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CHILD NUTRITION ASSISTANCE: LOOKING AT COST OF COMPLIANCE FOR STATES AND SCHOOLS

HEARING

BEFORE THE

SUBCOMMITTEE ON EARLY CHILDHOOD, ELEMENTARY, AND SECONDARY EDUCATION

COMMITTEE ON EDUCATION AND THE WORKFORCE

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

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CHILD NUTRITION ASSISTANCE: LOOKING AT COST OF COMPLIANCE FOR STATES AND SCHOOLS

Wednesday, June 24, 2015
House of Representatives,
Subcommittee on Early Childhood, Elementary, and Secondary Education,
Committee on Education and the Workforce,
Washington, D.C.

The subcommittee met, pursuant to call, at 10:05 a.m., in Room 2175, Rayburn House Office Building, Hon. Todd Rokita [chairman of the subcommittee] presiding.

Present: Representatives Rokita, Brat, Carter, Bishop, Grothman, Curbelo, Fudge, Davis, Bonamici, Takano, and Clark.

Also present: Representatives Kline, Noem, Allen, and Scott.

Staff present: Lauren Aronson, Press Secretary; Janelle Belland, Coalitions and Members Services Coordinator; Kathlyn Ehl, Professional Staff Member; Matthew Frame, Legislative Assistant; Amy Raaf Jones, Director of Education and Human Resources Policy; Nancy Locke, Chief Clerk; Daniel Murner, Deputy Press Secretary; Krisann Pearce, General Counsel; Mandy Schaumburg, Education Deputy Director and Senior Counsel; Alissa Strawcutter, Deputy Clerk; Tylease Alli, Minority Clerk/Intern and Fellow Coordinator; Austin Barbera, Minority Staff Assistant; Jacque Chevalier, Minority Senior Education Policy Advisor; Denise Forte, Minority Staff Director; Tina Hone, Minority Education Policy Director and Associate General Counsel; Carolyn Hughes, Minority Senior Labor Policy Advisor; and Veronique Pluviose, Minority Civil Rights Counsel.

Chairman Rokita: Good morning and welcome to today's hearing. I would like to thank you, our witnesses, today for joining us to share your experiences implementing the Child nutrition programs at the state and local levels. Thank you for taking care of our kids.

We all know the important role healthy food plays in a child's education. We cannot expect children to learn or excel in the classroom if they are hungry or not properly nourished. That is why we on the Education and Workforce Committee have been examining child nutrition programs to ensure they are effectively and efficiently providing children access to nutritious meals.

Now, it goes without saying that your commitment to serving students is vital to achieving that goal. But the question we want to answer today is, are federal policies really giving you the tools

and flexibilities you need to succeed in implementing child nutrition programs so that your students can succeed in the classroom? Or is there a better way?

Now, based on what we have heard from other stakeholders, the federal role in these programs may be doing more to hinder your success than to help it. Following the 2010 reauthorization of the National School Lunch and Breakfast Programs, the Department of Agriculture issued a number of regulations that expanded Washington's influence over K–12 cafeterias. The department has narrowly defined what types of food can be served in schools and how often, the maximum number of calories students are allowed to eat per meal and the price a student must pay per meal.

Now, while these regulations perhaps are well-intended, states and schools are struggling to comply with them. And the very children we aim to serve are paying the price. While program costs, administrative burdens and food waste are piling up, portion sizes, food offerings, and the number of students participating in the program are on the decline.

In my home state of Indiana, for example, the number of lunches served each year has declined by more than 6 million since the regulation went into effect in 2012. I have heard these concerns from my colleagues and constituents, and I have read the reports from government watchdogs. But as the saying goes, I needed to see it to believe it.

So, earlier this year I joined students and staff for lunch at Cloverdale Middle School in Indiana, among many other schools. But there particularly we found Food Service Director Billy Boyette describing the challenges he and his staff faced to provide meals that both comply with federal regulations, but also appeal to students.

From firsthand experience I can verify that despite the increased federal involvement in the school meal programs, many students are still going to class hungry. Furthermore, reports from the nonpartisan Government Accountability Office raise concerns about whether or not the resources for these programs are going to students who really need it most.

If our shared goal is to increase student success in the classroom, and if we know that nutritious meals play a part—important part in that success, wasting limited tax dollars hardly seems to yield a favorable outcome. So that is why we are here today, nothing more nothing less.

As education leaders who have committed themselves to serving students, you four provide critical—and the folks you represent, provide critical insight into what is working and what isn't, and what types of policies Congress should consider as we move forward with the reauthorization process.

It is time to provide those responsible for implementing child nutrition programs with the flexibility they need to ensure taxpayer dollars are well spent and students are well served. I am confident, learning from your experiences, observations, and recommendations, we will inform our efforts to accomplish just that.

So with that, I will now recognize my friend, the ranking member, Congresswoman Fudge, for her opening remarks.

[The statement of Chairman Rokita follows:]

Prepared Statement of Hon. Todd Rokita, Chairman, Subcommittee on Early Childhood, Elementary, and Secondary Education

Good morning, and welcome to today's hearing. I'd like to thank you, our witnesses, for joining us to share your experiences implementing the child nutrition programs at the state and local levels.

We all know the important role healthy food plays in a child's education. We cannot expect children to learn or excel in the classroom if they are hungry or are not properly nourished.

That's why we on the Education and the Workforce Committee have been examining child nutrition programs to ensure they are effectively and efficiently providing children access to nutritious meals. It goes without saying your commitment to serving students is vital to achieving that goal.

The question we want to answer today is: are federal policies giving you the tools and flexibility you need to succeed in implementing child nutrition programs so that your students can succeed in the classroom? Based on what we have heard from other stakeholders, the federal role in these programs may be doing more to hinder your success than help it.

Following the 2010 reauthorization of the national school lunch and breakfast programs, the Department of Agriculture issued a number regulations that expanded Washington's influence over K–12 cafeterias. The department has narrowly defined what types of food can be served in schools and how often, the maximum number of calories students are allowed to eat per meal, and the price a student must pay per meal.

While these regulations are well intended, states and schools are struggling to comply with them, and the very children we aim to serve are paying the price. While program costs, administrative burdens, and food waste are piling up, portion sizes, food offerings, and the number of students participating in the program are on the decline. In my home state of Indiana, for example, the number of lunches served each year has declined by more than six million since the regulations went into effect in 2012.

I've heard these concerns from my colleagues and constituents, and I've read the reports from government watchdogs, but – as the saying goes – I needed to see it to believe it. Earlier this year, I joined students and staff for lunch at Cloverdale Middle School in Indiana, where food service director Billy Boyette described the challenges he and his staff face to provide meals that both comply with federal regulations and appeal to students.

From firsthand experience, I can verify that despite the increased federal involvement in the school meals programs, many students are still going to class hungry. Furthermore, reports from the nonpartisan Government Accountability Office raise concerns about whether or not the resources for these programs are going to the students who need it most.

If our shared goal is to increase student success in the classroom, and if we know that nutritious meals play an important role in that success, wasting limited taxpayer dollars hardly seems like a favorable outcome.

That's why we are here today. As education leaders who have committed themselves to serving students, you provide critical insight into what's working and what isn't and what types of policies Congress should consider as we move forward with reauthorization.

It's time to provide those responsible for implementing child nutrition programs with the flexibility they need to ensure taxpayer dollars are well spent and students are well served. I am confident learning from your experiences, observations, and recommendations will inform our efforts to accomplish just that.

With that, I will now recognize the ranking member, Congresswoman Fudge, for her opening remarks.

Ms. FUDGE. Thank you very much, Mr. Chairman.

And thank you all so much for being here today. As this is, I think, maybe our fourth or fifth hearing on nutrition, I don't know what we will hear different today. But certainly I am looking forward to what you are going to say today.

And today we are going to be examining school nutrition programs, as we have many times, from the eyes of schools and states, which both play an important role in providing school meals. While I am looking forward to hearing the testimony of our witnesses, I

want to ensure we examine these programs from the eyes of those they are intended to serve, which is our children.

Today almost one in three children is obese. Nearly 16 million children, one in five, live with food insecurity. While it may not be intuitive, children can be simultaneously obese and hungry because many low-income families lack access to high-quality food.

Just as there is a federal role in ensuring every child has access to a quality education, no matter where they live, what they look like or their family's income, there is a federal role ensuring every child has access to healthy and nutritious food, and is able to learn without the burden of hunger.

Child obesity affects all aspects of children's lives from their physical well-being to their academic success and self-confidence. That is why the health of our children should be a top national priority.

For over 40 years, child nutrition programs have helped families who have struggled with the choices of putting food on the table or paying a bill. Our work to reauthorize our child nutrition programs presents a great opportunity to change the way children eat, to expand their access to nutritious meals, and to end the child hunger crisis in this country.

We must ensure that schools have the support they need to provide high-quality meals so kids can make healthy choices. We must also ensure all eligible children can actually access the programs by removing barriers families face when enrolling in school meal programs.

Today we will learn more about the work that lies ahead to provide all children with healthy, nutritious meals and to lead healthy and successful lives. Thanks to the reforms in the Healthy, Hunger-Free Kids Act, students across the country are experiencing a healthier school environment with more nutritious meal options.

Studies show that kids are now eating up to 16 percent more vegetables and 23 percent more fruit at lunch. Over 90 percent of school systems report they are in compliance with the new federal standards.

Maintaining quality standards for child nutrition programs is not only the right thing to do, but it is what American families overwhelmingly want. According to a recent poll by the Pew Charitable Trust, 90 percent, that is 9–0 percent of parents favor school meal standards.

While it is important to hear from schools and states about challenges they may face in their programs, I am certain these challenges can be addressed. I thank you, and understand clearly that there are things that we need to fix. And we want to fix them.

Mr. Chairman, I yield back.

[The statement of Ms. Fudge follows:]

Prepared Statement of Hon. Marcia L. Fudge, Ranking Member, Subcommittee on Early Childhood, Elementary, and Secondary Education

Thank you, Mr. Chairman. Today we will be examining school nutrition programs from the eyes of schools and states, which both play an important role in the provision of school meals. While I am looking forward to hearing the testimony of our witnesses, I want to ensure we examine these programs from the eyes of those they are intended to serve as well; our children.

Today, almost one in three children is obese. Nearly 16 million children—one in five— live with food insecurity. While it may not be intuitive, children can simulta-

neously be both obese and hungry because many low-income families lack access to high-quality healthy food.

Just as there is a federal role in ensuring every child has access to a quality education regardless of where they live, what they look like, or their family's income, there is a federal role in ensuring every child has access to healthy and nutritious food, and is able to learn without the burden of hunger. Child obesity affects all aspects of children's lives from their physical wellbeing, to their academic success and self-confidence.

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Maintaining quality standards for child nutrition programs is not only the right thing to do, but it is what American families overwhelmingly want. According to a recent poll by the Pew Charitable Trusts, 90 percent of parents favor school meal standards.

While it's important to hear from schools and states about challenges they may have in their programs, I'm certain these challenges can be addressed. Thank you to our witnesses for joining us today. I look forward to hearing your testimony.

Chairman ROKITA. I thank the gentlelady.

First let me note that a quorum is present. Pursuant to committee rule 7(c), all members will be permitted to submit written statements to be included in the permanent hearing record. And without objection, the hearing record will remain open for the 14 days pursuant to this hearing to allow such statements and other extraneous material referenced during the hearing to be submitted for the official hearing record.

I will now like to turn to the introduction of our distinguished witnesses. And first in that regard, I welcome Representative Noem back to the committee to recognize her witness.

Mrs. NOEM. Thank you, Mr. Chairman. And I want to let you know that I certainly appreciate you allowing me to come back to the committee today to introduce Dr. Melody Schopp. She is our state secretary of education, and has been truly a good witness to some of the effects that we have seen across our great state.

Dr. Schopp is a lifelong educator with 23 years of classroom teaching experience. She has also served as a school board member for 9 years. And her passion for students and preparing them for their postsecondary education is remarkable.

In her role as the secretary of education, she has led South Dakota in implementation of new standards and evaluation practices and systems utilized throughout our state. She has a long service history in education.

And I am excited to have her here today to testify on school nutrition. It is something that I have worked on the last several years. And she will give us a unique perspective as well as to the

impacts this has in rural America, in smaller schools that have—are isolated from many more urban areas, and the challenges that students, teachers, school nutritionists, and parents face because of these new school lunch regulations, and their unique impact.

So thank you, Dr. Schopp, for taking the time to make the long journey into Washington. It is not easy to get here from South Dakota. And it is not easy to get back home either. But I appreciate you making the trip to give us the South Dakota perspective today to this committee.

With that, I yield back.

Chairman ROKITA. I thank you, Representative Noem.

We will now turn to Representative Allen, another valuable member of this committee, to introduce our next witness.

Mr. ALLEN. Thank you, Mr. Chairman.

And I am very pleased to introduce my friend Donna Martin. Donna and Stan have been—and their family have been longtime friends of our family. And Donna, it is so good to see you here this morning.

There is nobody that knows more about nutrition in the 12th district of Georgia than Donna Martin. And Donna, thank you for your help over the years, particularly with our family.

But Donna is a registered dietitian nutritionist, and is currently the director of the Burke County School Nutrition Program in Waynesboro, Georgia. She is also the past treasurer for the Academy of Nutrition and Dietetics. She also sits on the School Nutrition Association Foundation board. She has worked in the area of school nutrition for over 23 years in both large systems with over 38,000 students and currently in a small system with 4,500 students.

Donna's school system operates the National School Breakfast Program, the National School Lunch Program, the Afterschool At-Risk Snack Program, the Fresh Fruit and Vegetable Grant Program, and the Supper Program and the Summer Feeding Program. Donna has long been dedicated to improving the health of her students at school by offering nutritionally balanced meals that also teach the students about good nutrition.

Donna has a master's degree in clinical nutrition from the University of Alabama in Birmingham, and a specialist's degree in administration and supervision from Georgia Regents University in Augusta, Georgia. In 2006, Donna received the Summer Sunshine Award for the Southeastern Region of the United States from USDA for innovation in implementing the Summer School Nutrition Program.

Burke County is the largest landmass county in the 12th district and serving meals there can be a challenge due to the distance that you travel in that county. And believe me I have been to every square inch of that county. So, Donna, I don't know how you do it.

Donna decided the best way to serve children was out of school buses that made stops throughout the county so that the kids would have access to summer meals. Donna has led four schools that receive the U.S. Healthier School Challenge Award at the Gold level. Congratulations on that, by the way.

As both the representative from Georgia's 12th district and a member of this committee, it is indeed my privilege to welcome you

here today. Thank you for traveling here and offering your expert testimony. Thanks, Donna. Good to see you.

Chairman ROKITA. Gentleman yields back. Thank you, Representative Allen. I will take the honor of representing the last two witnesses.

First, from the great State of Indiana, Mr. John Payne is president of the Blackford School Board of Trustees in Hartford City. He currently serves as director for the Central Region on the National School Board Association's board of directors, and has also served on the board of directors for the Indiana School Board Association. Welcome.

And finally, Dr. Lynn Harvey is the chief for Safe and Healthy Schools Support Division of the School Nutrition Services for the North Carolina Department of Public Instruction. Dr. Harvey is responsible for the administration of the federally funded school nutrition program. She is a registered dietitian, a licensed dietitian and nutritionist, a fellow of the American Academy of Nutrition and Dietetics, and is the incoming vice president of the School Nutrition Association.

Welcome all of you.

I will now ask our witnesses to stand and raise your right hand so that you can be sworn in.

[Witnesses sworn.]

Let the record reflect that each witness answered in the affirmative.

And you may be seated. And before I recognize each of you to provide your testimony, let me briefly explain our lighting system.

You will each have 5 minutes to present your oral testimony. For the first 4 minutes the light will be green. Then that last minute the yellow light will switch on. And red means you are past due. That is more of a reminder for us than it is for you. But we try to stick to it.

So I will recognize our witnesses for testimony, starting with Dr. Schopp. You are recognized for 5 minutes.

TESTIMONY OF DR. MELODY SCHOPP, SECRETARY OF EDUCATION, SOUTH DAKOTA DEPARTMENT OF EDUCATION, PIERRE, SOUTH DAKOTA

Ms. SCHOPP. Well, good morning, Chairman Rokita, Ranking Member Fudge, and members of the subcommittee. I am Melody Schopp, secretary of education for the state of South Dakota.

It is really an honor to be here today. In particular because I am really passionate about this issue and something that I really care about deeply.

As indicated before, I come with a lot of education experience. I spent a lifetime with 23 years of teaching, 9 years as a school board member, and 15 years within the Department of Education in South Dakota. And I work every single day to ensure one thing: that all students are ready to graduate from high school college-, career-, as well as life-ready.

And I believe I know what goes into that environment to make that happen so that they can thrive and they can be successful. And that does include ensuring that students aren't hungry or malnourished.

I want to make it very clear that I fully support the intent of the Healthy, Hunger-Free Kids Act. Giving students access to a healthy meal, it feeds the body, it feeds the mind and it makes them ready to learn. And that is supported by research as well.

It also addresses the concerns that we all have about obesity that is pervasive in our country as well as in the State of South Dakota. I believe that one of the most valuable things we can do when a student walks across the stage at graduation time is not just to hand them the diploma, but a healthy lifestyle.

The intentions of this act are noble. But the implementation is what I am here to talk about today, which is difficult, which I believe is undoing the good intentions. So I have three concerns I am going to share with you today. And these are very specific from the aspect of what a state education agency is required to do.

Number one, the act is complex and has time-consuming review requirements. And as you know, the requirements have changed from 5 years to a 3-year review cycle. This has not resulted in identifying more problems or issues throughout the state and South Dakota. But instead, it has been unwieldy and overwhelming for my small staff.

The paperwork burden results in excessive overtime and truly the inability for us to catch up and be on track. We have tried to address this a number of different ways. We have brought in additional help. We have used general funds to support the program. We have audited our work flow. And finally, we just simply aren't able to dig out of the paperwork.

Second point and equally concerning is a lack of time that we have in providing training on the intricacies of the act within our school districts. We spend instead our resources on completing administrative reviews. There is an inordinate amount of time that we spend in preparing for monitoring for both districts and state staff. Our department staff are just too busy checking the boxes rather than providing the technical support to the districts that need it the most.

My third concern is specific to the complexity of the program for both state and for local agencies. In addition to the 300-page guidance manuals, just this last year there were 68 policy memos that were issued. While the flexibility is offered in the form of waivers, granting and approving waivers is intricate and very time-consuming and oftentimes difficult.

I oversee a system of 130,000 students. I have 151 school districts. I have four technical institutes, a $630 million budget and many difficult issues that I deal with daily. But I spend an onerous amount of my time supporting my staff in this one issue, in grappling with the implementation of the school meals program. And that is why I am here today.

And I don't think these concerns are specific to South Dakota. My fear is of districts opting out, and already that is happening in South Dakota with 10 to 15 of our small, rural districts and some of our private school districts choosing to drop the program due to a number of different issues. And my greater concern is that others will soon follow.

I care deeply. I want to make that very clear about making sure we provide nutritious meals and giving kids every opportunity to

learn. I also care about ensuring that we are good stewards of taxpayer money. And that does mean that we need to comply with federal and with state laws.

But instead of celebrating compliance, I really believe we should turn our focus to ensuring that students are hunger-free and that they are healthy. My hope is that Congress can reduce the amount of time and effort that we are spending on compliance and instead letting us focus on making sure that kids are well fed, which leads them to be well-educated and healthy, contributing adults. Thank you very much.

[The testimony of Ms. Schopp follows:]

Good morning Chairman Rokita, Ranking Member Fudge, and members of the subcommittee. Thank you for allowing me to share my perspective on implementation of the Child Nutrition Act, also known as the Healthy, Hunger-Free Kids Act of 2010.

As South Dakota's Secretary of Education, I work every day to ensure students in my state graduate from high school ready for college and careers. Delivering a high-quality education drives my work, and the work of our 102 person state agency. We ask a lot of our students, and they deserve our every effort to support their academic success.

As a state chief with 23 years of classroom teaching experience, 9 years as a school board member, and 15 years in the South Dakota Department of Education, I know how much goes into creating the best environment for students to thrive. And I know that a child can't give their best if they are hungry, tired, or malnourished.

That's why I fully support the intent behind the Healthy, Hunger-Free Kids Act of 2010. By providing a nutritious meal for every child when they are in school, we give them the fuel to learn and we set an example for a healthy life. I have frequently stated that one of the most valuable things we could do for students is to assure they all have a diploma and a healthy lifestyle upon leaving the K12 system. Both are critical for assuring a happy and successful life.

But while I find the intentions of the Act noble, the implementation of this law is undoing those good intentions. I have three main concerns I want to emphasize today.

First, the complex and time-consuming review requirements have not actually resulted in identifying more problems. In fact, the new monitoring requirements have created unnecessary burdens making it difficult if not impossible for my staff to support the intent of the program.

Recent changes in the Act mean that states now have to audit school districts every three years to determine compliance with nutritional standards, a timeframe that is unwieldy and overwhelming for my small Child and Adult Nutrition staff of 10 people. The paperwork burden alone has stretched our department and pushed our staff into expensive overtime work and we still can't catch up. The review manual is over 300 pages with 100 additional pages of fiscal action forms and assessment tools. It takes my staff 40 or more hours to prepare for each review. My school districts with 100 students face the same monitoring as my largest districts with more than 20,000 students. One district said it best; it took more hours to complete the review process than they have students, as it took over 100 hours and they have 90 students enrolled.

We've tried to assign additional people to help. We brought in help from out of state, to try to identify any inefficiency in our oversight process. Still, we struggle to dig out from under a mountain of compliance work. My staff feels like a mouse on a treadmill; they just can't catch up.

My second point and equally concerning, is the lack of time for training with district personnel. Due to resources being spent on completing administrative reviews and compliance, our staff has lost resources to complete training, work with local agencies to develop innovative solutions and grow the programs so that they are set up for success. We're too busy checking boxes to do the work of ensuring more students receive nutritious meals.

My third concern is specific to the complexity of the programs for both state and local agencies. Other provisions of the Act have placed undue stress on the system, including new requirements for our school food service directors. Our very small schools do not have funds to pay people with college degrees or dietetics licenses to operate their programs. The complexity of detailed label reading to determine how a product can be counted towards meeting the requirements is daunting. Our directors have had to navigate hundreds of policy memorandums that have been issued by USDA to clarify the regulations put in place to implement this statute. While USDA offers "waivers" for flexibility due to too many rules coming too fast, this only increases complexities. Staff train schools on the rules and when a waiver is requested, it needs to be on the waiver form approved by USDA. The State agency must then approve the waiver, track the approved and denied waivers and, in most cases, report numerous times on the approved waivers.

All of these conditions, which can be traced back to the Healthy Hunger-Free Kids Act, have put significant strain on the ability of our local directors to maintain meal programs for their students.

I oversee a system of more than 130,000 students in 151 districts, four technical institutes, and manage a budget of $630 million with a multitude of pressing needs. Unfortunately, I spend an inordinate amount of my time grappling with the burdens of implementing the school meals program.

This isn't just an issue for a large rural state with a small state education agency. I am well aware of other states facing these same issues. My greatest fear is that the compliance measures will become so onerous that we will see districts opt out of participation. A number of our rural schools as well as two of the private nonprofit agencies have already dropped out in South Dakota. I have great concerns that others may follow that path, rather than be subject to the time-consuming compliance burden.

State chiefs know how important it is to provide healthy meals. I just encourage you to find a more logical way to ensure compliance. I urge you to reduce the complexity and burden put on state agencies seeking to comply with the law and allow states to focus on what's most important: finding the most efficient ways to get the most nutritious meals to our students.

Chairman ROKITA. Thank you for your testimony.

Mr. Payne, you are recognized for 5 minutes.

TESTIMONY OF MR. JOHN PAYNE, PRESIDENT, BLACKFORD COUNTY SCHOOL BOARD OF TRUSTEES, HARTFORD CITY, INDIANA

Mr. PAYNE. Chairman Kline, Senior Democratic Member Scott, Chairman Rokita, and Ranking Member Fudge and members of the subcommittee, thank you for the opportunity to testify on child nutrition, a critical issue that affects students' health, well-being, and ability to learn.

I am an elected official on the Blackford County School Board of Trustees in Indiana, where I have served for 22 years. I also serve on the Indiana School Board Association board of directors and on the board of the directors of the National School Board Association. I care very much about child nutrition, and advocate for school districts to have the flexibility needed to provide each school-aged child a healthy and nutritious meal.

We know that healthy students learn better. Children and youth who eat nutritious food are active, stay healthier, perform better in school and learn behaviors that will keep them healthier throughout their lifetimes. Yet, the 2010 federal law, which aimed to improve the critical nutrition and hunger safety net for children has resulted in unintended consequences that challenge school districts' ability to deliver on its promise.

In my school district, students are slipping through a one-size-fits-all net, either opting out or declining to eat food that lacks appeal. Blackford County Schools is a public school corporation in east central Indiana located about 45 miles south of Fort Wayne and 90 miles northeast of Indianapolis. Blackford County is a mostly rural, heavy in agriculture and some light industry. Our board approves a $17.8 million budget, which includes personnel, debt service for buildings, capital projects, transportation, instruction, and school nutrition programs.

In Blackford County, 55 percent of our 1,750 students are eligible for free and reduced-priced meals. For students from low-income families, school meals may be the best or even the only food they eat each day. So when students who need a proper meal are not eating, I am concerned.

I would like to point out some unintended consequences and challenges experienced for the last few years for Blackford County Schools. Perhaps the most colorful example in my district is that students have been caught bringing in and even selling salt, pepper, and sugar in school to add taste to a perceived bland and tasteless cafeteria food. This contraband economy is just one example of many that reinforce the call for flexibility.

Further, since 2012, student participation in free and reduced priced meals has decreased from 56 to 54 percent in my district, with a rise in food waste. Students are avoiding cafeteria food. More students bring their lunch. And a few parents even check out their child from campus, taking them to a local fast food restaurant or home for lunch.

It is clear now with the new restrictions which students are from low-income households and which are not because the free and re-

duced priced meal has no additions or extra portions, whereas the students able to purchase from the a-la-carte menu can obtain more food.

Some kids cannot drink or dislike milk. Our district tried to provide needed calcium to those students with juice, but was cited by the School Nutrition Department within our state education agency and was forced to discontinue the practice.

The one-size-fits-all portions may be too small for students who rely primarily on school meals, or active and athletic students who need more and resist being told to eat more broccoli to fill the void.

Children who do not typically eat or recognize certain foods avoid and dispose of them. In my district, whole grain items, most of the broccoli, end up in the trash.

Some food-based in-school fundraisers have been eliminated.

The clear solution to these problems is local leadership and flexibility. When local school districts have the authority and the flexibility to make adjustments honoring the spirit and intent of the law, they can provide students with healthy, nutritious and appetizing meals.

NSBA's 2014 pulse poll on school meal requirements corroborates the call for flexibility with responses from nearly 650 districts in at least 36 states. Sixty percent said that local flexibility would help them provide good nutrition without harm to instruction, personnel, and other school district operations.

In conclusion, improving the quality and expanding access to school meals is vital to America's school-aged children and our nation. School districts are critical partners in the effort to assure a healthy and positive learning environment for the children to receive their full potential.

The Child Nutrition Act reauthorization is an opportunity to firmly support local leadership. Our bottom-line objective should be that each school-aged child, through effective local governments, receives healthy, nutritious, and appetizing meals.

I again thank you for your time, and am happy to respond to any questions. And, Mr. Chairman, if I could, I do have a written document from Wayne Township Schools in Indianapolis if I could submit it for the record.

[The testimony of Mr. Payne follows:]

TESTIMONY

Child Nutrition Assistance: Looking at the Cost of Compliance for States and Schools

Subcommittee on Early Childhood, Elementary and Secondary Education

June 24, 2015

By

John S. Payne
President, Blackford County School Board of Trustees
Blackford County Schools
Hartford City, IN

Chairman Kline and Senior Democratic Member Scott, Chairman Rokita and Ranking Member Fudge and Members of the Subcommittee:

Thank you for the opportunity to testify on child nutrition, a critical issue that affects students' health, well-being and ability to learn. I am an elected official on the Blackford County School Board of Trustees in Indiana, where I have served for 22 years. I also serve on the Indiana School Boards Association's Board of Directors, and on the Board of Directors of the National School Boards Association. I care very much about child nutrition and advocate for school districts to have the flexibility needed to provide each school-age child healthy and nutritious meals.

We know that healthy students learn better. Children and youth who eat nutritious foods and are active stay healthier, perform better in school and learn behaviors that will keep them healthier throughout their lifetimes.

Yet the 2010 federal law – which aimed to "improve the critical nutrition and hunger safety net" for children – has resulted in unintended consequences that challenge school districts' ability to deliver on its promise. In my school district,

students are slipping through a one-size-fits-all "net," either opting out or declining to eat food that lacks appeal.

Blackford County Schools is a public school corporation in east central Indiana located 45 miles south of Ft. Wayne and 90 miles northeast of Indianapolis. Blackford County is a mostly rural area, heavy in agriculture and some light industry. Our board approves a $17.8 million dollar budget which includes personnel, debt service for buildings, capital projects, transportation, instruction, and school nutrition programs.

In Blackford County, 55 percent of our 1,750 students are eligible for free and reduced price meals. For students from low-income families, school meals may be the best – or even the only – food they eat each day. So when students who need a proper meal are not eating, I am concerned. I'd like to point out some unintended consequences and challenges experienced over the last few years by Blackford County Schools.

Perhaps the most colorful example in my district is that students have been caught bringing – and even selling – salt, pepper and sugar in school to add taste to perceived bland and tasteless cafeteria food. This "contraband" economy is just one example of many that reinforce the call for flexibility. Further,

- Since 2012, student participation in free and reduced price meals has decreased from 56 to 54 percent in my district with a rise in food waste.
- Students are avoiding cafeteria food. More students bring their lunch, and a few parents even "check out" their child from campus, taking them to a local fast-food restaurant or home for lunch.
- It is clearer now with the new restrictions which students are from low-income households and which are not, because the free and reduced price meal has no additions or extra portions, whereas students able to purchase from the *ala carte* menu can obtain more food.
- Some kids cannot drink or dislike milk. Our district tried to provide needed calcium to those students with juice, but was cited by the School Nutrition Department within our state education agency and was forced to discontinue the practice.

- "One-size-fits-all" portions may be too small for students who rely primarily on school meals or active and athletic students who need more and resist being told to "eat more broccoli" to fill the void.
- Children who do not typically eat or recognize certain foods avoid and dispose of them. In my district, whole-grain items and most of the broccoli end up in the trash.
- Some food-based in-school fundraisers have been eliminated.

The clear solution to these problems is local leadership and flexibility. When local school districts have the authority and flexibility to make adjustments honoring the spirit and intent of the law they can provide students with healthy, nutritious and appetizing meals.

NSBA's 2014 Pulse Poll on school meal requirements corroborates the call for flexibility, with responses from nearly 650 districts in at least 36 states. Sixty percent (60%) said that local flexibility would help them provide good nutrition without harm to instruction, personnel and other school district operations.

In conclusion, improving the quality of and expanding access to school meals is vital to America's school-age children and our nation. School districts are critical partners in the effort to assure a healthy and positive learning environment for children to achieve their full potential. The Child Nutrition Act reauthorization is an opportunity to affirm and support local leadership. Our 'bottom line' objective should be that each school-age child, through effective local governance, receive healthy, nutritious and appetizing meals.

I again thank you for your time and am happy to respond to any questions.

Chairman ROKITA. Without objection we will take that submission. Thank you for your testimony.

Ms. Martin, you are recognized for 5 minutes.

TESTIMONY OF MS. DONNA MARTIN, DIRECTOR, SCHOOL NUTRITION PROGRAM, BURKE COUNTY PUBLIC SCHOOLS, WAYNESBORO, GEORGIA

Ms. MARTIN. Thank you. Chairman Rokita, Ranking Member Fudge, committee members, and my fellow distinguished panelists, I am honored to have the opportunity to speak before you today. My name is Donna Martin and I am the director of the school nutrition program for Burke County Public Schools in Georgia.

Our program serves five schools and offers breakfast in the classroom, grab-n-go breakfast, lunch and afterschool snacks, supper, the fresh fruit and vegetable grant, and the summer feeding program. Our district, located near Augusta, is mostly rural and has a free and reduced percentage rate of 100 percent. We operate under the Community Eligibility Provision.

I first entered the school nutrition field nearly 25 years ago after becoming a registered dietitian and working in pediatrics. It is not simply serving meals and counting money.

It is conducting nutrition education with students, faculty and parents, planning menus that meet federal nutrition guidelines, working with computer systems to master your point-of-sale programs, production records, training and supervising of staff, managing a $4 million budget, writing specifications for equipment, and placing bids for foods.

It means essentially running a restaurant, a PR agency, and a classroom all while under a tight budget with minimal time and resources. Being a food service director today is a ton of work, and I think it is the best job on earth.

Burke County Schools serves nearly 4,000 meals a day and has a lunch participation rate of 89 percent, and a breakfast participation rate of 78 percent. We have not seen a decrease in our participation rates based on the new standards.

We started moving to healthier foods in our district even before the new standards were required. And you can bet that I was nervous. But we did it gradually by introducing rolls for 25 percent whole wheat flour.

You have ever been to Georgia, you know we take our fried chicken, biscuits, and grits incredibly seriously. So we went to work and developed a delicious baked herb chicken and featured locally-grown, whole-grain grits that are absolutely awesome. And yes, we have whole-grain biscuits, and yes our kids eat them.

I am also incredibly proud of our Farm-to-School program that provides farm-fresh produce to our students, including delicious Georgia peaches and blueberries, that hopefully you have the opportunity to enjoy today.

Taste those and tell me if you think a student would throw any of these away. Instead, they are always wishing they were getting more than a half-cup serving of them. We found that when we started offering local fresh fruits and vegetables like collards, cabbage, corn on the cob, broccoli, carrots, berries, melons, peaches, our consumption rates doubled.

I am also proud of how we have met the needs of our community. When our high school football coach came to me with concerns about his players not getting the fuel they needed to be successful, we worked together to provide dinner after practices to make sure they were well-nourished. As a registered dietitian, it brought me great joy to know they weren't just filling up on empty calories, but nutritious foods that were good for them.

I also think it is important to note that we started this program in 2010. The notion that high school athletes only started to get hungry after updated nutrition standards went into effect in 2012 is false. They were hungry because they did not have access to food after school. And that was the case before and after the standards.

When it comes to access to summer meals for kids, our rural community faces challenges in delivering the meals, like many communities do around the country. Burke County is 836 square miles of land, but only has 22,000 residents. Traditional feeding sites simply did not meet the needs of our community.

I worked with my district and community to find solutions and now we run 15 bus routes and over 100 stops all over the county, feeding 2,500 children for 8 weeks during the summer. We are getting healthy foods to kids when they need it, and also providing employment for my staff during the summer. In communities like ours, that matters.

Now that I have shared some of the highlights of our program, you are probably wondering, what is the cost of running a successful program? We are a fiscally sound program because we offer fresh fruits and vegetables that are in season.

We work with our farmers to provide local fruits and vegetables at very competitive prices and coupled with the long shelf life of these products, we have very little spoilage. We use our commodity dollars very wisely to purchase food that helps stretch our food dollars. We also do a lot of scratch cooking, which controls the cost of the food and the sodium content of the food.

I am not here to tell you that it is easy. But I am here to tell you that it is possible to meet nutrition standards and be financially solvent.

We could do better for our students if reimbursement rates were increased to accommodate rising food costs; and if there were supplemental funding for equipment and training needs. But we would do worse for them if we lowered the bar to accommodate the cost by not serving them what they need to grow and achieve.

In closing, I thank each of you for taking the time to listen to our story from Burke County Schools and for your commitment to students around the country through child nutrition programs.

I respectfully ask each of you to keep our children's best interests in mind as you move forward with the reauthorization of child nutrition programs that impact so many children across the country. We demand the best of our schools, and for our students in every other part of the campus. And our cafeteria should be no different.

Thank you once again, Chairman Rokita, Ranking Member Fudge, and committee members. I would be happy to respond to any questions that you may have.

[The testimony of Ms. Martin follows:]

Statement for the Record
Before the
House Committee on Education and Workforce, Subcommittee on Early Childhood, Elementary and Secondary Education
June 24, 2015

"Child Nutrition Assistance: Looking at the Cost of Compliance for States and Schools"

By
Donna S. Martin, EdS, RDN, LD, SNS
Director School Nutrition Program
Burke County Board of Education
Burke County, Georgia

Chairman Rokita, Ranking Member Fudge, committee members, and my fellow distinguished panelists; I am honored to have the opportunity to speak before you today.

My name is Donna Martin and I am the Director of the School Nutrition Program for Burke County Public Schools in Georgia. Our program serves 5 schools, and offers breakfast in the classroom and grab-and-go breakfast, lunch, after school snack, supper, the fresh fruit and vegetable grant and the summer feeding program. Our district, located near Augusta, is mostly rural and has a free and reduced percentage rate of 100%. We operate under the Community Eligibility Provision.

I first entered the school nutrition field nearly 25 years ago, after becoming a registered dietitian and working in pediatrics. It is not simply serving meals and counting money. It is conducting nutrition education with students, faculty and parents, planning menus that meet federal nutrition guidelines, working with computer systems to master your point of sale programs, production records, training and supervising a staff, managing a 4 million dollar budget, writing specifications for equipment, and placing bids for food. It means essentially running a restaurant, a PR agency and a classroom all while under a tight budget with minimal time and resources. Being a food service director today is a *ton* of work and I think it is the best job on earth!

Burke County schools serve nearly 4,000 meals a day and have a lunch participation rate of 89 percent and a breakfast participation rate of 78%. We have not seen a decrease in our participation rates based on the new standards. We started moving to healthier foods in our district even before the new standards were required and you can bet that I was nervous, but we did it gradually by introducing rolls with 25% whole wheat flour. If you have ever been to Georgia, you know we take our fried chicken, biscuits and grits incredibly seriously. So we went to work and developed a delicious baked herb chicken and featured locally grown whole grain grits that are absolutely awesome. And yes – we have whole grain biscuits – and yes, our kids eat them! I'm also incredibly proud of our Farm to School Program that provides farm fresh produce to our students, including delicious Georgia peaches and blueberries that hopefully

you had the opportunity to enjoy today. Taste those and tell me if you think a student would throw any of those away! Instead they are always wishing they were getting more than a half cup serving of them. We found that when we started offering local fresh fruits and vegetables like collards, cabbage, corn on the cob, broccoli, carrots, berries, melons, peaches, our consumption rates doubled.

I'm also proud of how we have met the needs of our community. When our high school football coach came to me with concerns about his players not getting the fuel they need to be successful – we worked together to provide dinner after practices to make sure that they were nourished. As a registered dietitian, it brought me great joy to know that they weren't just filling up on empty calories, but nutritious foods that were good for them. I also think it's important to note that we started this program in 2010. The notion that high school athletes only started to get hungry after updated nutrition standards went into effect in 2012 is false. They were hungry because they did not have access to food after school – and that was the case before and after the standards.

When it comes to access to summer meals for kids – our rural community faced challenges in delivering meals – like many communities do around the country. Burke County is 836 square miles of land but only has 22,000 residents. Traditional feeding sites simply did not meet the needs of our community. I worked with my district and our community to find solutions and we now run 15 bus routes and over 100 stops all over the county feeding over 2,500 children for eight weeks during the summer. We are getting healthy foods to kids when they need it, and also providing employment for my staff during the summer. In communities like ours, that matters.

Now that I've shared some of the highlights of our program, you're probably wondering "what is the cost of running a successful program?" We are a fiscally sound program because we offer fresh fruits and vegetables that are in season, we work with our farmers to provide local fruits and vegetables at very competitive prices and coupled with the long shelf life of those products, we have very little spoilage. We use our commodity dollars very wisely to purchase food that helps stretch our food dollars. We also do a lot of scratch cooking which helps control the food cost and the sodium content of the food. I am not here today to tell you that it is easy, but I am here to tell you that it is possible to meet nutrition standards and be financially solvent. We could do better for our students if reimbursement was increased to accommodate rising food costs and if there was supplemental funding for equipment and training needs, but we would do worse for them if we lowered the bar to accommodate the costs by not serving them what they need to grow and achieve.

In closing, I thank each of you for taking the time to listen to our story from Burke County schools and for your commitment to students around the country through child nutrition programs. I respectfully ask each of you to keep our children's best interests in mind as you move forward with the reauthorization of child nutrition programs that impact so many children across the country. We demand the best of our schools and for our students in every other part of the campus – and our cafeteria should be no different. Thank you once again Chairman Rokita, Ranking Member Fudge and committee members. I would be happy to respond to any questions that you may have.

Chairman ROKITA. Thank you very much, Ms. Martin. And we will now recognize Dr. Harvey for 5 minutes.

TESTIMONY OF DR. LYNN HARVEY, CHIEF, SCHOOL NUTRITION SERVICES, SAFE AND HEALTHY SCHOOLS SUPPORT DIVISION, NORTH CAROLINA DEPARTMENT OF PUBLIC INSTRUCTION, RALEIGH, NORTH CAROLINA

Ms. HARVEY. Thank you, Chairman Rokita, Ranking Fudge, other members of the committee. We appreciate the opportunity to discuss the cost of meeting nutrition standards for school meals and snacks. I have submitted more extensive written comments and examples from across the country to support my remarks today.

It is an honor to represent the North Carolina Department of Public Instruction. The department oversees the school nutrition programs in all 115 school districts. And we have the privilege of serving nearly 1.5 million students.

North Carolina's public schools were among the first to comply with the nutrition standards, meeting the USDA's target date of June 30, 2013. Despite the robust level of compliance, school officials are concerned about the impact of new regulations that, while well intended, have increased the complexity of the programs and created unintended consequences.

Compliance provides schools an additional 6 cents per reimbursable lunch. However, 6 cents is not sufficient to support the lunch requirements, let alone the cost of serving more whole grains and fruit at breakfast, for which no additional funds have been provided.

Compliance has come at a significant cost for schools in North Carolina, and more important, for students. Student participation in school meals has declined by 5 percent under the new rules.

Over 90 percent of school nutrition directors report the requirement for all grains to be whole-grain rich, is the leading cause of student dissatisfaction. While student acceptance of some whole-grain products like breads and rolls has been encouraging, student acceptance of other products, like biscuits and crackers, has been dismal.

For 2 years, school nutrition directors have offered these items under ideal conditions, and have encouraged students to try them. Yet, students continue to reject them because their taste, texture, and appearance are quite different from that to which they are accustomed. Students refer to these foods as "imitation foods" and tell us they are unpalatable, and therefore unacceptable.

Biscuits, as you have heard are popular breakfast items in our state. Student satisfaction with whole-grain rich biscuits has led to a decline in breakfast participation in 60 percent of our school districts. No amount of training or technical assistance for schools can change students' distaste for foods that look and taste unappealing to them.

Thanks to the whole-grain waivers provided by Congress in the omnibus appropriations bill, North Carolina has granted 110 waivers, covering over 2,300 schools. The waivers allow the districts to balance the requirement for whole-grain rich and enriched grain

products. Districts that have implemented the waivers are reporting a rebound in student participation, especially at breakfast.

Another source of student dissatisfaction is the lack of flavor as a result of the sodium requirements. Schools have made tremendous efforts to make meals more flavorful. Yet students tell us low-sodium foods simply do not taste good. And as a result, many are choosing to skip school meals altogether.

We have also seen an increase in food waste, as students are forced to take items they do not like and do not intend to eat. The level of waste is disturbing in a state where nearly 60 percent of students are economically disadvantaged, and 27 percent of students experience hunger on a regular basis.

Another unintended consequence has been the loss of a-la-carte revenues under the Smart Snacks requirement. The Smart Snacks compliance has been staggering in North Carolina with over $20 million in lost revenues this year. Nutritious, appealing a-la-carte menus should be a convenient part of the school dining experience, while simultaneously providing a critical revenue source for school nutrition programs in the absence of other funding.

These and other conditions are emerging to create significant financial challenges. Over half the school nutrition programs in North Carolina are operating at a revenue loss. The average loss is nearly $2.5 million. Since implementation of the new standards, the average month's operating balance for school nutrition programs has been steadily declining.

Twenty school districts have negative operating balances in their school nutrition programs, such that local education funds must be used to keep the programs financially solvent. Another 21 have less than 1 month's operating balance, and will be unable to pay their monthly obligations at the beginning of the school year without support from the district's General Education Fund.

As you begin the process of reauthorizing the child nutrition programs, we would respectfully request the following flexibilities as a means of enabling local school nutrition directors to operate programs that promote optimum student participation that includes, of course, the consumption of nutritious, appealing foods while ensuring the financial self-sufficiency and sustainability of these programs.

First, please make the current waivers for whole-grain rich products permanent, thus requiring half of all grains to be whole-grain rich. Second, maintain the current Target 1 sodium levels until such time as scientific evidence is clear about the role of sodium in the diets of children and adolescents. Third, require schools to offer as many fruits and vegetables as possible, and allow students to select as much as they will eat. But do not force students to take a fruit or vegetable. And finally, modify the Smart Snack standards to allow any food or beverage served as part of the reimbursable meal to be served as an a-la-carte item.

Our goal in North Carolina is to operate the school nutrition programs in a manner that reflects our commitment to nutritional, operational, and financial integrity. Thank you for your consideration of our requests.

[The testimony of Dr. Harvey follows:]

Subcommittee on Early Childhood, Elementary, and Secondary Education
of the U.S. House of Representatives Committee on Education and the Workforce

"Child Nutrition Assistance: Looking at the Cost of Compliance for States and Schools"

Written Comments to support the Oral Testimony of
Dr. Lynn Harvey, RD, LDN, FAND, SNS, Chief, School Nutrition Services
North Carolina Department of Public Instruction

Wednesday, June 24, 2015, 10:00 am
2175 Rayburn House Office Building

Chairman Rokita, Ranking Member Fudge, other members of the Committee, thank you for the opportunity to discuss the cost of meeting the nutrition standards for school meals and snacks.

I have the privilege of serving as the Chief of School Nutrition Services at the North Carolina Department of Public Instruction. Our team of school nutrition professionals is responsible for overseeing the implementation of the federally-funded School Nutrition Programs in all 115 school districts. Nearly 1.5 million students attend our schools.

School officials in North Carolina and around the country are committed to ensuring all students have access to nutritious, appealing, affordable meals at school. There are too many food-insecure students for whom meals at school are not simply conveniences, they are safety nets to provide critical nutrients and energy required for optimal growth and development. School breakfast and lunch programs are important components of the instructional day as they promote students' nutritional well-being while simultaneously advancing their academic success. Our goal in North Carolina is to operate the School Nutrition Programs in a manner that reflects our collective commitment to nutritional, operational and financial integrity.

North Carolina's public schools were among the first to comply with the new nutrition standards for school meals. All of our school districts were in compliance by June 30, 2013. Compliance was also achieved with the Smart Snacks Interim Final Rule, effective July 1, 2014.

I am here today on behalf of North Carolina's Superintendents, Business Officials, School Board Members and Nutrition Directors who are very concerned about the impact of the new regulations that, while well-intended, have increased the complexity of the program and have created unintended consequences.

Despite a demonstrated desire and capacity to meet the new requirements, compliance has come at a significant cost for schools and more important, for our students. Student participation in school meals has declined by 5% under the new rules - a loss of nearly 13 million meals in two years. Not only does this mean that we are not nourishing the bodies and minds of many students when they choose to forego meals at school, but there are other consequences. As participation declines, other areas are affected. For example, USDA Foods' commodity entitlement is tied to student participation. NC's commodity entitlement has been reduced by nearly $3.4 million as a result of declining student participation.

Compliance provides schools an additional 6 cents per reimbursable lunch served. We are grateful for every penny we receive in the School Nutrition Program. However, 6 cents is simply not sufficient to support the lunch requirements, let alone the cost of serving more whole grains and fruit at breakfast, for which no additional funds were provided. Some newly formulated

whole grain-rich foods and products that meet the Smart Snacks standards cost two to three times more than the items they replaced.

Sadly, we have also seen an alarming increase in food waste as students are forced to take items they do not like and do not intend to eat. The level of waste is especially disturbing in a State where nearly 60% of students are from economically disadvantaged households and 27% of students experience hunger on a regular basis.

As the department began to analyze the costs of compliance, we interviewed School Nutrition Directors across the State asking what was contributing to increased costs, decreased revenues and declines in student participation.

Over 90% of School Nutrition Directors in North Carolina cite the requirement for 100% of all grains to be whole grain-rich products as the leading cause of student dissatisfaction with the school meal programs. While student acceptance of some whole grain-rich products like bread, rolls and buns has been encouraging, student acceptance of other whole grain-rich products has been dismal. When it comes to whole grain-rich variations of biscuits, grits, crackers and corn bread, all too often, students simply toss them into the trash cans.

For two years, School Nutrition Directors have purchased these items, prepared them according to directions and best practices, modified recipes, offered them under ideal serving conditions and repeatedly encouraged students to taste and try these new items. However, students continue to reject them because their taste, texture and appearance, are extremely different from that to which they are accustomed. Students tell us these newly modified items are unpalatable and therefore unacceptable. No amount of training or technical assistance for schools will change students' preferences for foods that look and taste appealing to them.

Biscuits and corn muffins are part of the State's cultural and regional food heritage, just as bagels are traditional in the Northeast and tortillas in the Southwest. These foods are very popular breakfast items; the addition of whole grain flour has created products that are dense, compact, dry and crumbly instead of light, moist, tender and flakey. As products have been transformed to reflect the requirement for all grains to be whole grain rich, some products like biscuits lost their inherent qualities. They look, taste and have a different mouthfeel from the products they replaced. As a result, students perceive them as being of poor quality and choose not to eat them. This product dissatisfaction has contributed to a decline in breakfast participation in 60% of North Carolina's school districts.

North Carolina is nationally recognized for its innovative school breakfast programs. In many school districts, breakfast is offered to all students at no cost. However, students have become increasingly dissatisfied with whole grain rich "imitation" foods, so many stop participating altogether, while others continue to throw food away, which is inconsistent with the intent of the Healthy, Hunger-Free Kids Act.

Thanks to the whole grain waivers Congress provided in the Omnibus Appropriations bill, this year North Carolina has approved 110 waivers from the requirement for all grains to be whole grain-rich. The waivers offer much-needed flexibility for 2,300 schools to provide a greater variety of menu options for students. As schools have been able to transition to serving half of all grains whole grain rich, (or more than half of grains as whole grain-rich in many districts), they are reporting a rebound in student participation, especially at breakfast. We need to ensure all schools have permanent access to whole grain flexibilities as a means of optimizing student participation.

Another unintended consequence associated with the new regulations has been the loss of a la carte revenues under the Smart Snacks rules. In North Carolina, the cost of Smart Snacks compliance has been staggering, with over $20 million in lost revenues this year. A la carte sales are a critical revenue source for the School Nutrition Program that, for decades, have supported the salaries and benefits for school nutrition employees and helped keep the program financially self-supporting and sustainable.

School Nutrition Directors report the variety of products meeting Smart Snacks standards is very limited and often highly processed. Healthful, a la carte menu items should be a convenient part of the school dining experience and provide nutritious, appealing options for students. However, the ambiguity of the Smart Snacks rules is evident; the rules allow schools to sell diet soft drinks and highly-caffeinated energy drinks, but inexplicably prohibit the sale of many nutritious salads, some vegetables and deli sandwiches due to the limits on sodium.

Perhaps the greatest limitation with the Smart Snacks rules is that the same items served as part of a reimbursable lunch may not be consistently sold individually as a la carte items. One would think that any food or beverage considered healthful enough to serve in the reimbursable school meal program should be allowed to be sold a la carte. Smart Snacks rules unnecessarily limit the variety of foods available to students and ultimately contribute to increased food costs.

All of these conditions are emerging to create significant financial challenges in North Carolina's School Nutrition Programs. Over half of School Nutrition Programs in North Carolina are operating at a revenue loss. The average loss is nearly $2.5 million.

In addition, since implementation of the new standards, the average operating balance for School Nutrition Programs has been gradually and steadily declining. This reserve fund provides a cushion against unexpected expenses, such as equipment failures, and it is an indicator of the program's financial health. This steady decline is of concern to local Boards of Education, which must use funds from the general education budget to support the meal programs should they become insolvent.

Twenty (20) School Nutrition Programs have negative operating balances, such that local education funds must be used to support the program. Another 21 have a less than one (1) month operating balance and will be unable to pay their monthly obligations (salaries, benefits, food, supplies) at the beginning of the school year without financial assistance from the district's general education funds.

On behalf of North Carolina's School Officials, the department requests your consideration of the following flexibilities in the School Nutrition Program regulations that enable local School Nutrition Directors to operate programs that promote maximum student participation and financial self-sufficiency and sustainability:

(1) Make the current waivers for whole grain-rich products permanent; maintain the initial requirement that at least half of all grains offered are whole grain-rich;

(2) Maintain the current Target 1 sodium level until such time as scientific evidence is clear about the role of sodium in the diets of children and adolescents;

(3) Require school districts to offer as many fruits and vegetables as possible and allow students to select as much as they will eat, but do not require them to force students to take a fruit or vegetable in order to receive reimbursement for the meal;

(4) Modify the Paid Lunch Equity requirement by exempting any School Food Authority that has a positive fund balance from the requirement to increase meal prices for paying students; and

(5) Modify the Smart Snacks standards to allow any food or beverage served as part of the reimbursable meal to be served as an a la carte (or supplemental sales) item in order to expand the capacity to generate School Nutrition revenues through the sale of healthful foods and beverages.

Without flexibilities in the current regulations, many School Nutrition Programs may be unable to continue to sustain themselves financially.

Thank you for your consideration of our requests.

Chairman ROKITA. Thank you, Dr. Harvey.

We will now recognize members for 5 minutes worth of questioning. I appreciate that Chairman Kline was able to be here for this hearing. I am going to hold my question to the end in order to accommodate as many fellow members as I can. That brings us to the gentleman from Florida, who is recognized for 5 minutes.

Mr. CURBELO. And I thank the chairman for his leadership on this issue, and for giving us so many opportunities to explore these programs as we prepare for potential reauthorization. And I would like to thank all of you for your time here today.

I spent a little over 4 years on the Miami-Dade County Public School Board, so I am familiar with the challenges that school districts and local communities face. And what I wanted to ask is, I am looking here. We have six federal child nutrition programs, each with their own rules, eligibility criteria, requirements, compliance requirements.

In my mind, a more simply system, perhaps fewer programs, less regulation, would help school districts and really schools—we are talking about principals better manage their schools and do everything in their power to make sure that kids aren't hungry and that they are getting you know a healthy diet.

What are some of your ideas for how we could reform this system, perhaps collapsing some of these programs, consolidating them, and giving our school districts, our states the opportunity to figure out what the best way to address this obesity crisis that we have, the fact that some kids are hungry, which we cannot ignore?

If you all could kind of give me your—in 30 seconds or in 1 minute, your ideal framework for these federal nutrition programs? We can start here.

Ms. SCHOPP. I would be happy to begin.

I think you said it well in your opening statement about the number of different programs and the regulations that need to be more succinct and put together. So one of those things that we are seeing is that the multitude of regulations that we have to interpret and help school districts interpret takes away time from really implementing the program with fidelity. So definitely, number one would be that piece of it is really reducing those amount of oversight.

The second thing, from a state agency perspective, but I think the school districts feel the same. The requirements for the 3-year cycle for reviews really is overwhelming for the amount of time that we spend preparing rather than just implementing the program.

And I made a—I think the best example I have of that, one of my tiny districts stated that they spent more time, more hours preparing for the review than they have students in their district spent 100 hours preparing. They have 90 kids in their district. So we need to be thinking about ways in which we can address that and be more logical in our approach to the reauthorization.

Mr. CURBELO. Thank you.

Mr. PAYNE. Yes, sir. And echoes through our local school board members and other districts in Indiana is just some flexibility, and whether that means a consolidation of some programs or just some

flexibility at the local level to make these meals appealing, not ignoring the nutrition and healthy part of that.

We want to provide healthy, nutritious meals, and that is important, but some local flexibility to increase the appeal so that these children are eating their lunches and not throwing them away, or parts of it.

Ms. MARTIN. I think what I would like to see is some seamless integration between the Child and Adult Care Food Programs that operate the supper and afterschool snack programs with school districts, making it much easier for them to operate both programs and not have to go through two different agencies, two different accrediting bodies.

And the same thing like we did with the seamless summer programs, combining those together, making it easier, if you have a school nutrition program that you can already operate all those programs, because it takes a lot of time and effort to apply for all those things and go through all the different auditing things.

The other thing we are seeing is school nutrition directors working with lots of different smaller systems, helping them be successful in their programs. So they are mentoring them. And SNA and USDA has got a lot of great training programs out there, and the National School Food Service Management Institute is doing these mentoring programs.

And I think it will help these people be successful, because there are a lot of us that are successful. We just need to bring up those people that are not successful.

Ms. HARVEY. Thank you. And I would echo Dr. Schopp's comments about the administrative review process. Integrity is important to the program. But a process that would enable us to identify those school districts or those school food authorities at greatest risk, and review those more frequently would be more helpful, instead of reviewing everyone every 3 years because it is part of the review cycle.

I would also echo Ms. Martin's comments that a seamless transition between the school nutrition programs and the Child and Adult Care Food Program would be important. For example, in North Carolina, two distinct agencies operate these programs, for important reasons. If a school district is authorized by one agency to participate in the federally funded programs, it should be a simple transition to operate the program operated from another state agency.

Mr. CURBELO. Thank you—

Chairman ROKITA. The gentleman's time is expired.

Mr. CURBELO. Thank you very much, Mr. Chairman.

Chairman ROKITA. I thank the gentleman.

Ranking member of the full committee, Mr. Scott is recognized for 5 minutes.

Mr. SCOTT. Thank you, Mr. Chairman.

Ms. Martin, it is my understanding that 90 to 95 percent of school divisions report that they are in compliance with the new standards. What would happen if we reduced the standards?

Ms. MARTIN. Well, I don't think there is any parent out there that doesn't want the best nutrition for their child. And I also don't think there is any taxpayer out there that doesn't want their fed-

eral dollars going to the best nutrition that we can provide for these kids.

I think the future health of our kids is one of our most important commodities. And I think that it is so important. We know that scientific evidence says that kids need more fruits and vegetables, and need more whole grains.

We know that. And so to turn around and say that we are not going to require the kids to pick up a fruit or vegetable, I just know when kids are encouraged to pick it up, they have a much better chance of eating it when it is on their plate than when they are sitting down and somebody else is eating delicious blueberries, and they go oh I wish I would have gotten those, it is too late.

So I think you do things by cutting up the fruit, making it appealing, offering fresh local things and working with your farmers. And our farmers are so excited about this Fresh Fruit and Vegetable Program that we have going and that kids are eating more fruits and vegetables.

We need to help our farmers. And this is such a great way to help them by getting and increasing the consumption like Representative Fudge said. So, I think it would be a disservice for us to go back.

Mr. SCOTT. And if we did go back, would you think most of the school divisions would in fact lower their standards?

Ms. MARTIN. Well, I think there are a lot of great people out there like these school districts. We are going to—I am going to continue to do what we have been doing no matter what because I think it is the best thing for the children.

I think there are a lot of school nutrition directors that are also the maintenance director and the transportation director and they are over several different programs. And their heart is not necessarily in school nutrition.

Sometimes it is a principal that didn't do a good job. So they said let him be the school nutrition director or her be the school nutrition director. And so they would be happy to serve the kids pizza and french fries. Nobody would complain and it would be cheap and easy.

So I think that we need to ensure that does not happen.

Mr. SCOTT. And are there some long-term costs that are incurred when you do not provide good nutrition?

Ms. MARTIN. Oh my gosh. We are all dealing with health care costs right now. That is one of the biggest risks that this country is facing. And we have the opportunity here to change a generation.

We have an opportunity to raise kids that when they go into McDonalds, they want a whole wheat hamburger bun. And I was just at the Subway at the airport. Everybody was buying whole wheat bread. And I said, wouldn't this be great if this was what everybody was like?

So we have such a tremendous opportunity to make a difference in the long-term healthcare costs of this nation, just by teaching our kids to be lifelong good eaters. So yes, it is a financial—I say put the money in up front instead of later on when they are overweight, diabetics, hypertensive, heart disease, and needing gastric bypass.

Mr. SCOTT. Thank you.

Now, the need for good nutrition doesn't stop when the summer starts. What can we do to encourage more programs to participate in the summer program?

Ms. MARTIN. Well, we need to be creative. And that is what we did in Burke County. And I am seeing more and more school systems being creative by getting buses and transforming them into food trucks.

They are going to libraries. They are going to rec departments. We have considered putting a bus in our local Walmart so that the kids when they come to Walmart can have lunch.

Our kids start asking about summer feeding at the end of the year. They start asking the bus drivers, when is it going to start? They get so excited about it.

It also helps our little kids get ready to come to school because they like the bus drivers and it is a very positive experience for them. And our local farmers are so thrilled because we are serving their blueberries and their peaches. And our schools—when we do our school lunch, we are doing corn on the cob and other fresh fruits and vegetables.

So our farmers are benefiting and our staff is working. And it is just a fabulous program in our county. We are also offering educational opportunities for the kids, getting them caught up.

They will come to summer school because of breakfast and lunch. And our graduation rates, like every other school system, are important to us. And when we can get them there to learn, and if they are coming for breakfast and lunch, I am okay with that, and so are the teachers okay with that.

Mr. SCOTT. Thank you.

Dr. Schopp, you mentioned the administrative expenses. Can you say a word about what community eligibility does for reducing administrative expenses?

Ms. SCHOPP. The Community Eligibility Program has been great for South Dakota. But what I want to really emphasize here is that this is—my solution to this entire thing is I need to clone Ms. Martin. I need 151 of her in the State of South Dakota, which is not possible.

And so I think the issue is not about—I am all about the whole—I am all about the healthy meals. I am all about promoting that within the state. The issue is that the technical assistance we can provide, and I am going to take you to South Dakota, I want to give you this picture of a reservation school that is not only isolated, but is 150 miles from the nearest Walmart, when I don't have those opportunities to provide bussing services for those children in the most remote areas. So I would love to speak more about that piece.

Chairman ROKITA. Gentleman's time is expired. I thank the gentleman.

The gentleman from Wisconsin is recognized for 5 minutes.

Mr. GROTHMAN. Thank you much. Thanks much. I am kind of new on the job here. When I ran I kind of ran on the idea that Washington wasn't necessarily good at doing a lot of things. And I will tell you, this committee has taught me that more than anything.

I mean you know we hear about the VA and how the government can't run a hospital, and TSA and how they can't find the gun that is being snuck on board. But not—to force you to serve food that hungry kids throw out maybe tops the list of things the Federal Government—evidence that the Federal Government shouldn't be doing things.

I have a question. I will start with you, Dr. Schopp. If we got rid of these rules and just gave money to South Dakota, say the average amount of dollars they got the last 3 years, to serve lunch, do you think you would be able to come up with a way to serve healthy, tasteful lunches to your children?

Ms. SCHOPP. I want to emphasize again that I don't believe that the money is going to solve the issue of where our concerns are with requirements to the program. So, I don't know. A person who is in the food service—as a food service director feels passionately about making sure the kids are fed well, have healthy meals, et cetera. That is bottom line for all of this.

Mr. GROTHMAN. Great—

Ms. SCHOPP. The message that we have is that we just really need to make sure that we are being logical in our approach to make an effort—

Mr. GROTHMAN. Right. I will maybe restate the question. I don't know how much South Dakota got last year toward their breakfast and lunch programs. What do you think $10 million? I don't know. Just take a number out of the year.

Ms. SCHOPP. Probably less.

Mr. GROTHMAN. Okay. Would you think it would be an improvement for you or easier for you if rather than having all these requirements and paperwork, if we just cut the State of South Dakota a check for $10 million or $5 million or whatever and let you serve the kids with whatever you felt was appropriate for lunch.

I mean people have been serving lunch to hungry children for thousands of years. It is not rocket science. You know in elementary school we learned you know fruits, vegetables, dairy, grain, meats, I mean that sort of thing. Do you think you would be able to handle it if we just wrote you a check?

Ms. SCHOPP. Thank you. I believe that the concern is exactly what you are saying, is that this is not a one-size fits all program that we have across. And so I believe that individual states are able to make those decisions based on good practice, et cetera. So giving the state the dollars it would need, I believe that they could manage the program effectively, but still focusing on the fact that we need to serve the healthy meals to our children.

Mr. GROTHMAN. Thank you.

Same thing for you, Mr. Payne.

Mr. PAYNE. I think that the biggest thing in that would be that local flexibility in our states. Yes, the money is nice. I actually have our cafeteria fund in our local districts—in my local district is healthy. It is not a money issue for us personally. But the local flexibility is the biggest thing that they would need to do that.

Mr. GROTHMAN. Right. And I don't think we are going to reduce the amount of money for school lunches. I am just saying, if instead of giving you all this paperwork, all these mandates, we just said here, State of Indiana, here is a check, would that make it easier

for you to operate and your children more likely get food that they eat rather than throwing out?

Mr. PAYNE. Yes.

Mr. GROTHMAN. Thank you.

And Ms. Harvey, or Dr. Harvey, same question for you.

Ms. HARVEY. Thank you. I think it is important to have a uniform system of accountability so that there is accountability for our taxpayer dollars. As you have heard, what we need are modest modifications in the rules to enable us to provide foods that children like and will accept.

Mr. GROTHMAN. So you don't think in North—you think North Carolina does need federal bureaucrats to tell your kids what to eat?

Ms. HARVEY. We certainly would appreciate the flexibility from this body to make those modifications that we see are pertinent for those cultural food habits particularly.

Mr. GROTHMAN. Okay. I will follow up with Congressman Scott's question. So in other words, you feel without these mandates the people who run the North Carolina schools would wind up serving unhealthy, fattening foods to the kids?

Ms. HARVEY. Not at all.

Mr. GROTHMAN. They need our assistance to tell them what to do?

Ms. HARVEY. They are extremely committed to nutritional integrity in their programs. I think that people do look forward to the opportunity to operate consistently. This affects the marketplace so that there are products in the school nutrition procurement pipeline, if you will, that every state can choose to utilize.

Mr. GROTHMAN. Doesn't the North Carolina Department of Public Instruction, couldn't they provide for that uniformity on their own without the federal government telling them how to be uniform?

Ms. HARVEY. We—again, we appreciate the partnership among the federal, state, and local as we look at the preamble to the National School Lunch Act. It is intended to be a partnership among federal, state, and local governments. And perhaps we all need to revisit our commitment to that initial promise from 1946.

Mr. GROTHMAN. Okay, one final comment for you all. When you go back home you can also talk to your government teachers in the high schools—you can make sure that for the next generation of congressmen they do a good job of educating the children as to what would be the federal role or the state role or our local school district role in our government.

Chairman ROKITA. Thank the gentleman. The gentleman's time is expired.

Gentleman from California is recognized for 5 minutes.

Mr. TAKANO. Good morning, everyone. And I get a sense from all of you that you have really the health of our children and young people. And I sense that from every single one of you at the table there.

Dr. Harvey, can you tell me—thank you for your testimony. Thank you for your hard work in bringing North Carolina schools into compliance with the meal standards. I sense that you are not saying that you are against federal rules and federal standards.

You want to fine tune them. You want to refine them so that you can work with them.

But you—I saw you nodding your head a lot during the comments of Ms. Martin. Have you been able to make use of the buying power of these districts? Or have your districts made use of the buying power to support your local farmers for these fresh fruits and vegetables in the way that Ms. Martin has in her area? Do you have stories like that to tell us?

Ms. HARVEY. We do indeed. We have a very successful Farm-to-School program. One of our concerns, however, as state participation has declined, you are perhaps aware that student participation is tied to our commodity entitlement.

As that student participation has declined, our commodity entitlement, which gives us purchasing power for both national commodities, but to purchase locally grown fresh produce as well, has declined by $3.4 million. So our ability to purchase in the marketplace has been somewhat limited—

Mr. TAKANO. It is because of student participation and not eating the things that you are putting before them?

Ms. HARVEY. Well, that—it is because they are choosing not to eat—

Mr. TAKANO. Choosing not to eat?

Ms. HARVEY.—meals at school.

Mr. TAKANO. Have you tried—you know, have you system wide tried things like salad bars, and position those salad bars first, the way that my school district has, so that the students are encouraged to choose the healthy choices first? And that is not—those sorts of strategies aren't working?

Ms. HARVEY. They are working quite well.

Mr. TAKANO. Okay.

Ms. HARVEY. We have always, being an agricultural state, offered an abundance of fresh fruits and vegetables. Our students continue to select those.

Where we are challenged is at the point of service where we have to force a student to take a food that he or she does not intend to eat. That becomes our issue. We want to continue to offer an abundance of fresh fruits and vegetables, and encourage students to select as much as they will eat. We just don't want to force children to take a food that they will not eat.

Mr. TAKANO. I understand.

There is a question I wanted to ask about—well, Ms. Martin, I want to kind of turn to you a little bit about this.

We have heard a lot about—in the testimony today about broccoli. And it is kind of related to this question. I mean I think George Bush doesn't like broccoli, right? I forgot which of our Presidents spoke—disparaged broccoli.

But we all want to know—we all know broccoli is good for us. You talk about your consumption rates of broccoli doubling. And while we heard others say they throw it away. Can you answer for us? It is a familiar question to all parents. How do you get kids to eat broccoli?

Ms. MARTIN. Oh my gosh. That is not that hard. If you give them ranch dressing, they will eat anything.

[Laughter.]

And we make the most delicious fat-free ranch dressing with our nonfat dry milk and our low-fat mayonnaise. So they love broccoli.

We also put it in our stir fry. And so they come in the next day. If there is any stir fry left, they eat it there.

And what we do to encourage fruits and vegetables is we do packaged salads every day. We don't do salad bars. We do packaged salads every day, which have romaine lettuce and spinach in it, which means they get their dark green vegetable.

And when they take that entree salad, they have already got their vegetable, they have got their meat and they have got their crackers in there. And so they are ready to go.

We also do red beans and rice. We do fruit and cheese plates. So sometimes they pick up the entree and they already have their fruit or vegetable. And so we are not having to encourage them.

What we do have a problem with sometimes is they have loaded up so many fruits and vegetables on their tray that they cannot balance their trays—

[Laughter.]

Because we do so many choices. So, instead of doing 1,000 servings of cantaloupe, we do 400 servings of strawberries and 400 servings of oranges and 400 servings of cantaloupe—

Ms. MARTIN.—and all those different things.

Mr. TAKANO. Let me just get to the—my signal light—my time is slipping away here. But you talk about a lot more scratch cooking.

Ms. MARTIN. Right.

Mr. TAKANO. And I know Dr. Schopp talked about I could use a lot of Dr. Martins or Ms. Martins in her state.

Ms. MARTIN. Right.

Mr. TAKANO. I am wondering if there is a human resource challenge. Because my food service director of my largest school district talks about employing people more full time because we are doing more scratch cooking, all the fresh purchasing. I imagine trying to get that personnel is a challenge.

Dr. Martin, you are kind of—Dr. Schopp, you are nodding your head about that. I mean?

Ms. SCHOPP. Definite challenge in our state just due to geographic challenges, number one. The individuals who I just, you know, serving on a school board for a number of years and being in a school, a lot of times the people who have stepped into those positions as food service directors don't have the experience and don't have the background.

And even with the amount of training that we try to provide, it is exactly where I go back to. As a state agency we are spending all of our time in compliance—

Mr. TAKANO. My time is running out. But I would love to explore this challenge a little more about how we help states like yours—

Chairman ROKITA. Gentleman is correct. Gentleman's time has expired. I thank the gentleman.

Gentleman from Virginia is recognized for 5 minutes.

Mr. BRAT. Thank you, Mr. Chairman.

Let me get this over here a little bit. I kind of give the same preamble to all my remarks. Even if the press says I ask long-winded questions. But I will try to make the preamble very short.

In 16 years we run out of all federal revenues for all discretionary programs, under current law. And it is nothing the budget committee can change.

So the budget committee currently has discretion over about one-third of the budget. In 16 years it is zero. So, all federal revenues will be taken up by about four programs, plus interest costs coming up.

So that is the window we are operating within. And part of that is due to the entitlement issues. And you can go to the Medicare Board of Trustees and look it up and they will say we are insolvent, a federal program, major federal program, by 2032. Social Security Board of Trustees, insolvent.

So the federal program, great intentions, but bad at math. Right? Great intentions setting up all these programs. It is pretty simple if you look at the years what our solutions have to be on those programs.

Now, let me just—I will just read you a paragraph related to this program. And it will take a minute. And then I will be done, and if each of you want to give 30 seconds kind of response to this. But it fits within the broader context of us going south on the finances.

Since the implementation of the Healthy, Hunger-Free Kids Act in 2010, federal costs and involvement in the school meals program have increased. In 2010 the National School Lunch Program cost $10.6 billion. In 2014 it cost $12.6 billion, so from $10.6 billion to $12.6 billion in a couple years.

And since the feds issued their final regulation nutrition standards in the National School Lunch and School Breakfast Programs in 2012, compliance costs and burdens on schools and states have dramatically increased, with food nutrition service estimating compliance costs of $3.2 billion by 2016.

At the same time, a GAO report found that participation in the National School Lunch Program declined, participation declined by 1.2 million students from 2010–2011, to 2012–2013, while the costs are going up by over $1 billion.

So costs to the taxpayers are going up by the billions. Cost to the states have gone up. Compliance cost to the schools have gone up by the billions. And participation of students has gone down. Cost more, does less.

Can any of you relate to these numbers in terms of federal logic coming down to the state level? Do these numbers make sense to you? Just give me your input in 30 seconds each. Start with Dr. Schopp—

Ms. SCHOPP. Mr. Brat, quickly; this was just timely the other day. One of my school districts, my largest school district's headline was "Mitchell School District lunch prices could see an increase." Costs of the lunch went up $0.15 per meal.

The federal regulations quote from the superintendent, "dampened participation rates in the National School Lunch Program," and down by 79 percentage points in five of the largest schools in his district. And he attributed to federal mandates, ongoing deficits in the meal program. So it is a very specific example for my state.

Mr. BRAT. Thank you. Thank you.

Mr. PAYNE. Yes, sir. From my state I see that the one thing that our district is focusing on right now is more professional develop-

ment for those food service workers. So those costs are going to increase. Even though we are healthy now, we see that increasing, and also with the fresh fruits and vegetables, which we want to bring in, and will.

Those are—that is all going to cost more money. So and then if the federal funding is decreased, now you are going to be increasing lunch costs to those students. And where it is going to affect is the low income or students in poverty. That is who it is going to affect.

Mr. BRAT. And so you are saying some of the cost increase is due to professional development, training and personnel?

Mr. PAYNE. Yes.

Mr. BRAT. That is a driver of—I mean we just want some hints as to how to get more money to the kids.

Mr. PAYNE. Sure.

Mr. BRAT. And Ms. Martin?

Ms. MARTIN. Representative Brat, I would probably suggest that probably you don't go to the grocery story very often. And if any of you in here do go to the grocery store, you realize food costs have increased.

Mr. BRAT. Oh yes. I am a Walmart shopper. My constituents know me in aisle three.

Ms. MARTIN. Okay. Okay. So that has been what we have seen been one of the biggest drivers in our costs is just—and I go to the grocery store, too.

But we are also seeing health care costs for our—I have all full-time employees, and it costs me $9,000 a year per employee for their health care. And that is one of the reasons they choose to work for school nutrition is for health care. So that is a huge, huge driver.

And I think that some of the participation rates come from the fact that parents are struggling financially. And if they have to pay $2.50 for a lunch they will say, I will do a Lunchable for $1.00 and be to the good.

Mr. BRAT. Thank you. Thank you. These are all helpful. These are—thank you.

Ms. HARVEY. Investing in the health and wellbeing of our nation's children is one of the most important investments we can make. We know that hungry children cannot learn. They don't perform their best in the classroom. They don't grow up to graduate from high school and go on to be responsible citizens and ultimately taxpayers.

We all benefit when we nourish children the best we can.

Chairman ROKITA. Gentleman's time is expired. I thank the gentleman.

Gentlelady from Massachusetts recognized for 5 minutes.

Ms. CLARK. Thank you, Mr. Chairman. And thank you to all the panelists.

And Dr. Harvey, appreciate the comments you just made because I really see all of you as partners in education. It is more than just feeding kids who happen to be at a school building. It is really about how do we have healthy students ready to learn. And you are an integral part of that. So I appreciate it.

And I also want to congratulate you, Dr. Harvey. Coming from a state where 89 percent of the school districts are fully compliant with school nutritional standards, you are really setting a high bar in North Carolina. And we appreciate it.

I am also a huge consumer in my family with three teenage boys, of school lunches. And I have a devout and strict pizzatarian in my middle son.

[Laughter.]

And so I wanted to talk to you a little bit and explore with you a little bit more about the a-la-carte menu.

One of my concerns is that we have done all this work in trying to make sure that there are good choices available. And I know that my son, if he could get pizza with a side of tater tots, will do that. And I do also want to express the power of ranch dressing as an amazing, amazing vehicle.

But I—so I am concerned that we would be inadvertently creating a loophole in trying to expand a-la-carte items that are offered when we are—you know we would be getting around looking at that balanced meal all together, which is so much of the work that you are doing. And we want to work around flexibility to make that happen.

But you know, I think the issue really does come down to being able to keep this program, keeping up with food prices and commodities, and also making sure that we can keep the price something that our low-income families can afford so they don't choose the $1.00 Lunchable, that they come and take part.

Do you see the a-la-carte? Has it really come down to reimbursement? Is that where this issue is?

Ms. HARVEY. We certainly agree with you. And any option, the reimbursable meal or the a-la-carte meal, we want to offer the students the most nutritious options available to them.

So a serving of a pizza that is made according to school nutrition specifications that is a very nutrient dense product with a side salad would be quite appealing to many students. One day they may not like the item on the reimbursable menu. This gives them another option.

We hear from students as well who have greater calorie needs, athletes for example, who participate in the reimbursable meal program, but then would like a little something else to tide them over because their energy needs are much greater, given that point in their lives. So I think work with our menu planners to help them understand that we want to continue to offer a wide variety in both the reimbursable meal and the a-la-carte meal would be very helpful.

We do depend upon the revenues from a-la-carte meal sales in North Carolina. There are no state funds to support the program. So we have essentially the paying price and we have federal reimbursement. It is just not possible to make the program financially solvent with those two revenue sources.

So we want to combine our commitment to children's health and well-being with the ability to generate additional revenues so as to prevent these programs from having become dependent upon those general education funds.

Ms. MARTIN. And could I add something along those lines?

Ms. CLARK. Sure.

Ms. MARTIN. We have the issue with the athletes that were always saying they were hungry. So we developed a program where we actually give all of our athletes little menus. And it tells them every day which items are highest in calories so they can maximize their calories.

And we also have athletes who need to lose weight. And so they also know which ones are the lowest in calories. So they carry their menus around at breakfast and lunch so they know what to eat.

And we have offered the afterschool snack program for them, trying to give them extra calories. So we give them these peanut butter and jelly bars that they call crack bars. They love them so much, 290 calories, and a carton of chocolate milk. So they get over 400 calories just for a snack that helps them get through to practice.

So we have put point-of-sale nutrition labeling on everything so that our teachers love that and our kids know what they are getting, if they want more calories, if they want less calories, they are informed about how to do it.

Ms. CLARK. You know, you have brought up your snack program. I have been very impressed with what you have been able to do with weekend meals, summer meals, snack programs.

You know our food insecurity issues among children in this country, the richest country in the world, are shocking and deplorable. What do you feel, of any of those programs—is there one that stands out to you as one of the best ways to get at food insecurity?

Chairman ROKITA. Gentlelady's time is expired. If you want to take 5 seconds you can go ahead.

Ms. MARTIN. Okay. I think supper for getting our kids to come after school and increase their graduation rates. And then I think summer, the food insecurity issue is huge. So it is a tossup between those two, sorry.

Chairman ROKITA. I thank the gentlelady. Gentlelady's time is expired.

I will recognize myself for 5 minutes for some questioning. Before I get to some specific ones, I just want to—sometimes I find myself having to clear up the record. I just want to be certain of this.

Each one of you supports serving healthy meals to kids, correct?

Chairman ROKITA. Okay. Let the record reflect each answered in the affirmative.

And the concerns you raised today in the flexibility that I understand all, if not most of you are asking for, is simply to make the program work in your schools and for students, right?

Chairman ROKITA. Correct? And the answer to—all answered again in the affirmative.

Okay. Appreciate everyone's testimony.

Ms. Martin, you talked about changing a generation. I appreciate that very much. I think it is—while we are all hearing the benefits, the preventative medicine, so to speak, of doing this early in life. I can believe in those things. In fact we are trying to reform other programs in those same regards, whether it is Medicaid, Medicare, or Social Security.

You also talked about—or you worried about lowering the bar. These others have talked about flexibility.

And it seems to me the way I interpret the testimony, not just yours but others' piece of testimony that I have heard in other hearings, is that if we don't have these federal regulations, if we don't have this oversight that Dr. Harvey alludes to or talks directly about from the federal level, then we are going to automatically lower the bar. And I just don't know if that is accurate. It seems to—you know you are saying that if you give flexibility we are lowering the bar.

Dr. Schopp, you are nodding your head.

Ms. SCHOPP. I—

Chairman ROKITA. What do you think? I mean—

Ms. SCHOPP. I truly don't believe that—I don't think that—specific to where I am here today is not to take away the fact that we want to feed healthy meals. And not lowering the bar, but simply to be logical in the way that we are requiring compliance with the requirements that are currently within the act. And I truly don't believe that there would be an intention to go back to serving chili and caramel rolls on Fridays in our school district, as we used to do.

So I believe that federal oversight does not drive what good practices are now being implemented. And I don't think that is the concern about the healthy requirements. My concern, again, is very specific to the amount of paperwork, compliance regulations that are making it very difficult for us to really support our districts in implementing good practices within their schools, and making sure that our students in all of our school districts, which are again so varied across the nation.

I don't have the fresh fruits and vegetables available to me in some of my very—

Chairman ROKITA. There was another question. Yes, I appreciate that. Some of us wish we lived in Georgia, I guess.

Ms. SCHOPP. Yes—

Chairman ROKITA. And North Carolina for these peaches and whatnot.

Ms. SCHOPP. Right.

Chairman ROKITA. But, Mr. Payne, you mentioned leadership when you summed up your testimony. I think my question goes to this as well. I mean what do you think about lowering the bar versus flexibility—

Mr. PAYNE. Yes, I—

Chairman ROKITA.—versus 150 more of the Ms. Martins that Dr. Schopp needs, et cetera?

Mr. PAYNE. Oh yes, that is fascinating there what Ms. Martin is doing. And no, I don't believe it would be lowering the bar because the importance for me as a school board member, and as a parent of six children, four adult, two still in school. And I can share with the ma'am there that has the teenage sons. I have one that is 13 that is constantly grazing.

So I think that it is important, that flexibility, and to bring those kids along, and such as an offering of these fresh fruits and vegetables instead of forcing them to take them. For instance, a colleague in Mishawaka, Indiana just shared with me that they had two-and-a-half trash bags of whole apples in an elementary school that were thrown away.

Chairman ROKITA. Yes. I have stuck my head in a lot of garbage cans lately at school cafeteria, and I have seen some of that as well.

The specific question, again for Dr. Schopp in the less than a minute that I have, can you discuss some of the unique challenges you have in a very rural state, including many Indian reservations, tribal communities, and that kind of thing? And what does—what do these federal laws and regulations, how do they impact that?

Ms. SCHOPP. Number one, the issue with not having qualified food service directors that no matter what sort of technical support we give, it is a huge challenge in our state to find that. The other fact is just the distance in being able to get the fresh fruits and vegetables to be able to sustain those programs with fidelity.

And I think that also in offering some of the things that we have for students, whether they are afterschool programs or summer school programs, are very difficult and different that we can't even explain within that setting of whether it is rural. Also the number of what we call colony schools with Hutterites that there are unique challenges with them as well.

Again, the one-size-fits-all, good intentions, but does not always work within a rural state.

Chairman ROKITA. Thank you. I thank you all again. My time is expired.

I recognize the gentlelady from California for 5 minutes.

Mrs. DAVIS. Thank you, Mr. Chairman.

And thanks to all of you. I am sorry that I missed some of your early comments. But hopefully if I repeat those questions you can respond.

One of the things that I know we are all concerned about, accuracy, streamlining the process, making it easier for you all to do your job, and certainly for young people to benefit and to be able to achieve. So I wonder if you could just talk about the community eligibility option, whether that proves useful in what you do in making sure that the programs are well utilized.

And also the community eligibility option and making sure that, really this attempt to be sure that families are not creating all the errors by some of the difficult hoops that they have to go through in order to be part of the program.

Ms. MARTIN. I would like to respond to that if I can, since we operate under the Community Eligibility Provision.

I think it is the best thing since ice cream and sliced bread. It is so fabulous that my parents don't have to fill out applications.

They don't—everything is going on behind the scenes. I don't have to worry about error rates. I don't have to worry about when Dr. Harvey comes in to audit me that everything is not right because everything has already been standardized and checked, and all that has been done on the front end.

And what is great about it when you operate under that program is every kid comes through the lunch line and nobody feels like they are eating the free lunch and nobody is stigmatized. Everybody is eating a no-cost lunch. And everybody is equal in the lunchroom. And I think that is a very important thing. Some kids that is the only time they are on equal ground is in the lunchroom.

Mrs. DAVIS. Do you wonder why it is not better used?

Ms. MARTIN. I think a lot of states don't understand it. And I think the Title I programs get very, very nervous about it, thinking it is going to change their funding. And I had to do a lot of educating with our Title I people and our school board people and our superintendent to make them understand. But they love it now. And I think it is one of the best things you all have ever done. And I want to thank you from the bottom of my heart for it.

Mrs. DAVIS. And I don't know whether others want to respond to that.

Ms. HARVEY. I would very much like to. The Community Eligibility Provision has been a wonderful provision. It has de-stigmatized the school nutrition environment. The walk to the school cafeteria should never be a walk of shame for any child. And so it has been a great relief to see children who are all enjoying their meals together.

I would say that one of our concerns is that when we offer meals to students at no cost, and unfortunately many still choose not to consume the meal, we have our work cut out for us to make sure that our standards are set in a manner that encourages children to eat them. Therefore I continue to echo the need for the waiver for whole-grain-rich products and the limitation on sodium so we can encourage students to consume the meals that they are offered at no cost.

Agreed, great program.

Mrs. DAVIS. I am wondering in those schools where you have more participation whether everybody is involved, whether the teachers there or the superintendent, the librarian, the custodians. I mean whether there is kind of a buy-in so that people have ways of chatting with kids informally about what they ate today.

You know, do you see programs—and I know, Ms. Martin, you certainly spoke highly of your programs—where that really does become a much more engaged community at the school site, not just out in the community itself?

Ms. MARTIN. When we started breakfast in the classroom program, the teachers did not want it. But once we started it, after 2 weeks the principal said I will never get rid of this program because it is allowing our teachers to have time to interact with the students, to get to know them, to know what is going on in their home lives. They never have that time during the day. So that has been a huge thing to bring the community together.

But I think there are lots of other things that we do. We get the kids involved in developing salads that they want. So then they have their own school salad. So we get them involved. We survey them. We have them on committees. We say what can we do to improve the program?

We even let the teachers make suggestions. The teachers came up with this carrot souffle idea, and we did it. So getting all of them involved, but our teachers love the fact that they don't have to count money in the morning. They don't have to worry about Johnny forgetting his lunch, and they don't have to worry about taking a meal away—

Mrs. DAVIS. And the lack of flexibility that I know is an issue for folks. You don't think this gets in the way of those kinds of initiatives—

Ms. MARTIN. No. Absolutely. And I am teaching my parent—my adults to eat better too, not just my kids.

Mrs. DAVIS. Yes. Real quickly, are we—do we have a baseline so that now that we have the nutrition program that we really have volunteers throughout the country and school districts that are trying to see, okay, did it make any difference? Are kids feeling that they have more energy in the day, that they feel like they are able to apply themselves? What is different?

Chairman ROKITA. In 5 seconds, please.

Mrs. DAVIS. Do you know? Anybody studying it?

Ms. MARTIN. I think we need research in that area.

Chairman ROKITA. Thank the gentlelady. The gentlelady's time is expired.

The gentlelady from Oregon is recognized for 5 minutes.

Ms. BONAMICI. Thank you very much, Chairman Rokita. And thank you to chairman and ranking member for holding this hearing. And thank you to all the witnesses.

Like Congresswoman Davis I was in another hearing, but I have read through your testimony. And I am really encouraged that we are having this hearing today about the importance of child nutrition. And I hope that we can pursue a bipartisan reauthorization of the child nutrition program, including the school meals program.

So, Ms. Martin, I appreciate that you see your job as more than serving meals. And you are so enthusiastic. It is wonderful. The nutrition education that you provide not only to the students, but also to the parents and communities seems to be one of the reasons why your program is so successful.

You know we have heard some stories about students refusing to eat certain foods or skipping meals. I think that is a complex issue with probably a lot of different reasons, including sometimes lack of time. Oftentimes the schedule is so short that students don't have time to eat. And if they don't eat really quickly, they miss play time or recess time. So scheduling is part of it.

I have done a lot of tours like the chairman. I, however, do not stick my head into the garbage cans. But I have had a lot of really interesting experiences, sitting down, having meals with students.

Some of our schools have wonderful Farm-to-School programs, salad bars, gardens in the classroom, and the education where you know they grow a broccoli plant and then talk about—watch it grow and talk about how it grows. Well, then of course they are really interested in finding out what it tastes like. So those things really make a difference.

So can you expand just a little bit on how important nutrition education is in really getting the students to try new things and to passing that message along to their families, as well?

Ms. MARTIN. Well, you bring up a very important thing, and that is we need more time at lunch for the kids to eat. Because we are offering and serving them more fruits and vegetables, it takes more time for them to eat those fruits and vegetables. So they need more time. And lots of times that is the reason they are throwing the food away.

Also, all of us have gone to lunch and our eyes were bigger than our stomachs were and we have got more food on our tray. But I think a key thing is you have got to cut up the fruit. We never

serve a whole apple. We always cut it up. And they will eat it a lot better that way. We always cut up our oranges. They don't have time to peel an orange and eat it.

We also do recess before lunch. If you put a kid in there for lunch and they know they are going to recess, they are not going to eat anything that you do.

So we also do nutrition education things on the table so when the kids come to lunch, they read about what they are getting through their fresh fruit and vegetable that afternoon, snack, and you can see all the little sticky fingerprints all over it. So we know that they are reading it.

And we know that they—we send information home with them. But it is a long process. But we are making tremendous strides. And we have got to stay the course.

It takes time to change those taste buds from liking high sodium to low sodium. And when they go home, one last thing, and they have high-calorie, high fast food that is high in sodium and they are eating a bag of potato chips, it is hard to get them to come to school and want low-sodium foods.

Ms. BONAMICI. Right. Well, you anticipated my next question because you mention that your school district really started introducing healthier foods before they were required—

Ms. MARTIN. Right.

Ms. BONAMICI. And your testimony suggests that one reason has been—it has been successful is because you made the changes gradually. So can you talk about the importance of schools implementing nutrition standards incrementally?

For example, the final sodium targets are scheduled to take effect in the 2022–2023 school year when today's fourth graders are high school seniors. So what are you doing now to help those students be accepting of healthier foods, and seen that phase-in—

Ms. MARTIN. Well, I think we are working with manufacturers. And they are going to be the key in trying to help us lower the sodium in our foods because a lot of the foods that a lot of districts that don't have kitchens rely on foods that are already produced. And so they are incrementally lowering their sodium amounts. And I think that is going to be awesome.

So but I think we need to educate the parents at home to be lowering the sodium in their foods at home in order to accomplish those goals. But I think—I am concerned about deregulating things and every state doing different things because the manufacturers could never produce one chicken nugget for Georgia and one for North Carolina and one for Oregon. So it would create mass chaos if everybody did their own thing.

Ms. BONAMICI. Thank you very much. And I mentioned this before, but I was in our state legislature when we passed legislation to take the junk food out of the vending machines. And the most persuasive testimony came from the students.

Ms. MARTIN. Right.

Ms. BONAMICI.—in high school. They came in and testified that they were really conflicted because they would be in a health class learning about nutrition and then they would walk down the hallway and see these vending machines full of junk food.

And the manufacturers really did a great job of stepping up and coming up with healthy snacks that are available now to those students. So we are making progress—

Ms. MARTIN. Some parents want stricter standards than we are doing, people. They want stricter standards.

Ms. BONAMICI. Right. Well, thank you very much for all of you—

Ms. HARVEY. May I respond, as well?

Ms. BONAMICI. Of course, Dr. Harvey.

Ms. HARVEY. You are so correct. Nutrition education is a vital portion of the program. Engaging teachers to make sure that nutrition education is part of every classroom in the country is important.

But one of the great successes we have is the Fresh Fruit and Vegetable Program where fresh fruits and vegetables are available to, largely elementary schools. Children can taste these foods as snacks. They learn about them. It creates a pathway to encouraging children to try new fruits and vegetables in the future.

Ms. BONAMICI. Absolutely.

Chairman ROKITA. Gentlelady's time is expired.

Ms. BONAMICI. My time is expired, but I—

Chairman ROKITA. I thank the gentlelady.

Ms. BONAMICI.—but I am concerned that, Dr. Schopp said that you didn't have access to them. But we will follow up.

Chairman ROKITA. I thank the gentlelady. Perhaps the ranking member would like to follow up on that. She is recognized for 5 minutes.

Ms. FUDGE. Thank you very much, Mr. Chairman. And I thank you all. It has been a very interesting group today. And I appreciate all of your testimony.

I do want to just correct one thing that my colleague Mr. Brat said about not being able to change the law. That is what we do. We are legislators. We make laws and we change laws.

It was this body that created the sequester which most of us believe today was not a smart thing, whether we admit it publicly or not. And I certainly hope at some point we will have the courage to change it.

I certainly agree with you that $0.06 reimbursement is not enough. I agree with you as well that we need to streamline all of the paperwork.

We had the secretary of agriculture here just a week or so ago to discuss this same topic. We asked him about trying to find a way to streamline it to make it easier for us to do evening programs, summer programs, et cetera. So it is something that we all agree on.

Just a question: Did any of your schools have deficits in your cafeteria or school programs before 2013? If you did could you just raise—

[Nonverbal response.]

Okay. So it is not all necessarily just because of the changes in the law. I just want to be clear about that.

Also I just still want to be clear on the fact that though we believe that there is much, much too much paperwork, on the one hand we have people constantly talking about waste, fraud, and abuse. And so maybe we have gone too far. But we also have to

be good stewards of tax dollars. And so maybe as we do too often, go too far. But we want to be sure that we can say we have verified that these resources are going to where they need to go.

And so, I agree that we have some work to do. But what I appreciate is that each and every one of you understands the importance of feeding young people, making sure that they have a good start.

And so I thank you. And we will do all we can to try to make it better. And trust that we have the ability to do it. We just don't have the will.

I thank you. And I yield back, Mr. Chairman.

Chairman ROKITA. I thank the ranking member. Seeing no other members wanting to ask questions, I will move—you are yielding your closing, or that was your closing. I appreciate your efficiency.

I will try to—

Ms. FUDGE. I stayed within my time.

Chairman ROKITA. Yes. That is wonderful. I will try to match you and just say thank you.

Thank you for each of you for being here. Thank you for who you represent. I happen to think, if it wasn't clear from my questioning, that folks on the ground at the local level do wonderful work. I happen to believe there are many of you out there, many more of you out there, including you, Ms. Martin.

Ms. MARTIN. There are many, many of us—

Chairman ROKITA. And there are thousands of others that are out there.

I don't think anyone wants to—you know let's say these regulations go away tomorrow. I don't know anyone in your profession wants to then take a bunch of frozen french fries and stick them in a deep fryer and that is going to be the end of it. I just don't believe that because it is not what I have seen.

So thank you. Thank you for the leadership you provide this country because you are growing our best—helping grow—helping grow because the primary responsibility still is the family. And that is a whole different hearing, but helping grow our best asset, our children.

Also, what I took away today was that this was not about just the money and how much or how little there is. This is about leadership, as Mr. Payne so rightly suggested. And it is about creativity. And it is about flexibility. So that wherever these rules come from, that there should be standards and allow us to work within them so that we can best supply, you know, our constituents—your constituency, which again are these kids.

So thank you very much. Seeing no more business before the committee, this hearing is adjourned.

[Additional submissions follow:]

The Metropolitan School District of Wayne Township
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Fax: (317) 243-5744
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Education Center
1220 South High School Road
Indianapolis, Indiana 46241

Board of Education

June 22, 2015

Lucy Gettman, MA, MSW
Deputy Associate Executive Director
National School Boards Association
1680 Duke Street
Alexandria, Virginia 22314

Dear Ms. Gettman,

I am a school board member, and serve as Secretary, for the MSD Wayne Township, Indianapolis, IN, which has an enrollment of 15,925 students, PreK-12, and includes an early college program. The intent of the Healthy, Hunger-Free Kids Act is to benefit our students because our student population includes the following categories: 22.5% Paid, 8.5% Reduced and 68.9% Free. We provide a summer feeding program in schools, neighborhoods, and community centers as well as a mobile bus which includes seat space and nutritious offerings. We had 90,000 students participate in the program last year. This year, we served supper at four schools with 46,280 meals served. Each Friday, 900 students leave our schools with backpacks of food.

The impact of the current law, with its reportedly "some 1200 pages", which mandates national standards for school meals; indirect cost guidance to schools and school food authorities(SFA); paid meal pricing requirements; and competitive food standards, has challenged our school corporation. The five (5) components of a school lunch are milk, protein, fruit, vegetable and grain. Students are required to take three (3) components and one (1) must be a fruit or a vegetable. Not infrequently, students take and discard the cup of fruit or vegetable. While students are not required to take milk, one school threw out 80 unopened milks, approximately 4.65 gallons, with a loss of $19.20 a day, or $3,744.00 a year. The Food Waste Study of 2012 and 2014, and the Food Costs for 2010-2015, are included on separate attachments.

The costs and availability of competitive foods for school purchase because of the unique specificity of nutrient standards for schools, has resulted in change of menus, additional costs, and additional time and systems management. Our a la carte sales have decreased by 34% due to Smart Snacks. While we are not dependent on a la carte sales for the financial sustainability of our program, the regulations have negatively impacted what we can offer students and when it can be sold. Additionally, the whole grain and sodium content has been especially challenging, because of recipe changes for palatability and availability. Since the sodium content is based on adult research, exact requirements for children and youth may be less than accurate. Taste testing portions of food would be helpful to acclimate students to the new requirements.

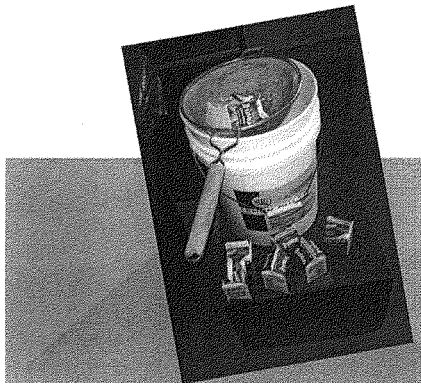
Our school corporation already has a professional development day for all staff, including our school food and nutrition staff. Additional materials and resources are planned to meet the new required national standards. Our school corporation has had a Wellness Policy since required by law, with personnel and administration held responsible for compliance and school board review. An additional employee and computer data system is necessary for reporting requirements. Schools have worked to comply with the constant changes and mandates because of its importance to the health, wellness and safety of our children and youth. However, lack of relief from the mandates of multiple compliance rules and regulations that excludes flexibility for local school board members, and the lack of funding, has and is continuing to add another challenge for our schools. Hopefully this vital program will not be "another unfunded federal program" for our children and youth.

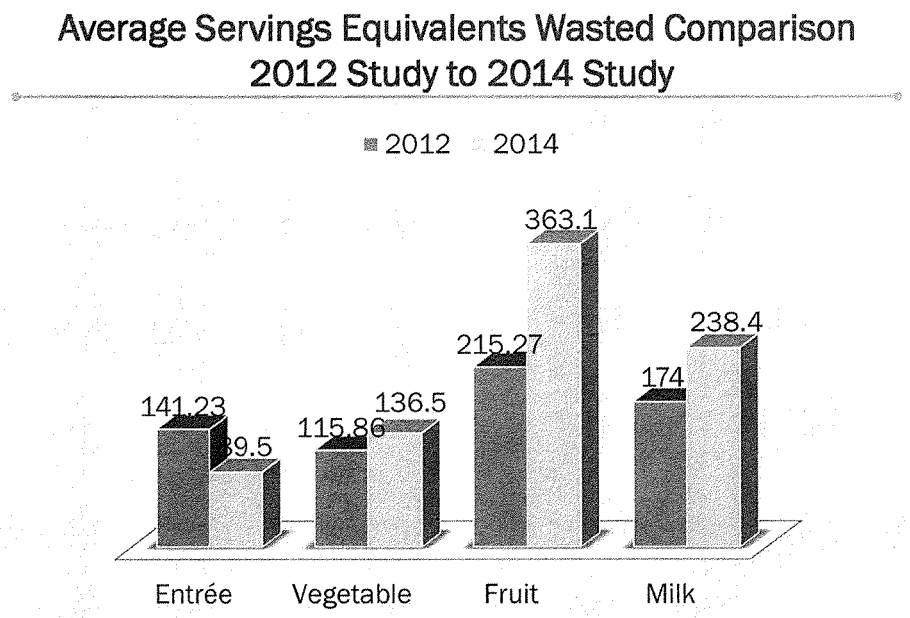
Sincerely,
Phyllis Lewis, MSN, RN
MSD Wayne Township Board Member

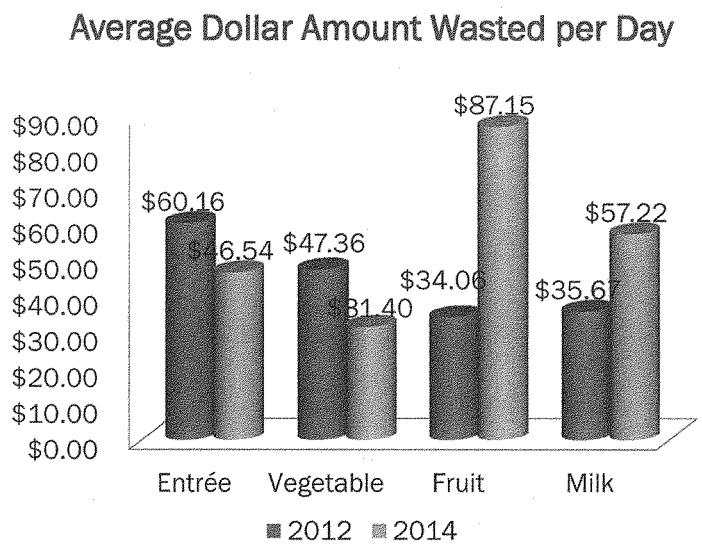
MILK

Students are not required to take a milk

- In one day at McClelland Elementary students threw out **80** unopened milks, which is approximately **4.65** gallons.
- That is a loss of
  - **$19.20** a day
  - **$3,744.00** a year for McClelland
  - **$41,184.00** per year for district elementary schools




Average Servings Equivalents Wasted Comparison
2012 Study to 2014 Study
2012
2014
141.23
39.5
115.86
136.5
215.27
363.1
174
238.4
Entrée
Vegetable
Fruit
Milk



Total dollar amount wasted
2012≈ $177.25
2014≈ $222.31

Food Waste=Money Waste

Year	Total number of Students	Avg. Dollar Amt. Food Waste Total per Day for 1 Elem. School	Avg. Dollar Amt. Food Waste Per Day for all 11 District Elem Schools	Approx. # of Lunches Served at 1 Elem. School	Approx. # of Lunches Served for All 11 District Elem. Schools	Avg. Raw Food Cost Per Meal	Avg. Cost of Waste Per Meal	Avg. % Cost Per Meal Wasted	District Dollar Amt. of Food Waste Per Year	Food Budget Per Year	% of Food Budget Wasted
2012-2013	700	$177.25	$1,949.75	606	6,666	$1.15	$0.26	22.5%	$354,421.19	$4.4 million	8.06%
2014-2015	796	$222.31	$2,445.41	726	7,370	$1.23	$0.31	25.2%	$445,064.62	$4.5 million	9.89%

Food Costs

	SY 10-11	SY 11-12	SY 12-13	SY 13-14	SY 14-15	
FC %	42.10%	42.70%	41.50%	42.70%	44.60%	
$	$3,861,283.00	$4,125,360.00	$4,279,044.00	$4,416,238.00	$4,769,425.00	(est)

overall food cost has increased 15.6% since the start of HHFKA

Ala Carte Revenue

SY 13-14	SY 14-15	% change
$411,595.00	$271,545.00	-34.10%

Participation

	SY 10-11	SY 11-12	SY 12-13	SY 13-14	SY 14-15	
Brft			1825757	1904067	1954860	no changes in participation
Lunch			2266680	2244059	2276896	
				178 lunch days	180 lunch days	

SY	Free/Red
sy 99-00	35.40%
sy 00-01	38.60%
sy 01-02	49.00%
sy 02-03	52.20%
sy 03-04	55.00%
sy 04-05	53.70%
sy 05-06	58.70%
sy 06-07	57.80%

SY	Free/Red
sy 07-08	62.90%
sy 08-09	63.50%
sy 09-10	69.70%
sy 10-11	69.90%
sy11-12	71.40%
sy12-13	74.70%
sy 13-14	78.10%
sy 14-15	78.00%

PUBLIC SCHOOLS OF NORTH CAROLINA
DEPARTMENT OF PUBLIC INSTRUCTION | June St. Clair Atkinson, Ed.D., *State Superintendent*
WWW.NCPUBLICSCHOOLS.ORG

June 22, 2015

The Honorable Congressman Todd Rokita, Chairman
The Honorable Congresswoman Marcia L. Fudge, Ranking Member
Subcommittee on Early Childhood, Elementary, and Secondary Education
of the House Education and the Workforce Committee
United States House of Representatives
2181 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Todd and Congresswoman Fudge:

Thank you for holding hearings in preparation for the 2015 Reauthorization of Child Nutrition Programs. As the Chief State School Officer for the Public Schools of North Carolina, I have a deep appreciation for the School Nutrition Programs and their contribution to students' health, wellbeing and academic success. We take pride in providing every student in North Carolina with a sound, basic education that provides them with the knowledge, skills and abilities needed for success. Our goal is that every public school student will graduate ready for post-secondary education and work, prepared to be a globally engaged and productive citizen.

North Carolina's public schools were among the first to achieve compliance with the new meal pattern requirements with 100% of School Food Authorities (SFAs) achieving compliance on or before June 30, 2013. Compliance was also achieved with the Smart Snacks Interim Final Rule effective July 1, 2014. SFAs have demonstrated the desire and the capacity to achieve compliance with the new requirements. However, compliance has come at a significant cost. While recent changes in the regulations governing the Federally-funded School Nutrition Programs were well intended, some requirements have created what many local school officials describe as "unintended consequences" or the "cost of compliance"; these include:

- Decreased student participation in school meals (5% overall in North Carolina);
- Increased food cost with some newly required meal components costing 2 – 3 times more than other similar items;
- Increased food waste as students are forced to take food they do not like and do not intend to eat;
- Some students have been priced out of the program as a result of mandatory meal price increases for paying students;
- Diminished capacity to generate critical revenues in the a la carte food/beverage aspect of the program that are required to sustain the program financially;
- Reductions in staff as SFAs have had to balance higher food costs by reducing staff;
- Reliance on local education funds to offset revenue losses in the School Nutrition Programs; and
- Other areas that impact program viability and sustainability.

OFFICE OF THE STATE SUPERINTENDENT
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6301 Mail Service Center, Raleigh, North Carolina 27699-6301 | (919) 807-3430 | Fax (919) 807-3445
AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

To address these unintended consequences, which have resulted in the "cost of compliance" in North Carolina and other States, I would respectfully request your consideration of the following recommendations for the 2015 Reauthorization of Child Nutrition Programs:

(1) **Make the current waivers for whole grain-rich products permanent; maintain the initial requirement that at least half of all grains offered are whole grain-rich.** Regulations currently require all grains to be whole grain-rich. The *Dietary Guidelines for Americans* recommend Americans consume half of their grains as whole grain-rich products. Schools are being held to a higher standard than the national recommendations. Some cultural foods (biscuits, crackers, corn-based products, etc.) are not as palatable or appealing when prepared with whole grain-rich four; these products are heavy, dense, and compact and lack flavor. When schools in NC received waivers that allowed a return to "regular" biscuits, their school breakfast participation increased significantly, thus indicating the flexibility to offer both whole grain-rich and enriched items helps strengthen variety in the foods offered to students while simultaneously improving student's acceptance of a combination of grain products.

(2) **Maintain the current Target 1 sodium level; do not proceed with further sodium reductions until such time as science indicates extreme sodium reductions are appropriate for children and adolescents.** While it is important to limit sodium consumption, the current levels required in the School Nutrition Programs are similar to those used for therapeutic diets where the sodium level is lowered for medical purposes. The scientific evidence is limited to suggest low levels of sodium in children's diets contribute to improved health outcomes in adulthood. The Institute of Medicine cautioned that "reducing the sodium content of school meals, as specified by the regulations and in a manner that is well accepted by students, will present major challenges and may not be possible." Students' report that school meals often lack taste and flavor and therefore, they reject them. A moderate level of sodium, along with other flavoring agents may help enhance the taste of foods, thus making them more palatable to students, while achieving the goals of continuing to keep the sodium content of foods at a level that promotes health while preventing disease.

(3) **Require SFAs to offer as many fruits and vegetables as possible and allow students to select as much as they will eat, but do not force SFAs to require students to take a fruit or vegetable in order to receive reimbursement for the meal.** Current regulations require students to select a fruit or vegetable in order for a meal to be reimbursable. For some students, this requirement is not problematic. For others who may not like a particular fruit or vegetable or do not wish to eat one with their meal, this requirement is problematic. Forcing students to select any food they do not like and do not intend to taste or eat has resulted in increased food waste and increased food cost. Offering a wide variety of fruits and vegetables and encouraging students to select as many as they will eat, is a much more reasonable approach to encouraging the development of life-long healthful food habits; forcing students to select items creates animosity in the School Nutrition environment and is perceived by some students as punitive.

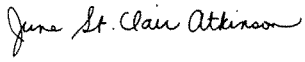
(4) **Allow any food or beverage served as part of the reimbursable meal to be served as an a la carte (or supplemental sales) item in order to expand the capacity to generate School Nutrition revenues through the sale of healthful foods and beverages.** Current Smart Snacks regulations are overly prescriptive and treat foods/beverages served in the School Nutrition Programs as if they were "snacks" similar to those sold in vending machines.

Healthful a la carte menu items are a convenient part of the school dining experience and provide nutritious, appealing options for students; they also provide a nutritious source of additional calories for students whose energy needs exceed those of other students. These items also provide critical revenues to make the School Nutrition Programs financially self-supporting and sustainable. Any food that is considered healthful enough to serve in the reimbursable school meal should be allowable to serve in the a la carte portion of the program. An example of the overly-prescriptive nature of the regulation is that schools can serve diet soft drinks or highly-caffeinated energy drinks as a la carte items, but they cannot serve a Chef's salad with vegetables, lean meats and crackers because the sodium level exceeds the Smart Snacks requirements. The overly restrictive nature of the Smart Snacks Interim Final rule prohibits SFAs from generating the revenues needed to support the program at the local level.

(5) **Modify the Paid Lunch Equity requirement by exempting any SFA that has a positive fund balance from the requirement to increase meal prices for paying students.** Section 205 of the Healthy, Hunger-Free Kids Act mandates that SFAs gradually (annually) increase their paid student lunch prices in order to eventually equal the Federal reimbursement rate for Free meals for the paid student meal. Increasing the paid student meal rate has priced many students out of the School Nutrition Program, particularly those families with household incomes of 186 to 225 percent of poverty. Ideally, the School Nutrition Programs are accessible and affordable to all students. Further, it seems inconsistent to allow some schools to offer meals at no cost to all students under the Community Eligibility Provision while increasing the cost to other paying students in the same school district. Increasing local meal prices should be the decision of the local Board of Education since this elected governing body is ultimately responsible for the district's School Nutrition Program.

The School Nutrition Programs are among the most important parts of the instructional day. We recognize that poorly nourished, hungry students cannot perform their best in the classroom and in life. To that end, the North Carolina Department of Public Instruction supports flexibility in the School Nutrition Program regulations that enable local School Nutrition Directors to operate programs that promote maximum student participation and financial self-sufficiency and sustainability. Thank you for considering our requests for flexibilities in the 2015 Reauthorization of the Child Nutrition Programs.

Sincerely,



June St. Clair Atkinson

JSA/LH/jlw

"Child Nutrition Assistance: Looking at the Cost of Compliance for States and Schools"
House Subcommittee on Early Childhood, Elementary, and Secondary Education
June 24, 2015
Stories from School Districts Across the Country

Arizona:
"I believe that the new regulations were rushed to implementation without taking into consideration the impact they would have on plate waste, food costs or customer acceptability. My grandkids go to one of the schools in my district and they used to LOVE eating lunch at school. NOW I get complaints from them every day! They want to know why they HAVE to take something they won't eat. For the first time in my 37 years as a School Nutrition Director, I'm not exactly shouting to the world what I do for a living. It's just not fun anymore." **Jane L. Johnson, School Nutrition Director, Crane Schools, AZ**

California:
"The new Smart Snacks regulations have not had the intended effect in our district. Many students are upset that healthy reimbursable meal entrees can no longer be sold a la carte and that some popular options like hummus and pretzels are off the menu. With a la carte choices so limited, many students go off campus for fast food, soda and sugary snacks. We have experienced a 10 percent drop in revenue and anticipate a nearly $175,000 loss this school year. Allowing reimbursable entrees to be sold a la carte every day would provide students with a larger variety of nutritious choices and help to restore our financial solvency. Food is only nutritious if they eat it." **Siri Perlman, RD, Nutrition Specialist, San Dieguito Union HS District, CA**

"School nutrition professionals want to teach lifelong healthy choices and reinforce the good habits that parents encourage at home. We also want to be good stewards of the environment, particularly in the midst of California's record drought. Forcing children to take, over and over again, foods they don't want to eat, and are consequentially thrown away, runs contrary to both of these important goals." **Sally Spero, SNS, Child Nutrition Director, Lakeside Union School District, CA**

"In Santa Clarita Valley, we are committed to serving nutritious school meals that students consume and enjoy. We even hired a trained chef to help improve menus, making our nutritious dishes more enticing. Nonetheless, our program is losing money under the new rules, primarily because of rising costs. Our produce budget alone is up 10%." **Lynnelle Grumbles, MS, RDN, SNS, Chief Executive Officer, Santa Clarita Valley School Food Services Agency**

Florida:
"The food waste that I have seen in the schools due to the requirement of a 1/2 cup fruit or vegetable (or 1 cup at breakfast- grab and go) is saddening. As a dietitian, I do believe it is important for children to get the vitamins and minerals they need to support a healthy lifestyle, but when a lot of that ends up in the trash, it becomes a financial issue as well. There has to be a more cost effective way to get children the nutrition they need- but requiring them to take something that is going to go straight in the garbage is wasteful." **Ana Weekley, RD, LD, Pensacola, FL**

"Smaller, health-conscious portions prompt sales declines in school cafeterias"
Tampa Bay Times, October 25, 2014
Complaints about the size and type of snacks and single-item offerings in school cafeterias have taken their toll on school district budgets. "Our a la carte sales are a concern," said Mary Kate Harrison, food services director for Hillsborough County schools. "In our high schools, we are down in total sales 37 percent."

Georgia:
"School System Hits Lowest Lunch Participation Rate in Decades"
WJBF, September 3, 2014
[Columbia County Schools' Nutrition Department Director Jane Wiggins] said participation has been declining for the last two years. This comes after new federal dietary regulations went into effect in 2012. Higher food costs paired with fewer students means less money coming in. Wiggins said if the fund balance falls too low, the next step would be to ask for money from the school board, but she said that's never happened before.

"We've worked hard to maintain student participation and are fortunate that meal counts have been steady. However, operations costs continue to climb and we're losing supplemental revenue. Our a la carte sales are down about $80,000 through March 2015 compared to the same time period last year, prior to implementation of the Smart Snacks in School regulations. My costs for purchased food alone have increased by more than $500,000 year-to-date in 2015 than in 2014." **Peggy Lawrence, Director of School Nutrition, Rockdale County Public Schools, GA**

Indiana:
"Tippecanoe schools are struggling to make some of the new rules work for our students. We had to partially eliminate our popular chicken and noodle recipe because we couldn't find a whole grain rich egg noodle. Low sodium mashed potatoes are not palatable and the students barely touch them now. It isn't all about the cost; it is about our students and their acceptance of certain menu items." **Lori Shofroth, FMP, Director of Nutrition Services, Tippecanoe School Corporation, IN**

"We were in classrooms encouraging children to choose and eat from our 4-5 daily fruit and vegetable options long before the requirement. But our students don't like to be forced to take food they don't want. We've found that nearly a quarter of the food on our elementary school trays now ends up in the garbage. Meanwhile, the new Smart Snacks in Schools sodium restrictions prevent us from selling an oven baked chicken breast filet with whole grain breading on a whole grain bun, but a 20 ounce diet Mountain Dew can be sold as a snack. Some of these regulations just don't make sense." **Sara Gasiorowski, SNS, Food Service Director, MSD of Wayne Township, IN**

Massachusetts:
"Students in Waltham Schools are eating more whole grains, but they really don't care for whole grain macaroni and cheese. As a Registered Dietitian, I know a little white pasta is ok for students to eat as part of a balanced diet. We need some flexibility on whole grain requirements to help us plan menus that appeal to all our students. Students would also benefit from an increase in the reimbursement rate to help schools manage rising costs and invest in high quality foods, but we shouldn't be forced to raise lunch prices on Waltham's working class families. Many of our families who don't qualify for free or reduced priced meals are still struggling to make ends meet." **April Liles, RD, Food Service Director, Waltham Public Schools, MA**

Michigan:
"Ever since the implementation of the new HHFKA regulations, Bloomfield Hills School's food service department has seen a decrease each year in the number of students buying lunches. In addition we have seen a decrease in our a la carte sales after the Smart Snacks rule went into effect. The students need more time to adjust to the new foods that meet the new regulations. If we were allowed to have more flexibility with the regulations we could find the items our students want to eat. They vote with their wallets and their vote is no without flexibility." **Mandy Sosnowski, Food Service Director, Bloomfield Hills Schools-Aramark, MI**

"Our schools are constantly working to improve meals and encourage kids to accept whole grains, lower sodium foods and fruit and vegetable options. But under these standards, we are at serious risk of undermining that progress. More requirements placed on meal programs will drive costs up and prevent us from offering the

variety that students have responded very well to. Decreased choices will turn even more students away from healthy school meals." **Lori Adkins, MS, SNS, CHE, Child Nutrition Consultant, Oakland ISD, MI**

Northern Mariana Islands:
"PSS mulls changes to school lunch"
Marianas Variety, December 17, 2014
BOE Chairman Herman T. Guerrero in a meeting last week said during his recent school visits, the lunch menu was one of the things that was brought to his attention. "I think some of the kids are getting tired of the same menu so maybe we should give it some variety," Guerrero said, adding that he himself tried the food. He said some students complained about the grainy texture of the brown rice served during lunch.

Ohio:
"Lakota's high school cafeterias compete with a dozen fast food restaurants right outside their doors. We are extremely innovative and are offering sushi, made-to-order paninis, rice bowls, tacos and burritos, prepared fresh right in front of the students. Despite these efforts, lunch participation under the new standards is down 15 percent. We are serving 100,000 fewer meals, but costs are up significantly. We have no funding left to invest in further improvements, and our program is ineligible for federal equipment grants or other assistance available to districts with higher free and reduced price participation." **Chris Burkhardt, Director of Child Nutrition and Wellness, Lakota Local School District, OH**

Kettering School District (OH) has always marketed healthy choices to students. The district has earned numerous USDA HealthierUS School Challenge Awards and was selected as a semi-finalist in USDA's Recipes for Healthy Kids Challenge. Despite ongoing nutrition education programming, the district experienced a 7% decline in student lunch participation since the standards took effect. Because less than 50 percent of Kettering students are eligible for free or reduced price meals, these districts cannot benefit from the Community Eligibility Provision, equipment assistance grants, the Fresh Fruit and Vegetable Grant Program and several other USDA programs designed to help school districts manage costs and increase student acceptance.

Oklahoma:
"School meal programs desperately need more funding to meet the new regulations. Especially in high schools, where we offer a full cup of fruit, a full cup of vegetables and all whole grain rich foods, it makes no sense at all to think that an additional 6 cents is enough to cover the additional volume of food mandated under the new standards. And at breakfast, we have doubled the amount of fruit offered, but were provided no additional funding to cover costs."

"As a dietitian, I have been offering and encouraging students to choose more 100% whole grains, but there are certain items that just don't go over well in a whole grain-rich variety. Our Thanksgiving lunch was embarrassing - the whole grain-rich corn bread dressing was sad, sad, sad. We need flexibility to allow exceptions for a few menu items." **Deborah S. Taylor, RDN/LD, SNS, Associate Director, School Nutrition Services, Oklahoma City Public Schools, OK**

Oregon:
In Portland Public Schools (OR), student lunch participation has decreased by 3 percent, despite student taste tests, appealing new scratch-prepared recipes, 42 edible school gardens that supply fresh produce to the cafeteria and a robust Farm to School program, including Harvest of the Month and Local Flavors promotions that encourage students to try the wide variety of healthy choices available with school meals.

Pennsylvania:
"Armstrong school lunch prices increasing by 10 cents"
TribLive, June 11, 2015

After a year of financial losses in the cafeteria, Armstrong School District officials are raising lunch prices by 10 cents this fall. Luann Fee, the district's food services director said, "We've seen very strict food guidelines, and that's created a loss for us." This year, the district's food services department lost about $79,000, which Fee blames on federal snack guidelines. "Our lunch sales remained the same but, district-wide, we ended up losing almost $500 per day because of the restrictions on Smart Snacks in School regulations," Fee said. "It's something school districts across Pennsylvania are seeing, unfortunately."

"Chester County school district to forgo U.S. lunch guidelines"
The Philadelphia Inquirer, June 27, 2014
Saying stricter federal nutrition guidelines are too much to swallow, the Unionville-Chadds Ford School District has decided to remove its 1,300 high school students from the program that is to go into effect next school year. The district calculated that under the new guidelines, its revenue would decrease from $2.32 per high school student per day to $1.73, since the students would be buying fewer items. That represented "a significant financial impact on the food-service operation," said Marie Wickersham, the district's supervisor of food services.

"I think all of the foodservice directors I know want to feed their students nutritious meals. But money is a big issue. Whole grains, fruits and vegetables cost more. My nutrition program is supposed to break even. I have lost money the past two years. How do I explain that to my school board? I will do the best I can this year, but if I lose money again I will be looking for a new job. The regulations are too strict. My lunches have gone down 3% for the past two years." **Anna Donato, Food Service Director, Lampeter-Strasburg, PA, in a letter to the editor of Food Management**

Virginia:
"School meal sales seeing steady decline"
Powhatan Today, September 3, 2014
The Powhatan County Public Schools has seen a steady decline in school meal sales in the last few years, a trend largely attributed to student reaction to changes required by federal mandates, according to school officials. All Powhatan schools have seen a drop in school lunch sales, with a district-wide average of about a 30 percent decrease, [assistant superintendent for finance and business operations Larry] Johns said. Valarie Ayers, District 3, said the mandates are not accomplishing what they want in getting students to eat healthier if they drive them to bring lunches, which often are not healthy. "Honestly, you see kids who bring their bag lunch. They pull out two or three bags of Doritos and a handful of grapes and that is their lunch," she said.

"BCPS school lunch purchases decline over 30 percent since 2010-11"
The Roanoke Times, July 24, 2014
Superintendent Dr. Tony Brads delivered the bad news on the School Nutrition Program, a once thriving entity. The Healthy Hunger-Free Kids Act implemented in 2010-11 had an unintended result. Over the next three years, The Botetourt County School Nutrition served less meals in 2013-14 than it did in 1994-95 and almost two hundred thousand meals less than it did in 2010-11. Meal sales are at the lowest in 20 years. Chris Morris who heads up the School Nutrition program is pragmatic about what happened. "The new food guidelines simply do not appeal to the students in this area." Vegetables like corn and green beans have been bumped by kale, carrots, sweet potatoes and other vegetables that most kids avoid. "We have found once the elementary student leaves us, they don't come back," she explained.

Wisconsin:
"School lunch prices rising in Manitowoc"
HTR Media, June 10, 2015
School lunch prices in the Manitowoc Public School District are going up an average of 10 cents next school year — the fourth consecutive year prices have risen as a result of federal mandates. The continued increase in the price has caused more students to bring bagged lunches, not eat lunch, or leave campus during lunch at the high school to purchase food elsewhere. "Even small price increases have a damaging effect on the lunch

participation," [District Business Administrator Ken Mischler] said. The federal requirements also have strict calorie, sodium and saturated fat requirements for foods offered in the school lunch program. The requirement has caused the district to reduce portion sizes to meet guidelines. "Complaints about not having enough to eat are common this year," Mischler wrote in a memo to board members. "Basically, students are getting less food, at a higher price." "I'm amazed by all this government micro-managing," school board member Catherine Shallue said. "It really bothers me."

[Whereupon, at 11:32 a.m., the subcommittee was adjourned.]

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