



STATEMENT FOR THE RECORD

on behalf of the

NATIONAL SCHOOL BOARDS ASSOCIATION (NSBA)

**“BEYOND FEDERAL SCHOOL MEAL
PROGRAMS: REFORMING NUTRITION FOR
KIDS IN SCHOOLS”**

Before the

Committee on Agriculture, Nutrition and Forestry
United States Senate
March 31, 2009

By

Reginald M. Felton
Director, Federal Legislation
National School Boards Association

Mr. Chairman:

My name is Reginald M. Felton, director of federal relations at the National School Boards Association (NSBA). Representing nearly 15,000 local school districts and over 95,000 local school board members through our state school boards associations across the nation, we wish to thank you for the opportunity to address the Senate 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. Local school boards across the nation continue to actively promote nutrition education, physical education, and obesity prevention.

The issue is not whether child nutrition is important. Rather, it is whether child nutrition would be significantly improved by additional federally mandated nutrition standards on all foods and beverages. To this question, the answer, in our view, is “no.” While there is the expectation that federally-subsidized food programs may be accompanied by certain restrictions, such restrictions are not fully supported within local communities regarding all other foods and beverages available to students.

The next questions should be what behavioral changes might one expect at the local school level from such additional restrictions and whether such new patterns of behavior add value to the intent and purpose of the additional restrictions? From a local school board’s perspective what is likely to happen is:

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
3. Increased misunderstandings and complaints from parents regarding the banning of certain foods and beverages based on perceptions of school officials being “culturally incompetent.”

Additionally, local school boards view any 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, they believe that such efforts dismiss the work of wellness councils and usurp the jurisdiction of local school boards to create a policy that reflects the values and financial capabilities of local communities.

In our view, these new behaviors will result in several unintended consequences that will require the redirection of additional time and resources away from the school's primary responsibilities. 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 reality is that many school districts promote the sale of foods and beverages as a means of supplementing the cost of athletic and other extra-curricular activities—which would further redirect the ability of school districts to fund these activities. The expansion of such restrictions on all foods and beverages could substantially reduce revenues to local schools. Therefore, NSBA urges Congress to refrain from enacting legislation that would further restrict the authority and flexibility of local school boards to sponsor and promote revenue-producing activities involving foods and beverages outside the current federally subsidized programs.

School districts are caught in a bind between demands to deliver a higher quality education program and an economic crisis that has severely limited state and local capacity to fund them—even with the economic stimulus package.

A New Federal Role

A national vision for child nutrition is needed but that vision cannot convey nor equate to federal mandates. A national vision for child nutrition must 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 must acknowledge more

broadly that the efforts over the previous decade to employ a “top-down approach” have not worked. The federal role must 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 physical activity:

- Only 28.8 percent of the school districts reported that their students have fewer opportunities for physical activity now than they did prior to the establishment of local wellness policies.
- 56.6 percent of the school districts reported that there are more opportunities for students to be physically active in classrooms outside of physical education now than there was prior to the establishment of the local wellness policies.

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.

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.

Public Private Stakeholder Commitment

In addition to strong local school board commitment by engaging states and local communities, many private stakeholders have also made significant contributions toward improving child nutrition.

As you are aware, on May 3, 2006 the Alliance for a Healthier Generation—a joint initiative of the William J. Clinton Foundation and the American Heart Association and major members of the U.S. beverage industry—announced new, *recommended* guidelines to schools, limiting portion sizes and reducing the number of calories available to children during the school day. The guidelines cap the number of calories available in beverages in schools at 100 calories per container, except for certain milks and juices. Under the terms of the agreement, the beverage industry would work to spread these standards to *75 percent* of the nation's schools prior to the beginning of the 2008-2009 school year. The agreement called for full implementation prior to the beginning of the 2009-2010 school year, *provided schools and school districts are willing to amend existing contracts*. The full details of the agreement can be found here:

<http://www.healthiergeneration.org/engine/renderpage.asp?pid=s017>.

Additionally, on October 6, 2006, the Alliance for a Healthier Generation announced an agreement with five of the nation's leading food manufacturers (Campbell Soup Company, Dannon, Kraft Foods, Mars and PepsiCo) to establish voluntary guidelines for snacks and side items sold in schools. More information can be found at:

<http://www.healthiergeneration.org/engine/renderpage.asp?pid=s042>.

We believe such actions illustrate how public and private sectors are coming together to address issues of child nutrition in a way that will result in sustained positive behavior – without the need for federal mandates.

Summary

In closing, we want to reiterate that local school boards are committed to improving child nutrition and clearly view wellness policy as important. And 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 cannot be the vehicle for changes in society. Our primary responsibility is to educate. Federal mandates on what is sold in our schools and what cannot be sold in our schools are simply unacceptable, and fail to guarantee the complexity of sustained positive changes in healthy, human behavior that is desired.

Finally, we want to make the point that in order to significantly improve child nutrition and health, it will not be achieved through 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.