

BY AMY WINTERFELD

You are what you eat, they say—and plenty of school kids are testing that theory every day. To keep kids healthy, legislators are taking a look at how to help them with nutritious choices at school. From 2005 through 2007, state lawmakers enacted about 46 bills related to school nutrition standards.

What's on the table? Foods and beverages that pack more nutritional punch and carry less fat, sugar and empty calories. California, Mississippi, New Jersey, North Carolina, Oregon and Rhode Island took different approaches, but all enacted school nutrition legislation last year. Currently, at least 24 states are considering bills addressing school nutrition.

"Two-thirds of a child's nutrition intake for the day is eaten at school," says Vermont



REPRESENTATIVE
ROBERT DOSTIS
VERMONT

Representative Robert Dostis, a registered dietician. "It's important to teach, and provide, good nutrition. Lessons learned today become lifelong eating habits."

OBESITY CONCERNS

Why all the concern? Kids today are heavier than ever before. Over the past three decades, obesity rates have nearly tripled for children aged 2 to 5 (from 5 percent to 14 percent), more than quadrupled for children aged 6 to 11 (from 4 percent to 19 percent), and more than tripled for youths aged 12 to 19 (from 5 percent to 17 percent). Today, 17.1 percent of kids aged 2 to 19 are obese, and almost 30 percent don't exercise enough.

Being overweight puts children and teenagers at greater risk for developing type 2 diabetes, heart disease, asthma, sleep apnea and psychosocial problems such as low self-esteem. Added into the mix are the annual medical costs of obesity estimated at \$75 billion for 2003. Taxpayers fund about half of this through Medicare and Medicaid.

New Jersey Assemblyman Herb Conaway, a

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Nutrition Rules

Making healthy food choices available to school kids is a priority for many lawmakers.

physician and lawyer, and chair of NCSL's Health Committee, says legislators must do something. "There is an epidemic of childhood obesity that has tremendous implications for future health care spending and quality of life. Government has a right to intervene to ensure that foods offered are healthy. We have to make sure that we train people to eat properly and develop a habit of routine exercise, so they can manage their weight better." Insurance companies should cover obesity treatment, Conaway believes, because obesity is a medical condition.

TIME TO ACT

Childhood obesity studies and the fact that kids are not eating healthy foods in school,

make legislators "absolutely" willing to act, says Oregon Representative Tina Kotek. She first proposed school nutrition legislation in 2003, but at that time, she says, everyone thought "we wanted to be the food police." Now, everyone wants to know how to make healthy food available economically. "It's been a huge shift," Kotek says. Last year, with bipartisan support, the state enacted nutrition standards for school foods that will be phased in over two years.

The federal government required all school districts that participate in the federal school meals programs (about 99 percent) to develop local wellness policies for the 2006-2007 school year. Effective district-level standards for school foods, however, were



ASSEMBLYMAN
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REPRESENTATIVE
TINA KOTEK
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slow to develop in Oregon, Kotek says. “In 2005, we required all school districts to submit wellness policies to the state department of education. What we found was that many policies were pretty perfunctory. Very few had nutrition standards. That opened the door for statewide legislation.”

WIN-WIN-WIN

Kotek wanted to make sure that state policy was a win-win-win: for kids, for schools and for vendors, large and small. For kids, nutrition rules. Oregon’s school nutrition standards are aimed mainly at foods sold during school breakfast and lunch periods that compete with the full meals sold through the federal school lunch and breakfast programs. À la carte entrees and snacks can contain no more than a specified percent of calories from fat, or total calories; trans fat is effectively prohibited; and snacks can have no more than 35 percent sugar by weight (except for fruits and vegetables).

For vendors, Kotek says, statewide standards will ensure there are large enough markets for healthier foods. Oregon’s standards are similar to California’s, and that could create a West Coast “market share,” she says. A related farm-to-school program also expands markets for local farmers, fishermen, ranch-

ers, food manufacturers and processors, while working to put more local products in school cafeterias through coordinators in the state’s departments of education and agriculture.

The state’s beverage standards were developed with input from the beverage industry. “One thing that really helped us was that we had buy-in from the soft drink industry,” says Kotek, “since they bought in at the national level through the Alliance for a Healthier Generation.” America’s leading beverage companies worked with the alliance to develop voluntary national guidelines for school beverages.

THE MONEY FACTOR

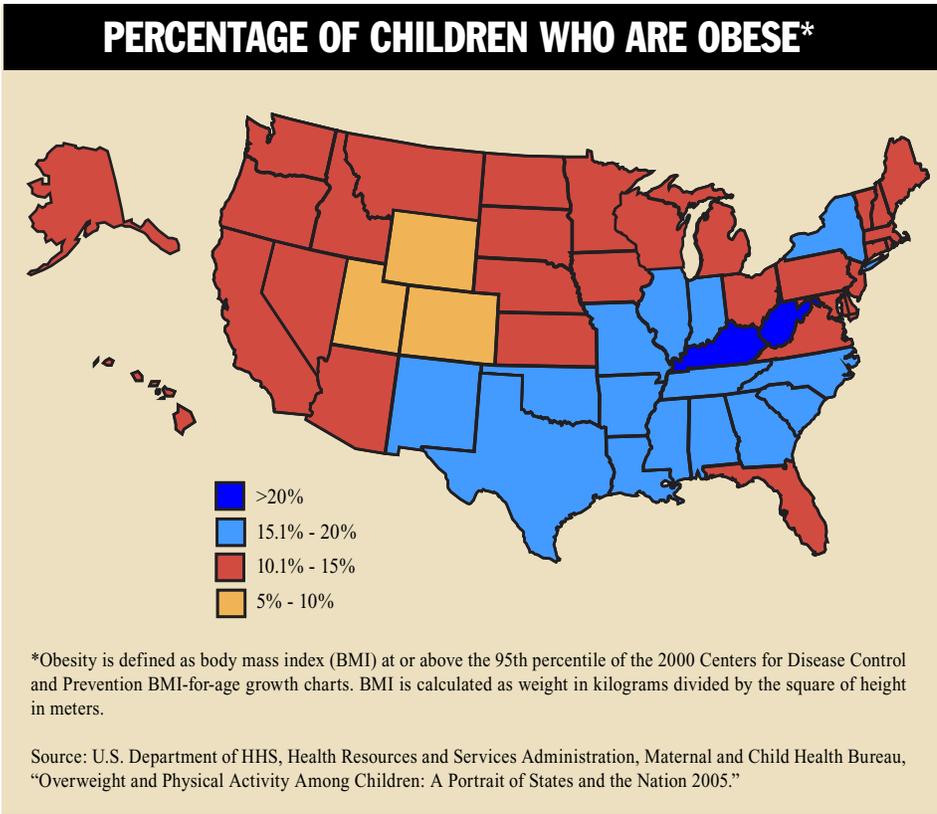
Schools get cash reimbursements from the federal government for each full meal they sell that meets its requirements. Children who purchase à la carte items are less likely to buy a reimbursable school meal. And some of these extra “competitive” foods (sodas, water ices, chewing gum, hard candy, jellies and gums, marshmallow candy, fondant, licorice, spun candy and candy-coated popcorn) are, by federal law, not allowed in food service areas during lunch periods. Twenty-six states limit when and where they may be sold beyond the federal requirements, but kids know how to buy them in vending machines or school stores during the school day.

On the other hand, schools also collect revenues from the soft drink and fast food companies that contract with them. That’s why Arizona lawmakers in 2005 called for a study of competitive food revenues. When research from the Arizona Department of Education found that schools lost no revenue when healthier foods and beverages were sold during the school day, lawmakers enacted statewide school nutrition standards.

NUTRITION STANDARDS

School districts participating in the federal National School Lunch Program and School Breakfast Program must meet nutrition guidelines established by the U.S. Department of Agriculture that limit fat in full school meals and track protein, calcium, iron, vitamin A, vitamin C and calories. Many states, however, exceed those guidelines, which don’t include specific standards for cholesterol, sodium, carbohydrates, fiber or sugar content.

According to an August 2007 report from the Trust for America’s Health, 17 states set nutritional standards for school lunches,



A FRESH IDEA

Kids and local farmers all benefit when states support farm-to-school programs that make it easier to bring local produce to cafeteria tables. California, Colorado, Connecticut, Iowa, Kentucky, Massachusetts, New Hampshire, New Mexico, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Texas and Vermont have farm-to-school or fresh fruit and vegetable programs.

A number of states are also currently considering farm-to-school bills, including Florida, Illinois, Kentucky, Maryland, New Jersey, New Mexico, Ohio, Tennessee and Washington. Washington's bill would provide state grants to encourage buying local fresh fruits and vegetables especially in schools serving low-income students. It would also provide two full-time employees in the state's department of agriculture to connect growers with schools, and eliminate competitive bidding requirements for school foods in order to encourage procurement of local produce.

With overwhelming bipartisan support, the bill has passed the legislature and is on the governor's desk. "It's motherhood and apple pie, supporting local farmers, at the same time getting fresh fruits and vegetables, Washington-produced, on the table," says Representative Bill Hinkle.



REPRESENTATIVE
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breakfasts and snacks that are more strict than existing U.S.D.A. requirements. Other states have legislation pending to exceed U.S.D.A. standards.

Federal legislation proposed in 2007 would have pre-empted state laws that were more stringent than proposed new federal requirements by removing states' discretion to set their own standards—effectively lowering standards in states with more strict requirements. California's policies, for example, signed into law by Governor Arnold Schwar-



SENATOR
ROBERT JACKSON
MISSISSIPPI

zenegger in 2005, are touted as providing "the strongest nutrition standards in the nation." The state exceeds both U.S.D.A. requirements and the voluntary beverage guidelines and banned trans fat in all school foods in 2007.

In Mississippi, the Legislature directed the State Board of Education to develop a comprehensive set of nutrition standards with the help of an advisory committee. "Mississippi is probably the most overweight state in the union, and our kids are being sickened by being overweight," Mississippi Senator Robert Jackson says. "We especially wanted to decrease health disparities that kids are confronted with in the Mississippi Delta," he says. Since "schools are the most direct route to children, the public school system was obviously the place to go," he concludes.

The bipartisan Mississippi Healthy Students Act was signed by Governor Haley Barbour in 2007. It addresses healthy food and beverage choices, healthy food preparation, marketing healthy food choices to students and staff, and food preparation ingredients and products. It also addresses minimum and maximum time allotment for students and staff lunch and breakfast periods, and methods to increase participation in the Child Nutrition School Breakfast and Lunch programs.

Jackson is proud of his state's accomplishment. "Mississippi is always on the end of any trend," he says. "We hope we're on the front end this time, trying to do something good for our citizens. Students need a fully rounded education, they need life skills, they need to learn to eat and exercise properly."

But do these laws really help students eat healthier? Yes, many local studies indicate that students will choose healthy foods and drinks when given the chance, and that schools can make money from healthy options. Research in Texas indicates that state school nutrition policies do improve students' diets. After the state set school nutrition standards, students' lunches included more vegetables, milk and nutrients such as protein, fiber, vitamins A and C, calcium and sodium. There was also a drop in the consumption of sweetened bever-

ages and snack chips, and in the percentage of energy kids got from fat calories.

HUNGRY FOR BREAKFAST

Finally, many students rely on school meals for most of their nutrition. "Hunger affects at least one in seven American children," says Vermont Representative Robert Dostis. "The obesity epidemic is linked to food insecurity." Cheap food is often high in fat and low in nutrients. So Dostis sponsored a law that requires schools to participate in the federal school breakfast program unless they apply for an exemption voted for by the community. Now, only about 8 percent of school districts don't offer breakfasts.

This year, Dostis is sponsoring legislation to provide free breakfasts for children in families with incomes up to 185 percent of the federal poverty level. Currently, the cut off is at 130 percent. Families at 130 percent to 185 percent of the poverty level pay a reduced price for breakfast, but many kids either can't pay the 30-cent reduced cost or don't like the stigma of standing in the reduced price meal line. So they go hungry, while the state loses its federal breakfast reimbursement share. When Washington state passed a similar measure in 2007, they saw a 40 percent increase in participation in the school breakfast program, Dostis says.

Colorado legislators in 2007 created a fund to pay for and eliminate the reduced price paid by eligible children. Other states, such as California, are considering requiring schools in high poverty areas to offer school breakfast. School breakfast legislation is also pending in Connecticut, Florida, Massachusetts, Maine, New York, Pennsylvania and Rhode Island.

School nutrition legislation can help provide children with healthy choices, establish good lifelong eating habits and get food to those who are hungry, while bringing federal meal reimbursement money into states. Studies show that children will choose healthier foods when given the option, and well-nourished students do better in school.

"We're concerned about health care and obesity. By making healthy foods available, we can start avoiding the problems that cost so much in the long run," Dostis urges. "Inadequate nutrition and obesity affect the overall health of a child and can increase long-term health costs."

 **CHECK OUT** each state's nutrition standards at www.ncsl.org/magazine.