



FIC 2010 — School Nutrition Background

As the rate of child obesity has increased, Congressional attention to this issue and the connection to schools has intensified. Over the last decade, prevalence of overweight children among 6-11 year olds increased from 11 to 19 percent, and from 11 to 17 percent among adolescents aged 12-19. There have been numerous attempts at the federal, state, and industry levels to confront the increase in child obesity—from legislation regulating the types of foods sold in schools, to increased physical education requirements, to agreements forged between beverage and snack food industry leaders to develop new nutritional guidelines for their products.

2004 Child Nutrition and WIC Reauthorization

The *Child Nutrition Act* is due for reauthorization by September, 2010. Several bills have either passed or are still pending in the 111th Congress that pertain to school nutrition issues and could potentially become part of the new law:

FY 2010 Appropriations: Funding for the Department of Agriculture includes \$25 million for National School Lunch Equipment funding, similar to that provided under the ARRA, to prioritize grants to schools serving a high percentage of free and reduced price (FRP) meals. It also includes \$25 million for Direct Certification grants to states to increase the number of children certified eligible for free school meals without a separate application based on other poverty data.

National standards: Senator Harkin (D-IA) and Representative Lynn Woolsey (D-CA-6) sponsored the *Child Nutrition Promotion and School Lunch Protection Act of 2009*, to update the decades-old federal nutrition standards for snack or “competitive” foods sold in school. It would require the Secretary of Agriculture to promulgate regulations outlining the types of foods with minimal or no nutritional value that schools would be prohibited from providing in school cafeterias, vending machines, snack lines, and school stores throughout the school day. This legislation would expand the federal government’s role in regulating school nutrition policy beyond its current involvement in the school lunch and breakfast programs.

Direct Certification/paperless applications: Senator Brown (D-OH) and Rep. Loebsack (D-IA-2) introduced the *Hunger Free Schools Act* to require school districts to use Medicaid and SCHIP data for direct certification, to set a state performance standard for direct certification (95 percent) and add categorical eligibility for military families.

Elimination of Reduced-Price School Meal Category: The *Expand School Meals Act* sponsored by Senator Franken (D-MN) and Rep. Ellison (D-MN-5) raised the threshold for free meals to 185 percent of the poverty line making free meals available to children formerly eligible for reduced-price meals.

Universal Meals: The *Hunger Free Schools Act* also allows high-poverty schools to serve universal free breakfast and receive reimbursement based on local socio-economic data rather than

applications, as does the *Paperless Enrollment for School Meals Act* introduced by Senator Casey (D-PA) and Rep. Fattah (D-PA-2) and *The Balancing Act* introduced by Rep. Woolsey (D-CA-6).

CSBA believes that child nutrition is vitally important in fostering a healthy and positive learning environment for children to achieve their full potential and continues to promote such efforts as expansion of fresh fruit and vegetable programs. CSBA urges Congress to enact legislation that ensures quality schools meals, expand access (eligibility) to subsidized meals, as well as to ensure that states with more restrictive standards are exempted from national standards associated with competitive foods and beverages.

The National School Lunch Program

The National School Lunch Program (NSLP) is a federally assisted meal program operating in public and nonprofit private schools and residential child care institutions. It provides nutritionally balanced, low-cost or free lunches to children each school day. The program was established under the Richard B. Russell National School Lunch Act, signed by President Harry Truman in 1946. The NSLP has served more than 187 billion lunches since the program's initiation.

School districts voluntarily participate in the NSLP. Schools that choose to participate are reimbursed with cash subsidies and receive agricultural commodities and bonus foods for each meal they serve. Schools are audited at least once every five years. State authorities, working in conjunction with the US Department of Agriculture, evaluate everything from recipe composition to where milk is positioned in the lunch line.

The meal program has nutritional requirements and uses a fairly complicated menu planning approach that determines calorie levels by averaging lunches planned to be offered over a week. There are guidelines for, among other things, calories, fat and calories from fat for each food item served. These guidelines are based on the age of the child and menu planning option selected.

Additionally, regulations address the sale of "competitive foods" so called because they are sold "in competition" with the school meal program. Competitive foods of "minimal nutritional value" generally may not be sold in the food service area during lunch periods. Such items are defined as having less than five percent of the Reference Daily Intake for each of the eight specified nutrients. However, foods that are not considered to be of minimal nutritional value may be sold in the food area during meal periods if the revenue raised benefits the nonprofit school food service or student organizations.

The funding school districts receive is based on the number of meals they serve to students. The current reimbursement rate for schools whose students qualify for free meals is \$2.47, for reduced priced meals it is \$2.07 and for student paid meals it is \$0.23. For districts that have more than 60 percent of the students who qualify for free or reduced priced meals they receive an additional \$0.02 per meal. Districts also receive additional funding from the state for each free or reduced priced meal served. The rate increased in 2006-07 from \$0.15 a meal to \$0.21 per meal. CSBA believes that the meal reimbursement rates for all child nutrition programs should be adjusted to reflect the differing cost of living that exists across the country. Similarly, income eligibility requirements for all child nutrition programs should be adjusted to reflect the differing cost of living across the country.

California's Nutritional Standards

Food items that are sold outside of the federal meal program are referred to as “competitive foods” or a la carte items. In 2005, California established nutritional standards for such food items as part of SB 12 (Escutia, Chapter No. 235, Statutes of 2005). Compliance with these standards took effect July 1, 2007. The standards limit the amount of calories, sugar and fat that any one item may contain. Specifically the bill set fat, sugar and calorie limits for entrée and snack items commonly referred to as 35/10/35. The item must have not more than:

- 35 percent of the calories from fat
- 10 percent of the calories from saturated fat
- 35 percent of its weight from sugar
- 175 calories for elementary schools
- 250 calories for middle and high schools

The bill exempts nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruit, (non-deep fried) vegetables and legumes. The nutritional standards also do not apply to food that students bring from home, including cupcakes, cookies, etc. brought for class parties and sales at after school events, such as sporting events or dances.

California also recently passed legislation that prohibits the use of trans fats in any food item and no items may be fried in unhealthy oils. This effort was tied to an increase in the state meal reimbursement rate. Districts must have certified by June 30, 2008, that they complied with these requirements.

Additionally, California has established standards for beverages that phases out the sale of soda in all schools. In 2003, SB 677 (Ortiz, Chapter No. 415, Statutes of 2003) was enacted which applied the standards to elementary and middle schools beginning July 2004. In 2005, SB 965 (Escutia, Chapter No. 237, Statutes of 2005) was enacted that phases out the sale of sodas in high schools by requiring that half of all beverages sold meet the standards beginning July 2007 and all beverages must meet those standards by July 2009. So when the 2009-10 school year started only beverages that meet the following requirements are allowed to be sold at schools:

- Fruit- or vegetable-based drinks with at least 50 percent fruit or vegetable juice and have no added sweeteners
- Drinking water and have no added sweeteners
- Milk products, including two-percent, one-percent, nonfat, soy, rice and other similar non-dairy milk
- An electrolyte replacement beverage that contains no more than 42 grams of added sweetener per 20-ounce serving

Initially opposed to the establishment of nutritional standards, CSBA ultimately co-sponsored the effort. The ability of children to learn can be significantly impacted by the conditions that confront them in their daily lives, including their health. While school districts alone cannot solve the obesity epidemic that is plaguing children, we can play a significant role in improving the health of children by providing them with high quality nutritious foods while they are at school.

National Nutritional Standards

There is a movement afoot in Congress to establish national nutritional standards on competitive food items sold in schools. Such standards would likely address calories, portion size, saturated and trans fat, sodium and added sugars. Past efforts were spearheaded by Representatives Lynn Woolsey (D-CA) and Senator Tom Harkin (D-IA).

This session, Representative Woolsey has again introduced HR 1324 which calls for nutritional standards that would apply to all foods sold outside of the meal program, anywhere on campus and during the extended school day. There are possible exceptions for school fundraisers, but absent specificity in the law it could be an expansion of the requirements beyond the type of foods, meaning it could apply at extracurricular events. Currently, state law only requires compliance with the standards during the school day including 30 minutes before and after.

The Senate Agriculture, Nutrition and Forestry Committee has held three hearings on school nutrition. During one of the hearings, chairman Senator Harkin stated that “one of the solutions to fighting childhood obesity and improving the health of children is to improve school meals: offering foods that have more of the good stuff (vitamins and minerals) and less of the bad (added sugar, sodium, and fat). That means more low- and no-fat milk, leaner meats, whole grain products, and fruits and vegetables, particularly fresh...” California’s nutritional standards are already doing this in our schools.

Senator Harkin went on to note that “fresh fruits, vegetables and whole grains tend to cost more than less healthful alternatives, so it is not surprising that some school food service directors find it difficult to offer these foods given their limited budgets – budgets which are stretched even further during an economic downturn.” Rather than establishing nutritional standards, an alternative would be to ensure that the \$1 billion proposed by the President to improve child nutrition would be utilized to increase funding for fresh fruits and vegetables by increasing the meal reimbursement rate.

CSBA believes California has strong nutritional standards and is not in favor of the establishment of new federal nutritional standards that might weaken our existing standards or create a confusing situation where there would be two different standards for competitive food sales possibly at different times during the day.

School Wellness Policies

The federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 required that each school district participating in the National School Lunch Program or any program in the Child Nutrition Act of 1966, including the School Breakfast Program, adopt a districtwide school wellness policy with specified components by the beginning of the school year after July 2006. At a minimum, the wellness policy was to:

- Include goals for nutrition education, physical activity and other school- based activities that are designed to promote student wellness in a manner that the local educational agency determines is appropriate
- Include nutrition guidelines selected by the local educational agency for all foods available on each school campus under the local educational agency during the school day with the objectives of promoting student health and reducing childhood obesity

- Provide an assurance that guidelines for reimbursable school meals shall not be less restrictive than regulations and guidance issued by the Secretary of Agriculture
- Establish a plan for measuring implementation of the local wellness policy, including designation of 1 or more persons within the local educational agency or at each school, as appropriate, charged with operational responsibility for ensuring that the school meets the local wellness policy
- Involve parents, students, and representatives of the school food authority, the school board, school administrators, and the public in the development of the school wellness policy.

In establishing the wellness policy, the superintendent or designee could appoint a school health council or other committee consisting of parents/guardians, students, food service employees, district and school site administrators, board representatives, health professionals, school nurses, health educators, physical education teachers, counselors, members of the public, and/or others interested in school health issues. To assist districts in developing their policies, CSBA developed a resource manual that was designed to guide districts through the establishment of the wellness policy.

In a report, funded by the Robert Wood Johnson Foundation, entitled “Local School Wellness Policies: How Are Schools Implementing the Congressional Mandate?” researchers conclude that the majority of US school districts developed a local school wellness policy by the first day of the 2006-2007 school year, but many of the policies were weak, and the quality varied greatly. School districts cited a lack of resources as a barrier for implementing their local school wellness policies. Further, monitoring and evaluation of district wellness policies were challenges for many school districts. With respect to nutritional standards some districts imposed stricter nutritional standards, but most followed state standards. With regards to physical activity, most districts addressed it but offered few specific requirements. Barriers to implementing stronger physical activity standards in schools included competing priorities, limited resources and lack of clear requirements in the local school wellness policy. It should be noted that the report notes that no funding was authorized for implementation.

CSBA’s survey of school board members across the nation found that the school board members believed that school wellness policies have positive impacts, primarily on students’ access to healthy foods at school, healthy eating habits and physical activity levels. The report finds four significant barriers to effective policy development, implementation and monitoring and evaluation. These barriers are 1) inadequate funding; 2) competing priorities / lack of time; 3) lack of support from students, parents and community; and 4) need for tools and training. CSBA has been very active in providing resources tools and training.

CSBA strongly encourages the federal government to provide adequate resources to ensure successful school wellness policy development, implementation and evaluation.