

Testimony on **HB 2137**
before the
House Health and Human Services Committee

by

Donna L. Whiteman, Assistant Executive Director/Legal Services
Kansas Association of School Boards

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Mr. Chairman, Members of the Committee:

Thank you for the opportunity to present testimony in opposition to H. B. 2137 on behalf of the Kansas Association of School Boards.

While no one can dispute the need for students and adults to eat healthy foods, following is a list of concerns about this bill:

1. The decision as to what types of snacks to offer in school district vending machines is a decision best left to local school districts. KASB's 2005 Legislative Policies and Priorities established in December by approximately 2100 school board members provides as follows:

As the constitutional authority charged with the management of local schools, the school board is accountable to district patrons through the electoral process and must be the final authority on local management decisions for expenditures, personnel and programs.

2. Many, if not most, Kansas school boards have existing multiyear contracts in place with venders relating to the products to be sold in the vending machines.
3. Many local venders have provided tremendous corporate financial support to school districts.
4. Many districts have been proactive in providing nutritious foods. However, one administrator noted the outcry from students on the vending price increases when more nutritious selections were added. Additionally, vending machines are generally not open during lunch periods and are only available before and after school.

5. Schools have had to manage more efficiently with increased operating costs and decreased school finance funding. Instead of the proverbial “bake sales,” school districts have come to rely upon vending machine profits to help pay for the “necessities” including scoreboards, equipment and other educational needs at the building level. School districts have used the proceeds from vending machines to pay for classroom equipment, reference books, novels, computers, projectors, cafeteria tables, science lab equipment, hand scanners, security, field trip transportation costs, custodial equipment, paper, national honor society activities, new equipment for nurses, teacher luncheons, and staff meals during parent-teacher conferences.
6. Education is the best measure to teach students and parents about healthy life styles. Even if limitations are placed on vending machine choices, students can still bring junk food in their lunches.
7. Most high schools are located near a convenience store. If vending machine usage is limited, high school students will go to convenience stores to purchase their pop and candy there.
8. The Child Nutrition Act became effective June 30, 2004. In an effort to have schools play a key role in addressing childhood obesity, every school district that receives federal funds is required to establish a local wellness policy by June 30, 2006. This new law requires school districts to address the following in their local policy:
 - Nutrition education goals
 - Physical activity goals
 - Nutrition standard and
 - Other school-based activities that serve to promote and reinforce wellness messages.

The law also requires each school district to involve parents, students, food service personnel, school boards, and community members in developing this policy.

The Kansas Association of School Boards, school districts, food service representatives and administrators are already planning for this new policy requirement.

I have attached a copy of the Child Nutrition and WIC Reauthorization Act of 2004.

Section 204 of Public Law 108-265—June 30, 2004
Child Nutrition and WIC Reauthorization Act of 2004

SEC. 204 LOCAL WELLNESS POLICY

(a) **IN GENERAL** - Not later than the first day of the school year beginning after June 30, 2006, each local education agency participating in a program authorized by the Richard B. Russell National School Lunch Act (42 U.S.C.1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) shall establish a local school wellness policy for schools under the local educational agency that, at a minimum—

- 1) Includes goals for nutrition education, physical activity and other school- based activities that are designed to promote student wellness in a manner that the local educational agency determines is appropriate;
- 2) Includes nutrition guidelines selected by the local educational agency for all foods available on each school campus under the local educational agency during the school day with the objectives of promoting student health and reducing childhood obesity;
- 3) Provides an assurance that guidelines for reimbursable school meals shall not be less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to subsections (a) and (b) of section 10 of the Child Nutrition Act (42 U.S.C. 1779) and section 9(f)(1) and 17(a) of the Richard B Russell National School Lunch Act (42 U.S.C. 1758(f)(1), 1766(a)0, as those regulations and guidance apply to schools;
- 4) Establishes a plan for measuring implementation of the local wellness policy, including designation of 1 or more persons within the local educational agency or at each school, as appropriate, charged with operational responsibility for ensuring that the school meets the local wellness policy; and
- 5) Involves parents, students, and representatives of the school food authority, the school board, school administrators, and the public in the development of the school wellness policy.

(b) **TECHNICAL ASSISTANCE AND BEST PRACTICES**. -

(1) **IN GENERAL**. - The Secretary, in coordination with the Secretary of Education and in consultation with the Secretary of Health and Human Services, acting through the Centers for Disease Control and Prevention, shall make available to local educational agencies, school food authorities, and State educational agencies, on request, information and technical assistance for use in—

- (A) Establishing healthy school nutrition environments;
- (B) Reducing childhood obesity; and
- (C) Preventing diet-related chronic diseases.

(2) **CONTENT**. - Technical assistance provided by the Secretary under this subsection shall—

- (A) Include relevant and applicable examples of schools and local educational agencies that have taken steps to offer healthy options for foods sold or served in schools;
- (B) Include such other technical assistance as is required to carry out the goals of promoting sound nutrition and establishing healthy school nutrition environments that are consistent with this section;
- (C) Be provided in such a manner as to be consistent with the specific needs and requirements of local educational agencies; and
- (D) Be for guidance purposes only and not be construed as binding or as a mandate to schools, local educational agencies, school food authorities, or State educational agencies.

(3) FUNDING. –

(A) IN GENERAL. – On July 1, 2006, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this subsection \$4,000,000, to remain available until September 30, 2009.

(B) RECEIPT AND ACCEPTANCE. – The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.