



Testimony to the Senate Education Committee On Issues Regarding Food in Education

**On behalf of the
Pennsylvania School Boards Association**

September 23, 2019

The Pennsylvania School Boards Association (PSBA) is a nonprofit statewide association representing the 4,500 elected officials who govern the commonwealth's public school districts. PSBA is a membership-driven organization, pledged to the highest ideals of local lay leadership for public schools and working to support reform for the betterment of public education that prepares students to be productive citizens, and promote the achievements of public schools, students, and local school boards. We appreciate this opportunity to provide testimony to you and look forward to assisting the committee.

We believe that issues related to food in education are directly tied to student wellness. School districts recognize that student wellness and proper nutrition are related to students' physical and mental health, growth, development and readiness to learn. Schools responsibilities are directed by federal and state laws and regulations. These responsibilities are guided at the local level by policies adopted by their school boards and carried out by administration. Our testimony is focused on both wellness requirements and food services to give you a better understanding of how school districts are meeting the needs of their students.

Wellness program requirements

In 2004, the Congress passed the Child Nutrition and WIC Reauthorization Act, which required schools that participate in the National School Lunch or School Breakfast Program to develop and implement a school wellness policy. The requirements were strengthened in 2010, under the Healthy, Hunger-Free Kids Act (HHFK) passed by Congress. In compliance with these laws and federal regulations, school districts must adopt a wellness policy that outlines its actions to provide a school environment that promotes student wellness, proper nutrition, nutrition education and regular physical activity as part of the total learning experience.

In addition, districts must establish a Wellness Committee that includes school board members, administrators, teachers, district food service representatives, students, school health professionals and members of the public. They serve as an advisory committee regarding student health issues and are responsible for developing, implementing and periodically reviewing and recommending updates to the school wellness policy to the school board for adoption. The district must keep records documenting compliance with its wellness policy. The superintendent must report annually on the district's compliance with law and policies related to school wellness.

A district's wellness policy also addresses nutrition guidelines for food and beverages, including those served at classroom parties and celebrations, and for fundraisers. In addition, districts must address issues related to physical education, nutrition education, safe drinking water, management of food allergies, safe walking and biking routes and other school-based activities and programs.

Food services requirements

Food services programs are critical in ensuring that students have access to healthy school meals. The Pennsylvania Department of Education (PDE) reports that more than one million children and students receive nutritious meals through Federal School Nutrition Programs, which include the National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, and Summer Food Service Program. During the 2018-19 school year, PDE reports that more than 168 million school lunches were served in Pennsylvania.

Here, too, school districts must comply with federal mandates. As released by the U.S. Department of Agriculture in 2011, nutrition standards established maximum and minimum calorie levels; required 100% whole-grains foods; increased the amount and variety of fruits and vegetables; limited milk to low-fat white milk or nonfat white or flavored milk; imposed a food-based menu planning approach; reduced sodium and minimized trans-fat. Implementing these rules posed significant changes and expense for schools. School meals must be healthy and nutrient-rich, but it's important to ensure that the program remains effective and kids like what's being served.

As you may know, authorization of the Healthy, Hunger-Free Kids Act expired more than three years ago and the nation's child nutrition programs await reauthorization by Congress. However, in 2018 the USDA issued a final rule that provides some flexibilities in the nutrition standards for milk, whole grains and sodium requirements. These adjustments will help to decrease plate waste and implementation costs. The USDA's actions will go a long way in helping reduce the regulatory burden placed on school districts, but there is still work to be done to reduce hardships on school districts particularly those in low income and rural areas.

Unpaid meal charges

The goal of the school meal programs is to provide nutritious meals to children during the school day. Districts provide free and reduced-price school meals and/or free milk to students in accordance with the terms and conditions of the National School Lunch Program, the School Breakfast Program and the Special Milk Program. Schools encourage eligible families to enroll in these meal programs.

Districts also conduct direct certification at least three times per year using the Pennsylvania Student Eligibility System (PA-SES) to identify students who are eligible for free school meal benefits without the need for submission of a household application.

However, when students who are not enrolled in National School Lunch/Breakfast programs charge their meals, unpaid debt builds. Unpaid meal charges represent a difficult and complex issue directly impacting the schools as well as the children they serve. School boards must balance their desire to provide meals for students with the demands of maintaining the financial viability of their school food service operation. According to a [2018 report](#)¹ from the national School Nutrition Association, 75% of districts had unpaid meal debt. Recognizing this as a national problem, the U.S. Department of Agriculture called for all school districts to implement unpaid meal policies and work with families to collect debt incurred from unpaid meals.

¹ <http://schoolnutrition.org/news-publications/press-releases/2018/sna-survey-reveals-innovative-efforts-to-boost-consumption-curb-waste-in-school-cafeterias/>

Pennsylvania's Act 55 of 2018 created prohibitions against "school lunch shaming" by requiring schools to provide a meal to a student who requests one, regardless of whether the student has money to pay for the meal or owes money for school meals. The law was revised this year under Act 16 of 2019 to allow schools to provide alternative meals to students with unpaid balances in excess of \$50, except for those students who are eligible for participation in the school food program, until the student's unpaid balance is paid, or a payment plan has been established. The law clarifies that such actions by schools who choose to provide an alternative meal shall not be considered as public identification or stigmatization of a student.

Effect of SNAP benefit on schools

A current concern of schools is the Proposed Rule Change to Categorical Eligibility for Supplemental Nutrition Assistance Program (SNAP) that could affect school lunch programs. In July, the U.S. Department of Agriculture (USDA) published a proposed rule to undo the broad-based categorical eligibility provision in the SNAP/Food Stamp program. Categorical eligibility enables states to use less restrictive income and asset tests when determining SNAP program eligibility. This flexibility has allowed Pennsylvania to expand access to nutrition assistance, particularly for families struggling to pay their bills. While many associate SNAP with adult assistance this program is very much linked to students who are in our schools. This proposed rule could mean more than 200,000 Pennsylvanians would lose access to food stamps, including 98,000 families with children. This could also have a detrimental impact on Pennsylvania schools that utilize categorical eligibility to serve universal meals, since a student who qualifies for SNAP is automatically eligible for free school meals. A school must have at least 40% of their kids directly certified to qualify for community eligibility. Therefore, this rule would have an effect on access to school meals.

Addressing hunger

According to a [report](#)² issued by the governor's office in 2016, approximately 19.3% of children in Pennsylvania experience food insecurity. Ensuring children have the nutrition they need is key to healthy development and ability to learn.

Schools are working to address student hunger. According to data from PDE, there were more than 59.4 million breakfasts, and 162 million lunches served to more than 1.7 million students. Schools are encouraged to offer expanded meal programs, including alternative breakfast delivery models (such as Breakfast in the Classroom and Grab and Go Breakfast) as well as summer meal programs. Many schools throughout the commonwealth operate backpack programs that provide thousands of students with nutritious food to take home on the weekends. Some do this on their own with the help of donations from community volunteers and others do this with the help of local organizations and food pantries.

The report noted above includes goals for addressing hunger, including to increase the number of children benefiting from free and reduced-price meals during the school year; and to increase the number of students who benefit from free and reduced priced school meals to participate in school breakfast.

In closing, we want to emphasize that schools understand the need to address hunger, and that they are working within federal requirements to provide healthy meals for their students. Unfortunately, even with the added flexibility, many school districts are still struggling under the federal regulations and standards, and the increased operational costs that they carry.

We realize that many of the challenges school districts face are due to federal rather than state constraints, and we appreciate the opportunity to speak to you today on the integral role that school boards play in implementing school meal programs.

² https://nhm-pa.org/wp-content/uploads/2018/09/Governors_Blueprint_for_Hunger_2016_web.pdf