data contained in these
21 reports shall be aggregated and protect the privacy and confidentiality of
22 individual students. Individually identifiable student data shall not be
23 provided by school or solicited or stored in the state or service provider
24 or evaluator databases. These reports shall include the following
25 information:

26 1. For reports submitted by qualified service providers selected
27 pursuant to subsection F of this section:

- 28 (a) Best practices related to professional development.
- 29 (b) Key obstacles encountered and how they were overcome.
- 30 (c) Case studies of successful participating schools.
- 31 (d) Other lessons learned of relevance to potential future
32 improvements in physical and health education.
- 33 (e) Any other factor determined by the department of education.

34 2. For reports submitted by qualified service providers selected
35 pursuant to subsection H of this section:

36 (a) Participating school experience and satisfaction with the
37 program.

38 (b) An analysis of changes by school in fitness, physical activity,
39 nutrition behavior and body mass index during the pilot program, as
40 relevant, and possible reasons for those changes.

41 (c) An identification and analysis of schools deemed potential best
42 practice school health schools across a representative range of schools,
43 with practices that could be practically and cost effectively used across
44 large numbers of schools statewide.

1 (d) With optional school opt-in, and in accordance with privacy,
2 confidentiality, parental consent, the health insurance portability and
3 accountability act, the institutional review board and school district and
4 other relevant laws and rules:

5 (i) Known or, if appropriate, estimated aggregated and anonymized
6 health and medical outcomes associated with the pilot program compared to
7 students at comparable non-pilot schools.

8 (ii) Descriptions of the higher improvement schools and the
9 possible reasons for those improvements.

10 (iii) Estimated potential Arizona health care cost containment
11 system and other health, medical and economic cost savings and return on
12 investment, if scaled statewide.

13 (e) Aggregated reporting by sex, ethnicity, socioeconomic and other
14 categories, per every student succeeds acts standards, including
15 protection of student privacy and confidentiality.

16 (f) Any other factor determined by the department of education in
17 consultation with the Arizona health care cost containment system.

18 S. On or before November 30 of 2020, 2021, 2022 and 2023, the
19 department of education shall submit to the governor, the president of the
20 senate and the speaker of the house of representatives a report that
21 summarizes the results of the pilot program to date, including a
22 recommendation on whether to expand the pilot program to additional
23 schools. The department shall provide a copy of this report to the
24 secretary of state.

25 T. This section is repealed from and after December 31, 2023.

26 Sec. 2. Appropriation; department of education; physical and
27 health education professional development pilot
28 program; exemption

29 A. The sum of \$9,650,000 is appropriated from the state general
30 fund in fiscal year 2019-2020 to the department of education for planning
31 and implementing the physical and health education professional
32 development pilot program as prescribed in this act to be allocated in the
33 following amounts for the following purposes:

34 1. Up to a cumulative maximum of \$4,350,000 for stipends to be paid
35 to schools participating in the pilot program.

36 2. Up to a cumulative maximum of \$4,350,000 to be paid to qualified
37 service providers selected pursuant to section 1, subsection F of this act
38 to provide professional development services.

39 3. Up to \$950,000 in total to be paid to qualified service
40 providers selected pursuant to section 1, subsection H of this act to
41 provide monitoring and evaluation.

42 B. The department of education may award grants as prescribed in
43 and pay service providers selected pursuant to section 1, subsection I of
44 this act with monies appropriated to the department pursuant to subsection
45 A, paragraphs 2 or 3 of this section.

1 C. The department of education shall use any remaining monies not
2 spent for the purposes prescribed in subsection A of this section for
3 ongoing statewide physical and health education professional development
4 follow-through and scaling and reporting.

5 D. The appropriation made in subsection A of this section is exempt
6 from the provisions of section 35-190, Arizona Revised Statutes, relating
7 to lapsing of appropriations.