Keys for Understanding State Level School Health Policies

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Carly Braxton (AAHPERD)

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National Association of Chronic Disease Directors (NACDD) is comprised of over 3,000 specialized chronic disease practitioners working in public health departments across all 50 States and US Jurisdictions to prevent and control chronic disease.

The School Health Project assists Chronic Disease Directors and their staff to make informed decisions about a variety of school health issues.
The National Association of State Boards of Education exists to serve and strengthen State Boards of Education in their pursuit of high levels of academic achievement for all students.

NASBE’s Center for Safe and Healthy Schools works to encourage safe, healthy and nurturing school environments for all of the nation’s children and youth.
American Alliance for Health, Physical Education, Recreation and Dance (AAHPERD)’s mission is to advance professional practice and promote research related to health and physical education, physical activity, dance and sport by providing its members with a comprehensive and coordinated array of resources, support and programs to help practitioners improve their skills to further the health and well-being of the American public.
Learning Objectives

- Describe the different ways that state-level school health policies are adopted.
- Explain the roles of legislatures, state agencies, state boards and coalitions in making school health policy.
- Describe primary vs. secondary policy mechanism
- Explain the difference between enforceable policy and policy guidance.
- Reference the State School Health Policy Matrix and find the relevant policies for your state.
State School Health Policy Matrix

http://www.chronicdisease.org/?SchoolHealthPubs
Natasha Frost, JD
Staff Attorney
Public Health Law Center

The information and assistance provided in this webinar does not constitute legal advice or legal representation.
Overview
The Public Health Law Center
The Public Health Law Center

<table>
<thead>
<tr>
<th>We do:</th>
<th>We don’t:</th>
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<tbody>
<tr>
<td>• Legal research</td>
<td>• Direct representation</td>
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<td>• Policy development</td>
<td>• Lobby</td>
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<td>• Publications</td>
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<td>• Trainings</td>
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Just a reminder....

The legal information and assistance provided in this training does not constitute legal advice or legal representation.
Know how policy change works
Policy change

Making the healthy choice the easy choice
Policy

Any **written** plan or course of action designed to **influence** and determine decisions
Governmental

Non-governmental
Governmental Authority

**FEDERAL**
The federal government, as long as it is acting within its constitutionally enumerated powers, can trump the states and their subdivisions.

**STATE**
State governments define the powers and authority of local governments.

**LOCAL**
If the federal or state government limits local authority in a particular policy area, it has PREEMPTED local control.
Healthy Eating & Active Living

Enabling Statutes

Other Statutes

Court Cases

Non-Binding Statements of Policy

Rules and Regulations
Legislative Branch

The power to pass, amend or repeal laws
Arizona Statute 15-242 Nutritional Standards

- Requires action
- Grants authorization
- Provides specific requirements

“[N]ew contracts and renewal contracts for food or beverages, or both, shall expressly prohibit the sale of sugared, carbonated beverages… on elementary school, middle school and junior high school campuses.”

LEG
Executive Branch

The authority and responsibility to run the day-to-day operations of the state.
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tr>
<td>SBOE</td>
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Executive Actions
Minnesota Rulemaking Process

FIGURE 2: Rulemaking Progress Chart, 2012

Governor’s Office (GOC) Preliminary Review → Request for Comments → Agency Develops Rules and SONAR → GOV Review → Notice of Intent to Adopt Rules → GOV Final Review → Adopt with a Hearing

- Requests >25, Hearing
- MDH Files Order Adopting Rules with OAH
- OAH Approves and Files with Secretary of State
- Publish Order Adopting Rules

Governor’s Office Review → Adopt Without a Hearing

- Requests <25, No Hearing
- GOV Veto Period

Published in State Register

Timelines: Minimum 60-day comment period after the Request for Comments before publishing Notice of Intent to Adopt Rules. Minimum 30-day comment period after publishing the Notice of Intent to Adopt Rules before adopting rules.
Colorado State Board of Education

“Pursuant to these statutes, the State Board of Education shall promulgate rules to achieve the following purposes, including but not limited to:

(a) Describing beverages that school districts and schools may permit to be sold to students;

(b) Each beverage described shall satisfy minimum nutritional standards for beverages, which standards are science-based and established by a national organization; and

(c) Describing specific events occurring outside of the regular and extended school day.”

1 CCR 301-79: Rules for the Administration of the Healthy Beverages Policy, REG - DOE/SBOE
Arkansas Department of Education Rules

Nutrition and Physical Activity Standards and Body Mass Index for Age Assessment Protocols in Arkansas Public Schools

REG-DOE/SBOE
“3.02 Arkansas Child Health Advisory Committee. A state level committee that was established by Ark. Code Ann. § 20-7-133 to develop nutrition and physical activity standards and make policy recommendations to the Arkansas Board of Education and the State Board of Health.”

“5.01 After having consulted the Child Health Advisory Committee and the State Board of Health, the State Board of Education shall promulgate appropriate rules and regulations to ensure that nutrition and physical activity standards and body mass index for age assessment protocols are implemented to provide students with the skills, opportunities, and encouragement to adopt healthy lifestyles.”
Non-binding State Agency Action

- Position Statement on Nutrition and Physical Activity, Connecticut State Board of Education, April 7, 2010
- Enhance P.E. Task Force, Illinois State Board of Education and Department of Public Health, August 2013
- Policy for Coordinated School Health, Nebraska State Board of Education, March 2, 2010
- Nutrition Guidelines for Competitive Food and Beverage Sales in Schools, Report to the Legislature on Act 203 Section 16 by the Vermont Department of Health, January 15, 2009
Coalition of Non-governmental Organizations

Guidelines for Training School Employees who are not Licensed Healthcare Professionals to implement House Bill 984 (79th Legislature) related to the Care of Elementary and Secondary School Students with diabetes

Prepared by:
Texas Diabetes Council with the assistance of:
Texas School Nurse Organization (TSNO)
American Diabetes Association (ADA)
Juvenile Diabetes Research Foundation (JDRF)
American Association of Diabetes Educators (AADE)
Texas Nurses Association (TNA)
Texas Education Agency (TEA)
DHS/SHS School Health Program
(July 2005)
See updates at www.texasdiabetescouncil.org
Judicial Branch

Court Cases
Primary versus Secondary

**Legislation**
- Broad legal framework, designate executive agency

**Executive Agency**
- Specific rules or regulations

**Executive Agency or Non-governmental Entities**
- Interpretation of statutes or rules, often voluntary
New Jersey Example

### Legislation
18A:33-16. Regulation of items sold, served, given away on school property

### Executive Agency
New Jersey Administrative Code, 2:36-1.7
New Jersey School Nutrition/Wellness Policy

### Executive Agency or Non-governmental Entities
New Jersey School Nutrition/Wellness Policy website
Type of Policy

Voluntary

Mandatory

Implementation plan?

Enforceability

Low

High
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Feasibility
Resources to support your work

Promote School Health with decision makers and opinion leaders:

• American Association of School Administrators

Physical Education and Physical Activity

• American Alliance for Health, Physical Education and Recreation and Dance
Resources

**Nutrition**
- Action for Healthy Kids
- National Association of State Boards of Education

**Food Allergy**
- Food Allergy Research and Education (FARE)

**School Health Services**
- American Academy of Pediatrics
- School Based Health Alliance
- National Association of School Nurses
Resources

NASBE State School Health Policy Database
http://www.nasbe.org/healthy_schools/hs/

State Laws for School Snack Foods and Beverages (Bridging the Gap)
http://foods.bridgingthegapresearch.org/
QUESTIONS?

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