

## Partnership for a Healthy Texas

*Conquering Obesity*

# Partnership for a Healthy Texas Recap of 81<sup>st</sup> Legislative Session

**Over 50 bills were filed during this session that related to obesity policy.** This past session the Texas Legislature saw over 7,419 pieces of legislation filed, of which, 1,459 were sent to the Governor's desk. At least 10 of those bills specifically address obesity issues in our state. This is a recap of the Partnerships stated priorities for this session and the legislation that was passed addressing those priorities.

## 1. Support Implementation of Coordinated School Health

- Support funding of school health specialists as requested by TEA
- Strengthen criteria for SHAC organizational structure to make them more effective (required # of meetings, parent chair or co-chair, report to school board yearly)
- Support funding for schools to implement coordinated school health

While the Partnership worked diligently to support funding for school health specialists and implementing coordinated school health, both items that DSHS and TEA worked to introduce; TEA modified their budget and in the end, this was not part of their final budgetary request. Other items were requested but they were not funded.

There was some funding allocated to support physical activity. Legislators allocated \$10 million in each of the next two fiscal years for TEA to make **grants to middle schools (6th-8th grade) to support physical education and fitness programs** in school districts that have proportionately high numbers of economically disadvantaged children. This legislation creates the same amount of grant funding as a similar budget allocation passed last legislative session.

**SB 283** by **Senator Jane Nelson** requires that local school district school health advisory councils (SHACs) have as their **chair or co-chair "a parent that is not employed by the district and has a student enrolled in the district.** The SHAC would be required to have **at least five members, meet at least four times per year and submit a written report annually to the school district's board of trustees.**

**SB 892**, also by **Senator Jane Nelson**, requires public school campuses to **evaluate their coordinated school health program at the campus level as part of their campus improvement plan.** This elevates campus accountability for school health. The evaluation will include success with physical activity requirements, student fitness assessments, academic performance, attendance rates, and other data indicators recommended by the local school health advisory council.

## 2. Improve Nutrition Education and Access to Healthy Foods

- Support existing Texas Public School Nutrition Policy
- Promote nutrition and nutrition education in public schools and early childhood environments
- Support the expansion of farm to school programs to reach more Texas school children
- Study the feasibility of incorporating WIC/Food Stamp programs into farmer's market locations

This was a very successful session for nutrition-related legislation. **SB 282** by **Senator Jane Nelson** passed to allow the Texas Department of Agriculture (TDA) to set up **two grant programs: one to support schools** using best practices in nutrition education and another to support **community and faith-based organizations and early childhood education programs** that provide nutrition education to children.

### AARP

American Cancer Society

American Diabetes Association

American Heart Association

Blue Cross Blue Shield of Texas

Center for Public Policy Priorities

Children at Risk

Children's Hospital Association of Texas

Children's Medical Center Dallas

The Cooper Institute

East Texas AHEC

Harris County Public Health and Environmental Services

Methodist Healthcare Ministries of South Texas

National Federation of Independent Business

National Wildlife Federation

Scott and White Memorial Hospital, Temple

Secondary and Elementary Administrators for Health, Physical Education, Recreation and Dance

Sustainable Food Center

Texas A&M School of Rural Public Health

Texas Action for Healthy Kids

Texas Association for Health, Physical Education, Recreation and Dance

Texas Association of Health Plans

Texas Association of Local Health Officials

Texas Association for School Nutrition

Texas Association of School Boards

Texas Bicycle Coalition

Texans Care for Children

Texas Diabetes Program/Council

Texas Dietetic Association

Texas Health Institute

Texas Medical Association

Texas Oral Health Coalition

Texas Orthopaedic Association

Texas Pediatric Society

Texas PTA

Texas School Health Association

Texas School Nurses Organization

Trans Texas Alliance

University Interscholastic League

University of North Texas Health Science Center

University of Texas at Austin

Youth Interactive

### Advisors:

Comptroller of Public Accounts

Senate Committee on Health & Human Services

Texas AgriLife Extension Service, TAMUS

Texas Department of Agriculture

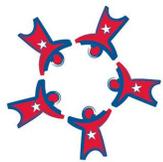
Texas Department of State Health Services

Texas Department of Transportation

Texas Education Agency

Texas Parks and Wildlife Department

University of Texas School of Public Health



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**SB 343**, also by **Senator Nelson**, creates an advisory committee to study the **availability of healthy foods in underserved areas** of Texas. The advisory committee will report back to the Legislature an implementation plan for a statewide program that would bring healthy foods to areas of the state that do not have **access to fresh fruit and vegetable retailers**.

**SB 1027** by **Senator Kirk Watson** establishes a farm-to-school task force to **promote the availability of locally grown fresh foods in public schools**. The task force will provide schools with training and technical assistance, create a database of available locally grown food, and implement a grant program for schools to recover the cost of purchasing locally grown fresh food.

**SB 395** by **Senator Eddie Lucio Jr.** creates the **Early Childhood Health and Nutrition Interagency Council** to assess barriers and best practices to improving healthy nutrition and physical activity in early childhood care settings, and to develop a plan for increasing physical activity and healthy nutrition in early childhood care settings.

There were also significant nutrition-related bills that did not pass, including: SB 1088 by Senator Eliot Shapleigh and SB 344 by Senator Nelson, both of which related to the use of food stamps at farmers' markets; HB 1970 by Representative Roland Gutierrez about nutritional standards and training for child-care facilities; and SB 204 by Senator Shapleigh that would have banned trans fats in restaurants. Also HB 1845 requiring menu labeling for chain restaurants and HB 1523 by Representative Alvarado requiring food labeling and prohibiting trans fats.

### 3. Strengthen Physical Education in Schools and Communities to Reflect Best Practice

- Establish criteria for new school construction that promotes physical education
- Collect and analyze data on physical education class sizes and physical education teacher certification
- Support daily recess
- Improve physical education in early childhood environments
- Promote built environments that integrate physical activity into daily life

Two bills passed supporting physical education for children. **SB 891** by **Senator Jane Nelson** provides a clear definition of physical education consistent with national standards, requires that at least 50% of class time be used for physical activity and expands the 30 minutes per day of physical activity to prekindergarten. It also requires that the **student-teacher ratio in physical education classes be comparable** to that in academic classes. Requires a maximum of 45 students per 1 teacher in physical education classes or the school district must identify the manner in which the safety of the students will be maintained when physical education classes have more than 45 students per 1 teacher. This requirement is for all grade levels K-12. NOTE: The Texas Education Agency will rule on whether or not the "teacher" is to be a certified teacher or if the "teacher" can be a teacher's aide or classroom teacher or school district employee.

**SB 161** by **Senator Rodney Ellis** allows specialty license plate fees to **fund the Safe Routes to School Program**. Safe Routes to School funds projects like **sidewalks and crosswalks** that make routes safer for children to walk and bicycle, as well as education programs to help children learn to travel safely to and from school.

Through a rider to the budget, legislators also allocated \$10 million in each of the next two fiscal years for the Texas Education Agency to make **grants to middle schools to support physical education and fitness programs** in school districts that have proportionately high numbers of economically disadvantaged children.

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There is additional funding identified by **HB 3098** by **Representative Bolton** through hotel occupancy tax funds for **construction and maintenance of children's playgrounds**. One negative impact on physical education came in **HB 3** by Representative Rob Eissler, which changes **high school graduation requirements, making health class optional** and **reducing the existing P.E. requirement** from one and a half semesters to one semester.

Other bills that related to our priorities but did not pass included **HB 159** by **Representative Deshotel** supporting **daily recess** which did not make it out of committee. There was a bill filed for improving physical education in early childhood environments that did not make it, however SB 891 was amended to include early childhood requirements. There was also a bill filed by **Senator Shapleigh SB 205** to establish a committee to promote outdoor recreation and education that was favorably reported but ran out of time.

#### 4. Promote Worksite Wellness Programs

- Provide incentives for employers to establish worksite wellness programs
- Worksite wellness programs should include nutrition, physical education, and tobacco cessation counseling; and insurance discounts for preventive services
- Support private sector programs as models for the public sector
- Encourage employers to provide opportunities for employees to be active during the day, including open, safe stairwells, and other places to walk. Business and organizations should also focus on providing healthy options in vending machines and in cafeterias

At the end of the 81st Regular Session, there was not as much progress as we would have liked on obesity legislation related to worksite wellness. Last session a Worksite Wellness Advisory group was mandated and this group made recommendations and worked with legislators to develop new policy. The primary bills introduced were (**SB 2113** by **Senator Lucio Jr** and **HB 4630** by **Representative Lucio III**) that would amend the Government Code to require state agencies to establish a **worksite wellness policy** that would be annually reviewed, updated, and submitted to the **statewide wellness coordinator**. These bills were amended into **SB 871** by **Lucio**. Unfortunately SB 871 was reported to calendars but ran out of time and was not passed.

#### 5. Support Comprehensive Evidence-Based Programs at the Community Level that will have an Impact on Obesity

The Department of State Health Services (DSHS) requested new funds to **support evidence-based obesity-prevention initiatives**. Approximately \$4.7 million was appropriated for this purpose during the next biennium, including competitive grants for communities.

#### 6. Monitor Texas Department of Agriculture Sunset Review Process to Strengthen Implementation of Nutrition Policy

Prior to the start of this legislative session, **Commissioner Staples** was proactive in securing the **continued implementation of the existing Texas school nutrition policy** by putting the policy into rule making process and establishing an appeal process for schools who may have violated the policy. This was effective as of April 1, 2009.



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## **Our Mission:**

- To develop and promote policies that prevent and reduce obesity in Texas

## **Our Guiding Principles:**

- Encourage collaboration among all interested parties in reducing obesity
- Inform policy makers about the consequences of the disease
- Promote evidence-based strategies at multiple levels: individual, family, community and policy levels
- Serve as a resource for people interested in addressing obesity prevention and treatment

## **Who We Are:**

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USDA Food and Nutrition Service

**For More Information: [www.PartnershipForAHealthyTexas.org](http://www.PartnershipForAHealthyTexas.org)**

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