

November 30, 2010

Member
United State House of Representatives
Washington, DC 20515

Re: *The Healthy, Hunger-Free Kids Act (S. 3307)*

Dear Representative:

The National School Boards Association (NSBA), representing over 95,000 local school board members across the nation through our state school boards associations, is deeply committed to fostering a healthy and positive learning environment for children to achieve their full potential. However, Congress is poised to pass legislation – the *Healthy, Hunger-Free Kids Act* (S. 3307) – that threatens to erode the very systems it is intended to help by exacerbating the budgetary crisis for schools across the country. Through testimony, correspondence and numerous meetings, NSBA has communicated our grave concerns and urges Congress to vote "no" on S. 3307 and instead pass a simple extension of the current programs. Key concerns include:

Standards—The bill authorizes the Secretary of Agriculture to issue standards for all foods sold (1) outside the school meal program, (2) on the school campus, (3) at anytime during the school day. NSBA is opposed to federal regulation beyond the subsidized school meal programs the Department is responsible for administering.

Funding—The bill authorizes \$4.5 billion in new funding over ten years. However, the funding level is inadequate to cover the cost to school districts of compliance with new standards, reporting, and implementation requirements such as local school wellness plans, the school nutrition environment, and training and certification of all school food services personnel.

Reimbursement— Current reimbursement for school meals 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. S. 3307 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. Further, while voluntary, districts may experience intense pressure to adopt new standards due to increased scrutiny from new reporting requirements in the bill, despite the financial impact. A district serving subsidized lunches to 5,000 students has a potential shortfall of \$270,000 under the current reimbursement rate. S. 3307 could add \$54,000 to the shortfall. In many school districts such an additional shortfall could necessitate the elimination of more teaching and other instructional positions.

Paid meal pricing—S. 3307 regulates how districts establish prices for paid meals. The price of paid meals is both an access issue and a local control issue. School districts may try to keep the price of meals low in order to assure that children from low-income families that don't qualify for subsidized meals can still afford a school lunch.

Indirect costs—S. 3307 gives the Secretary of Agriculture authority to regulate the indirect costs school districts may attribute to school meal operations. Indirect costs are those costs necessary to the general operation of the program such as operating and maintaining buildings and equipment, administrative salaries, and costs for general travel. The Office of Management and Budget already determines how indirect costs are attributed, so an expanded role of the Secretary's is duplicative.

NSBA would like to support other features of the bill but is opposed to the bill in its current form. Questions regarding our concerns may be directed to Lucy Gettman, director of federal programs at 703-838-6763; or by e-mail at lgettman@nsba.org.

Sincerely,



Michael A. Resnick
Associate Director



*Working with and
Through our State
Associations, NSBA
Advocates for Equity
and Excellence in
Public Education
through School
Board Leadership*

Office of Advocacy

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