

February 24, 2011

The Honorable Tom Vilsack
Secretary
U. S. Department of Agriculture
12th Street, SW and Jefferson Drive
Washington, DC 20250

Dear Secretary Vilsack:

The National School Boards Association (NSBA), representing over 95,000 local school board members across the nation through our state school boards associations, is pleased to submit this statement regarding implementation of the Healthy, Hunger-Free Kids Act, or Public Law 111-296.

NSBA supports the overall goals of PL 111-296 to end childhood hunger and address the epidemic of childhood obesity. School boards are deeply committed to fostering a healthy and positive learning environment for children to achieve their full potential. Our commitment to healthy child nutrition is embedded in the organization through our School Health programs. Further, NSBA is a partnering organization for the Let's Move program for child obesity prevention.

Because school districts are vital to the success of the child nutrition programs reauthorized in the law, federal implementation regulations must assure that educational systems are supported, not undermined by the provisions of the act, in order to serve over 31 million students each year.

NSBA is gravely concerned about the financial impact the law could have on school districts at a time when many are in dire economic straits. Many of NSBA's concerns stem from new requirements and mandates that are unsupported by additional or adequate federal investment. One need not look far to see the evidence of the economic crisis for our schools. As states like Wisconsin and Ohio erupt over draconian budget cutting proposals to education, the fact is that most states made mid-year budget cuts to K-12 education in 2009 and 2010 and continue to face budget shortfalls this year that will not be restored in the foreseeable future. Local property tax revenue for education is stagnant and many school districts do not have the capacity to ask struggling communities for yet another tax increase. Exacerbated by the expiration of ARRA and Education Jobs Fund money, and a significant cut likely in federal funds for the current year, school district resources are eroding from every direction.

Any new responsibilities that result in unfunded or underfunded mandates will inevitably result in the loss of programs, jobs, or both at the local level. There is no fat, and there are no more frills to cut. Every dollar in unfunded mandates must come from somewhere else in the educational system, and could result in layoffs, larger class sizes, narrowing of the curriculum, elimination of after-school programs, and cuts to other program areas including areas of school food services itself.

Current funding for school meals already is inadequate for most districts to cover the full cost of providing them. U.S. Department of Agriculture reports document that school districts' cost of providing free lunches exceeds the federal reimbursement by over thirty cents per meal. Public Law



*Excellence and Equity
in Public Education
through School Board
Leadership*

**Office of Federal
Advocacy & Public
Policy**

- *Earl C. Rickman, III
President*
- *Anne L. Bryant
Executive Director*
- *Michael A. Resnick
Associate
Executive Director*

The Honorable Tom Vilsack
February 24, 2011
Page 2

111-296 authorizes a six-cent increase per school lunch for districts that voluntarily adopt updated federal standards for school meals. However, NSBA estimates the actual increased cost of compliance ranges from 11–25 cents, thus increasing the reimbursement gap that already exists. A district serving subsidized lunches to 5,000 students has a potential shortfall of \$270,000 under the current reimbursement rate. PL 111-296 could add \$54,000 to that shortfall. In many school districts such an additional shortfall could necessitate the elimination of teaching and other instructional positions.

The Proposed Rule on School Breakfast and Lunch Standards illustrates the implementation dilemma for school districts. Of the four options for revenue to cover the increased cost of the new standards, three fall squarely on the shoulders of local school districts or the students they serve. They are: increased student payments, increased state and local funding, and operational changes. The fourth is federal reimbursement, which is already demonstrated to be woefully inadequate. While these new school meal patterns and standards are voluntary in the statute, other provisions in PL 111-296 are not; and taken together, will make opting out of the new standards an option in name only. The cumulative impact of mandatory training and certification, standards for all food sold in school and other provisions of the law undermine the very systems they are intended to improve.

It is imperative then, that implementation of PL 111-296:

- Be revenue neutral to local school districts.
- Involve local school board members in a meaningful and sustained way, at every stage of policy development and implementation.
- Phase in provisions of the law in a manner that is sensitive to the fiscal condition of school districts.

Thank you for the opportunity to provide this statement. School nutrition programs simply cannot be successful unless the school districts providing them have sufficient resources and local authority to administer them effectively. Questions concerning our comments may be directed to Lucy Gettman, director, federal programs, at 703-838-6763 or by e-mail at lgettman@nsba.org.

Sincerely,



Michael A. Resnick
Associate Executive Director