



FORMAL TESTIMONY

on behalf of the

NATIONAL SCHOOL BOARDS ASSOCIATION (NSBA)

**“IMPROVING CHILD NUTRITION PROGRAMS
TO REDUCE CHILDHOOD OBESITY”**

Before the

Subcommittee on Healthy Families and Communities of the
Committee on Education and Labor
United States House of Representatives
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By

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Madam Chairwoman:

My name is Reginald M. Felton, director of federal relations at the National School Boards Association (NSBA). Representing the nation's nearly 15,000 local school districts and over 95,000 local school board members through our state school boards associations, we wish to thank you for the opportunity to address the Committee on this important issue affecting children enrolled in our public schools.

NSBA Position

Without question, NSBA believes that child nutrition is vitally important to fostering a healthy and positive learning environment for children to achieve their full potential – and that includes efforts to prevent childhood obesity. We believe that improving health requires the commitment of all of us in our communities including families, government, employers and local schools. Therefore, local school boards across the nation continue to actively promote nutrition education, physical education, and obesity prevention.

As an organization, we want you to know that through our School Health Programs department, we help school policymakers and educators make informed decisions about health issues affecting the academic achievement and healthy development of students and the effective operation of schools. Services are provided with and through NSBA's member state associations of school boards, in partnership with other national organizations, such as the National Association of State Boards of Education, Alliance for a Healthier Generation, and Action for Healthy Kids.

Additionally, NSBA is very proud of its efforts to promote nutrition in the schools and to prevent childhood obesity through web-based services, educational programming, and publications. A summary of our efforts is provided as an appendix to our statement.

In addition to the work of our own organization, local school boards are engaging their communities through partnerships and coalitions to ensure that all facets of the community are more informed regarding both the value and cost-savings associated with improved nutrition.

We are convinced that local communities and states are assuming greater responsibility for the health and well-being of its residents, and very much appreciate the strong support of the federal

government through incentives and grants that enable school districts and local communities to further expand their local commitment and energy. We know that educating children as to healthy behavior is most important if we are to ensure sustained changes in nutritional habits.

As you prepare for the reauthorization of the *Child Nutrition Act*, we urge you to increase and expand those incentives and grants that will garner solid buy-in and commitment on the part of local communities rather than to establish broader mandates beyond the current federally subsidized food programs. We appreciate your concern to improve child nutrition, but we are very much concerned with the unintended consequences that are beyond the control of our local schools.

We remain concerned that the behavioral changes that you desire and expect through expanded federal mandates and restrictions on foods beyond current federally subsidized programs may not be achieved. From a local school board's perspective, we believe that what is likely to happen is that there would be:

1. Significant increases in purchases beyond the school grounds, particularly where high school students are permitted to leave the campus for lunch;
2. Increased regulatory disagreements in schools over what foods and beverages should and should not be sold as new products are developed and marketed using newly developed food substitutes; and
3. Increased misunderstandings and complaints from parents regarding the banning of certain foods and beverages.

Additionally, local school boards view federal efforts to regulate or codify into statute the types of foods and beverages that can and cannot be sold in schools throughout the entire school day and at school events as overly intrusive and burdensome on school districts. Further, such efforts would dismiss the work of wellness councils and usurp the jurisdiction of local school boards to create a policy that reflects the values and capabilities of local communities.

In our view, these new requirements could also result in additional unintended consequences that could require the redirection of time and resources away from the school's primary responsibilities. Therefore, NSBA urges you to reconsider any efforts to enact expanded legislation.

Beyond the concerns over the operational impact of such expanded restrictions, local school boards are also concerned with the potential impact on local budgets and revenue streams. As you are aware, the primary responsibility of local school boards is to deliver high quality educational programs to ensure that students are career- and college- ready to compete in the global society. The expansion of such federal restrictions on all foods and beverages could substantially reduce revenues that local schools need to support athletic programs and other activities that promote the overall development and well-being of all students.

As examples, based on a literal interpretation of the language in the proposed bill, local catering businesses desiring to provide financial support to a school would be allowed to provide to students food products not meeting the federal standards—but would be prohibited from selling those same products to the same students....or a school sponsoring a field trip out of town could find itself in non-compliance because some of the food products available to the students in their travels might not fully meet federal standards. As you can see from these two examples, such restrictions could result in enormous challenges for local school officials.

We do not want local school districts to be caught in a bind between demands to sustain a quality learning environment and concern over potential allegations of non-compliance because of the complexity in operations of such proposed legislation. Therefore, NSBA urges Congress to refrain from enacting legislation that would further restrict local authority and create additional operational barriers.

A New Federal Role

A national vision for child nutrition is needed but that vision should not convey nor equate to federal mandates. A national vision for child nutrition should reflect the understanding of current authority and Constitutional responsibilities of states and local communities, and re-define the role of the federal government so that it promotes national policies within the framework that supports states and local communities. Beyond child nutrition, the federal government should acknowledge more broadly that the efforts over the previous decade to employ a “top-down approach” have not worked. The federal role should be one of partnership and support to the states and local communities. In a paper entitled *A New Era in Education: Redefining the Federal Role for the 21st Century*, NSBA suggests a potential theme for the new federal role might be “facilitate, don’t dictate.”

Local School Board Commitment

As you are aware, the *Child Nutrition and Women, Children, and Infants Reauthorization Act*, passed by Congress in 2004, requires every school district participating in the federal school meals program to enact a wellness policy by the 2006-2007 school year. These policies now address:

- Goals for nutrition education;
- Goals for physical activity;
- Nutrition *guidelines* for all foods available at school;
- Goals for other school-based activities designed to promote student wellness;
- Assurances that school meal *guidelines* are not less restrictive than federal requirements; and
- Plans for evaluating implementation of the policy.

To illustrate the success of the current law, a study conducted by the Pennsylvania State University on Local Wellness Program (LWP) implementation among Pennsylvania local school districts indicates that:

- 84 percent of the districts have written implementation or action plans developed for some of their goals.
- 91 percent of the school districts have functioning wellness committees.

With respect to nutrition education:

- 50.3 percent of the school districts reported that their students receive more minutes of nutrition education now than they did prior to the establishment of local wellness policies.
- 58.2 percent of the school districts reported that their students are receiving higher quality nutrition education now than they were prior to the establishment of local wellness policies.

This data suggests that a majority of local school boards across the nation are actively engaging their communities, as they should, to create policies and local requirements that have the full support of the people in their local communities.

Summary

In closing, we want to reiterate that local school boards are committed to improving child nutrition and preventing obesity, and we clearly view wellness policy as important. We believe that as these local school board actions increase, positive changes in behavior will take place reflecting the will of the **local** communities. We are very committed to changing attitudes and sustaining positive behavior related to nutrition. Therefore, we feel that community-based decisions are much more effective in the long run than mandates from the federal government.

Federal mandates on our public schools should not be the vehicle for changes in society. In our view, federal mandates on what is sold in our schools and what cannot be sold in our schools beyond federally subsidized food programs should not be adopted.

We believe that significant improvements in child nutrition and health will not be achieved through the expanded authority of the Secretary of Agriculture. Rather, it will be through the active engagement of local communities that hold strongly to the belief that those at the local level should best make such determinations.

Thank you again for the opportunity to share our views.

National School Boards Association's Efforts to Support Child Nutrition

Web-based Services through NSBA's School Health Programs - www.nsba.org/SchoolHealth

- “101” packets on Wellness, Nutrition, Physical Activity and Coordinated School Health to provide the data, background information, research and sample policies to support local school board decision making.
- “Promising District Practices” website that provides the “stories” of how school districts have acted to address healthy eating and physical activity.
- “Updates and Special Announcements” that alert school officials to new research and reports on a wide range of health topics, including childhood obesity, to inform decision making. Users can sign up to obtain the “Updates” via an RSS feed.
- Searchable database of research, information and sample policies.

Educational Programming

- At NSBA's annual conference, several sessions in partnership with such organizations as the Alliance for a Healthier Generation, Action for Healthy Kids, and the School Nutrition Association.
- Symposium on Childhood Obesity (July 2008, Little Rock, AR) for 12 state teams that include members of state boards of education and local school board members to drive initiatives/policy change in states based on state conditions, needs and capacity. Follow-up technical assistance provided to state teams. This activity is supported by Leadership for Healthy Communities, a national program of the Robert Wood Johnson Foundation.

Publications

- Special report in *American School Board Journal* (February 2009) on “Health and Leadership” focusing on childhood obesity. This report was produced with support from Leadership for Healthy Communities, a national program of the Robert Wood Johnson Foundation.
- Articles on nutrition, physical activity, health and wellness are frequently published in *American School Board Journal*.
- Participation in the development of *Action Strategies for Healthy Communities*, a new toolkit for state and local policymakers to develop policy measures addressing issues around childhood obesity, including nutrition in schools (in partnership with Leadership for Healthy Communities, a national program of the Robert Wood Johnson Foundation).