

**Nutrition and Policy in the Public Schools**

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## **Introduction**

The United States government has established several free or subsidized meal programs for children, including the National School Lunch Program (NSLP), the School Breakfast Program (SBP), the Special Milk Program, and the Fruit and Vegetable Pilot Program. This paper will introduce these programs and explain the policies in the context of Longest's phases of health policymaking: formulation, implementation, and modification.[1]

## **Phase I. Policy Formulation**

The policy formulation phase of policymaking has two stages: agenda setting and legislation development.[1] The historical background that follows is a brief overview of the setting of the original agenda for federally subsidized school meals. The development of the original legislation is obscured by history, but the formal enactment section contains some speculation as to the types of negotiations that occurred.

### ***Historical Background***

During the Depression, a time of widespread food insecurity in the United States, the Federal government gave a few small loans to municipalities to assist with providing school lunches.[2] The first commodity programs—programs to funnel surplus food from American farms to needy populations—were also begun during the Depression.[2]

Congress authorized the first use of Federal funds specifically for school lunch programs in 1942, but the programs were funded year-to-year, thus vulnerable to cuts. In addition, there was little infrastructure in place at the local level to serve lunches on the massive scale needed, so school boards were hesitant to sign up for the program.

During World War II, over 4 million potential enlistees were turned away because they were undernourished.[3] At a March 1945 Congressional hearing on the bill that eventually became the National School Lunch Act, General Hershey, the director of Selective Service, declared malnutrition to be a national emergency.[3]

### ***Formal Enactment***

#### **The 1946 National School Lunch Act**

The National School Lunch act was signed by President Harry Truman in 1946. Section 2 of the Act defined its purpose: [4]

“It is hereby declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and

other food, by assisting the States, through grants-in-aid and other means, in providing an adequate supply of food and other facilities for the establishment, maintenance, operation and expansion of nonprofit school lunch programs.”

With the nation still full of patriotic fervor from four years of world war, and the issue framed as one of national security, there were few public arguments against the program. Instead, the main behind-the-scenes negotiations likely involved the level of funding, what proportion of funding the states would be responsible for, which agency(ies) would run the program (USDA or the Department of Education), and how to use the program to best benefit certain agricultural producers.

The current NSLP provides both lunches and after-school snacks to low-income children in public and nonprofit private schools and residential childcare institutions.[4, 5] The program is administered by USDA’s Food and Nutrition Service at the Federal level, and by state education agencies at the state level. School districts and independent schools that participate in the program receive cash subsidies and donated commodity food from the USDA, and in return, they must provide free or reduced price meals to eligible children.[5]

### **The 1966 Child Nutrition Act**

The Child Nutrition Act of 1966 established the School Breakfast Program (SBP) as a two-year pilot project designed to provide grants to schools for serving breakfasts to “nutritionally needy” children. While the term “nutritionally needy” was not defined, the original legislation stipulated that first consideration for program implementation was to be given to schools located in poor areas or in areas where children had to travel a long distance to school. In its current form, the SBP reimburses the states for operating nonprofit breakfast programs in both schools and residential childcare institutions.[6] The administrative structure is the same as for the NSLP. The program was made permanent in 1975.

The Child Nutrition Act also formalized the Special Milk Program, which had been operating since 1954 under P.L. 83-69.[2] Currently, the Special Milk Program provides milk to children in schools, childcare institutions, and summer camps that do not participate in other Federal meal service programs. The program reimburses schools for the milk they serve. Expansion of the NSLP and SBP, which include milk, has led to a substantial reduction in the operations and costs of the Special Milk Program since the late 1960s.[7]

## **Phase II. Implementation**

The implementation phase of policymaking involves two stages: rulemaking, or the establishment of formal rules and regulations used to implement a policy; and operations, which includes measuring, assessing, managing, and overseeing the implementation of a policy.[1]

## ***Rulemaking***

The process of rulemaking as it applies to nutrition policy can best be illustrated by an example from the history of the policy. After the 1992 elections, the Democrats controlled the executive branch and both houses of Congress. A policy window of opportunity opened with regard to the school meals programs. President Clinton appointed Ellen Haas, who had a long history of advocacy on behalf of improved nutrition in school meals, as Undersecretary of Agriculture for Food, Nutrition, and Consumer Services (FNC) at the USDA. The FNC, which is now called the Food and Nutrition Service (FNS), was the policy keeper for all food assistance programs, including the school meals programs.[10]

Soon after the leadership changed in Washington, interest group activity intensified around the nutritional composition of school meals, which had been revealed to be higher in fat, carbohydrates, and sodium than the Dietary Guidelines recommended.[8] In 1995, the USDA proposed a final rule that would have required, among other provisions, that schools use a nutrient-based menu planning (NBMP) approach, which involves a nutritional analysis of foods used in school meals. This was in contrast to a food-based menu planning system, which specifies certain food components in certain amounts (meat/meat alternate, grains/breads, vegetables/fruits, and milk) without precise nutritional guidelines.[9] The proposed final rule would have been a comprehensive overhaul and reform of the national school meals programs.

The rulemaking process occurred in a contentious political environment with multiple stakeholders. For example, industry and business interests with financial concerns about the NBMP approach were represented by the National Cattlemen's Beef Association, the National Dairy Council, and the Produce Marketing Association. These industry groups wield great influence in Washington. As an example, the National Cattlemen's Beef Association has a \$400,000 annual lobbying budget and has contributed nearly \$3 million to federal campaigns since 1990.[10] Proposed reductions in the amount of high-fat foods served, such as cheese, would have cost the dairy industry up to \$200 million annually, and schools would have needed to cut the amount of beef served by more than 125 million pounds.[10] And while the Produce Marketing Association stood to gain if schools served more fresh fruits and vegetables, they feared that schools would use fortified processed foods, rather than fresh produce, to meet the nutritional requirements.[11]

School food service workers and businesses, represented by the American School Food Service Association (ASFSA) and the American Dietetic Association, expressed financial concerns over the costs to schools if the rule were implemented and opposed any changes that would lessen their control or administrative flexibility. Of all the interest groups, the ASFSA had the highest level of input into the proposed regulations. They employed an influential lobbyist and had an extensive network of alliances inside the government, and the organization devoted substantial

resources—from both the general membership and senior management—to the policy process.[11]

Other groups and individuals, such as the American Cancer Society, the American Heart Association, the Vegetarian Resource Group, and the American Academy of Pediatrics, had stakes in the proposed rule due to their interests in child welfare.[11] However, none of these organizations devoted a comparable level of resources to the policy process, nor did the different groups engage in any coalition building. As a result, their influence over the process was minimal.

After the 1994 elections in which the Democrats lost control of the House and Senate, the policy window of opportunity was effectively closed. Undersecretary Haas was widely criticized for her management style, inability to work with representatives of opposing interests, and failure to make the transition from advocate to political appointee and bureaucrat. The final result was the 1995 School Meals Initiative for Healthy Children (further discussed in a later section), which was a Congressional action rather than a change in regulations instituted from a final rule. The initiative resulted in incremental changes that substantially reduced the USDA's power to make changes in the nutritional quality of school meals.

## **Operations**

The operations stage of the implementation phase involves management—leading, strategizing, and designing—and the actual conduct, enforcement, evaluation, and measurement of the programs established by a policy.[1] The school meals programs are operated by the Food and Nutrition Service of the US Department of Agriculture, which also administers the food stamp program, Women, Infants, and Children (WIC), and food-related disaster relief. An organizational chart is shown in Figure 1.[12] Seven regional offices administer the programs and provide assistance to the states. State agencies manage the financial aspects of the programs and monitor the local school food authorities. School boards are responsible for district-level administration, while the local food authorities order supplies and plan menus.[13]

There have been two major assessments of the school meals programs in recent years. Both have illustrated considerable deficiencies in the level of compliance on the part of the schools. According to the USDA's School Nutrition Dietary Assessment Study of 1993, almost none of the schools were in compliance with the Dietary Guidelines.[8] An analysis of one week's menus from a representative sample of over 500 schools showed that the average fat content of meals was 38% (versus the guideline of no more than 30%), and average sodium content was 1,479 mg (versus the guideline of no more than 800 mg).

After the 1995 School Meals Initiative for Healthy Children was enacted (see Recent Major Modifications to the School Meals Programs below), the FNS commissioned a second School

Nutrition Dietary Assessment Study to see if schools had improved.[14] While the study showed positive trends toward meeting the national guidelines, most schools are still falling short of the standards.

### **Phase III. Modification**

The first amendment to the National School Lunch Act, in 1952, extended the program's reach to Hawaii, Alaska, Puerto Rico, Guam and the Virgin Islands.[2] A 1962 amendment corrected some inequities in how the funds were apportioned to different states.[2] Congress passed legislation expanding the school lunch program in 1970 and 1972. In 1971, Congress prevented the Agriculture Department from cutting the program back.

The 1970 bill (HR 515—PL 91-248) set uniform eligibility standards on the program in order to include all needy children. In 1971, when the USDA attempted to reduce the amount of federal contribution to the programs, Congress blocked it. In 1972, Congress raised the federal contribution to the program, established a new funding system designed as an incentive for states to bring more schools into the program, and allowed states to expand eligibility requirements. By 1972, nearly 25 million children were involved in the school lunch program.[15]

In 1981, national average payments were reduced and eligibility requirements were tightened.[16] Further modifications occurred in 1995 (the School Meals Initiative for Healthy Children), 2002 (the Farm Security and Rural Investment Act), and 2004 (the Child Nutrition and WIC Reauthorization Act). Dozens of other changes have been proposed that have died in Congressional committee or failed to achieve political support.

One of the most notorious attempted changes to the meals programs came about as a result of the frenzy of cost cutting after the election of President Reagan. In 1981, Congress cut the child nutrition budget by \$1 billion—more than 25%—and gave the USDA 90 days to develop new standards that would allow for economizing. The USDA proposed the novel approach of classifying condiments, such as pickle relish and ketchup, as vegetables. The immediate negative reaction resulted in the withdrawal of the proposed rule and restoration of the \$1 billion to the budget.[17]

### ***Recent Major Modifications to the School Meals Programs***

#### **The 1995 School Meals Initiative for Healthy Children**

With this 1995 amendment, the School Meals Initiative stipulated that all schools that participate in the NSLP must conform to the US Dietary Guidelines in their school lunch menus. For example, over the course of a week, meals must derive fewer than 30% of their calories from fat. Schools were required to comply by the 1996 school year. Unfortunately, the amendment provided little mechanism for enforcement: compliance reviews are held every five years with

minimal staffing (for example, there are only 23 field workers to cover more than 1,000 schools in California).[18] This issue is discussed further in the Policy Conflicts section below.

### **The 2002 Farm Security and Rural Investment Act**

The Farm Security and Rural Investment Act of 2002 was an amendment to the National School Lunch act that authorized a Fruit and Vegetable Pilot Program to provide free fresh vegetables and fresh and dried fruits to students as snacks. The pilot program was implemented in 100 schools across four states at a cost of \$94 per student per year.[19]

### **The 2004 Child Nutrition and WIC Reauthorization Act**

The extensive modifications of the 2004 reauthorization of the school meals programs expanded the availability of meals and snacks to non-profit summer programs and summer camps, after-school programs, and child care programs. The act also attempted to simplify the enrollment process and streamline administrative procedures. In addition, the act required every school district that participates in federal school meals programs to enact a “wellness policy” by the first day of the 2006 school year.[20]

The Child Nutrition and WIC Reauthorization Act of 2004 also extended the Fruit and Vegetable Pilot program.[21] This allowed the program to continue in the areas which were already participating, and provided funding for four additional states and two additional Native American reservations to participate in the program.

## **Stakeholders**

During all phases of policymaking, the stakeholders in a particular policy have the opportunity to provide feedback in order to attempt to influence the direction of the policy. Aside from government agencies, the main stakeholders in school nutrition policy include:[11, 17]

- Farmers and agribusinesses—especially beef and dairy producers—which receive more than \$800 million annually for their surplus farm products, which are then used in the school food programs.[10] These entities and their lobbyists want the school food programs to continue or increase the use of their products.
- Food service contract management companies, which have contracts in some school districts to run the lunch programs and/or a la carte programs. These entities want less regulation of the types of foods they can serve and/or policies that enhance use of their services. Interestingly, while federal law states that school food services must be operated as a non-profit entity, the for-profit contract management companies are exempt.[9]



- Vending companies and fast food companies, which also have contracts in some school districts. These entities want less regulation over school foods and/or more support for these types of vending and franchising arrangements.
- Trade groups, such as ASFSA, the trade group for food service workers. This group does not want changes in the programs which might cost them money and/or force changes in the operation of school meal programs.
- School districts, which earn money from selling junk food (“competitive foods”) and sodas in vending machines and by selling advertising rights to food and beverage companies. These entities want less regulation and oversight and/or more support for money-making contracts.
- Members of Congress from farm states and others who receive large contributions from agribusiness. These individuals want to reward their supporters by passing legislation that is beneficial to them, or not passing legislation that would harm their interests.
- Advocacy groups such as the American Heart Association and the Food Research and Action Group are in favor of policies that will provide good nutrition for children, including programs to reduce child overweight and obesity.
- Parents of participating children. These individuals want healthy meals for their children.

## **Policy Conflicts**

As with most other federal policies, there are numerous conflicting agendas and priorities involved with the school meals programs. Some of the most contentious current issues are discussed in the following sections.

### ***Federal Nutrition Standards***

As mentioned previously, school lunches must meet the Federal Dietary Guidelines for Americans, which recommend that no more than 30 percent of an individual’s calories come from fat, and less than 10 percent from saturated fat. Regulations also establish a standard for school lunches to provide one-third of the Recommended Dietary Allowances of protein, Vitamin A, Vitamin C, iron, calcium, and calories. Despite the rules, as of the mid-1990s the average fat content of a school meal was still over 30%.<sup>[13, 14]</sup> The continuing use of large amounts of beef and cheese—a result of the commodity programs—has meant that the dietary guidelines are nearly impossible to meet. In addition, federal law requires that schools continue offering whole milk as long as 1% of the students purchase it. As a result, half of all schools serve whole milk, which further increases the saturated fat content of school meals.<sup>[10]</sup>

The policy is also undercut by the commodity programs. Between the kind of food the government sends schools—mostly meat, cheese, and refined carbohydrates—and the

government's failure to enforce its own rules, it's no wonder that as of 2002, three out of four schools still served too much fat.[22]

### ***Conflicting Communications***

While the Federal Dietary Guidelines recommend that Americans eat more whole grains, fruits, and vegetables, other federal communications to consumers (including schoolchildren) promote increased consumption of beef, pork, and dairy products. These communication programs are sponsored by the federal government's commodity promotion programs, known as "check off" programs.[23] The inconsistencies between different governmental messages may undermine the effectiveness of both the dietary guidelines and the school meal programs which are supposed to abide by them.

### ***Junk Food and Soda in Schools***

While NSLP meals must meet nutrition guidelines, there are no federal restrictions on vending machines, sodas, fast food, and junk food—so-called "competitive foods".[24] School districts have a vested interest in keeping vending machines and junk food available, as many of them are earning substantial revenue from these vendor contracts. Nonetheless, many states and localities are banning or restricting competitive foods, and many public health and nutrition activists are pushing for more action in this area.[25-27]

## **Costs of School Nutrition Programs**

Overall federal expenditures for school meal programs since 1969 are shown in Figure 2.[5-7, 28] However, these figures are only part of the story. For purposes of comparison from year to year, it can be helpful to adjust costs to reflect inflation and capture only changes in actual spending. Figure 3 presents expenditures adjusted to 2005 dollars using conversion factors calculated from the Consumer Price Index of the Bureau of Labor Statistics.[29] However, even adjusting for inflation does not give the complete picture of how expenditures have changed from year to year, since the number of units served has changed over time. Hence, Figure 4 presents the cost per units served in 2005 dollars.

As can be seen from the adjusted graph (Figure 3), in constant dollars, expenditures for the school lunch and breakfast programs rose more than five-fold between 1969 and 1979, concurrently with a major recession and rising participation in the programs. After the cost-cutting measures of the early 1980s, expenditures dropped considerably. While costs have risen over the last fifteen years, the increases are not as extreme as the previous graph would suggest. It is interesting to note that, in real terms, expenditures for the commodity programs have declined steadily since the early 1980s.

The programs are means-tested, and eligibility is the same in every state. Students from families with an annual income of 130% or less of the federal poverty line qualify for free lunches. This means that, for the 2006-2007 school year, a child from a family of four with a household income of less than \$26,000 would be eligible for a free meal. Families of four earning between \$26,000 and \$37,000 qualify for reduced-price meals.[5]

Students who qualify for reduced price lunches may be charged no more than 40 cents, but no maximum is set on the amount that may be charged to students who pay the full price. The federal government reimburses schools \$2.40 for every free lunch, \$2.00 for each reduced-price lunch, and 23 cents for lunches provided at full price.[5] Schools are reimbursed \$1.31 for free breakfasts, \$1.01 for reduced-price breakfasts, and 24 cents for full-price breakfasts.[6] In schools where more than 60% of students are eligible for free or reduced-price meals, the government adds up to 24 cents.[6] In addition to cash reimbursements, schools are entitled to receive commodity foods valued at 16.75 cents per meal served. Some states also provide additional funding. School food programs are required to be self-supporting and do not receive any additional funds from general school budgets.[9]

With concerns over the rising costs of the programs, some critics have questioned whether eligibility guidelines for participation are being properly enforced. A study in the late 1990s estimated that up to 20% of the families who were certified to receive free or subsidized school meals were not actually eligible.[17] Schools do not have strict income-verification requirements, and families that are certified at the start of a school year remain certified even if their circumstances change. The proportion of students receiving free or reduced price lunches has increased from 15.1% in 1969 to 59.4% in 2004.[28] The school breakfast program served 71% of breakfasts free or at a reduced price in 1969, and 82.1% in 2005.

## **Conclusion**

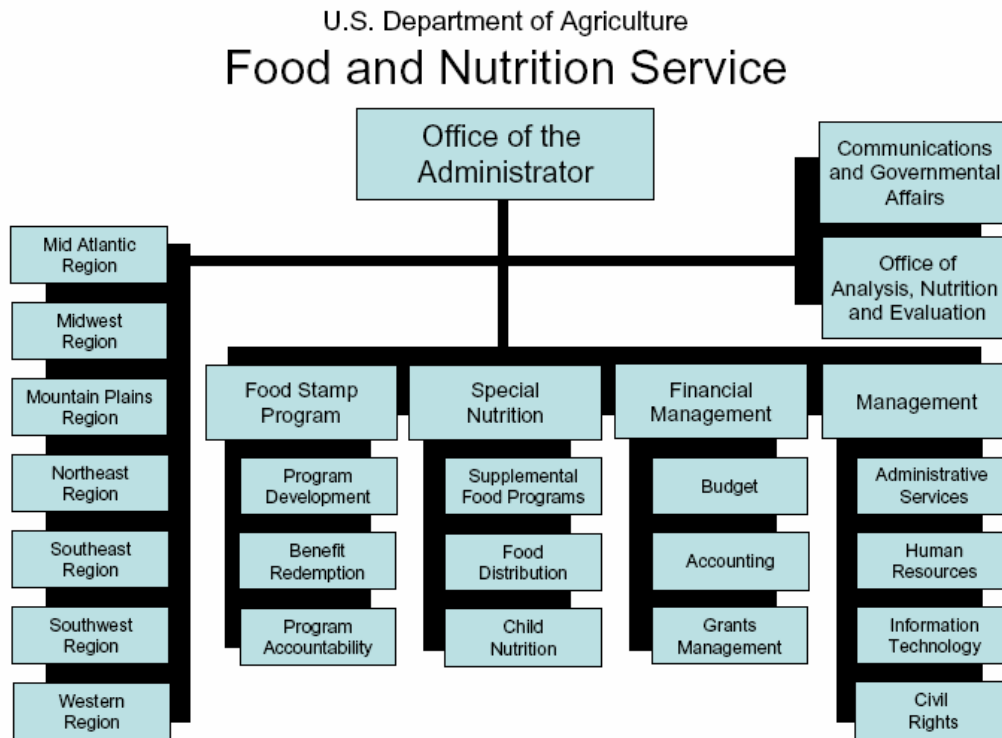
The federal school meals programs are large, entrenched entitlement programs with vocal supporters both within and outside of the government. These programs illustrate the self-interest theory of policymaking, in which policymakers enact legislation based not on efficiency or the interests of the public, but instead on what will serve their own interests in retaining power and influence.[30] From the very beginning, these programs have provided assistance to the poor while also providing a guaranteed market for certain food suppliers. The policies are designed to benefit groups that can afford to purchase influence, while the interests of public health and welfare are given only lip service. The efforts of those who would like to see improvements to these programs would be best directed toward coalition building, media relations, and concentrated advocacy in order to counter the efforts of the large industry groups who are only concerned with profit.

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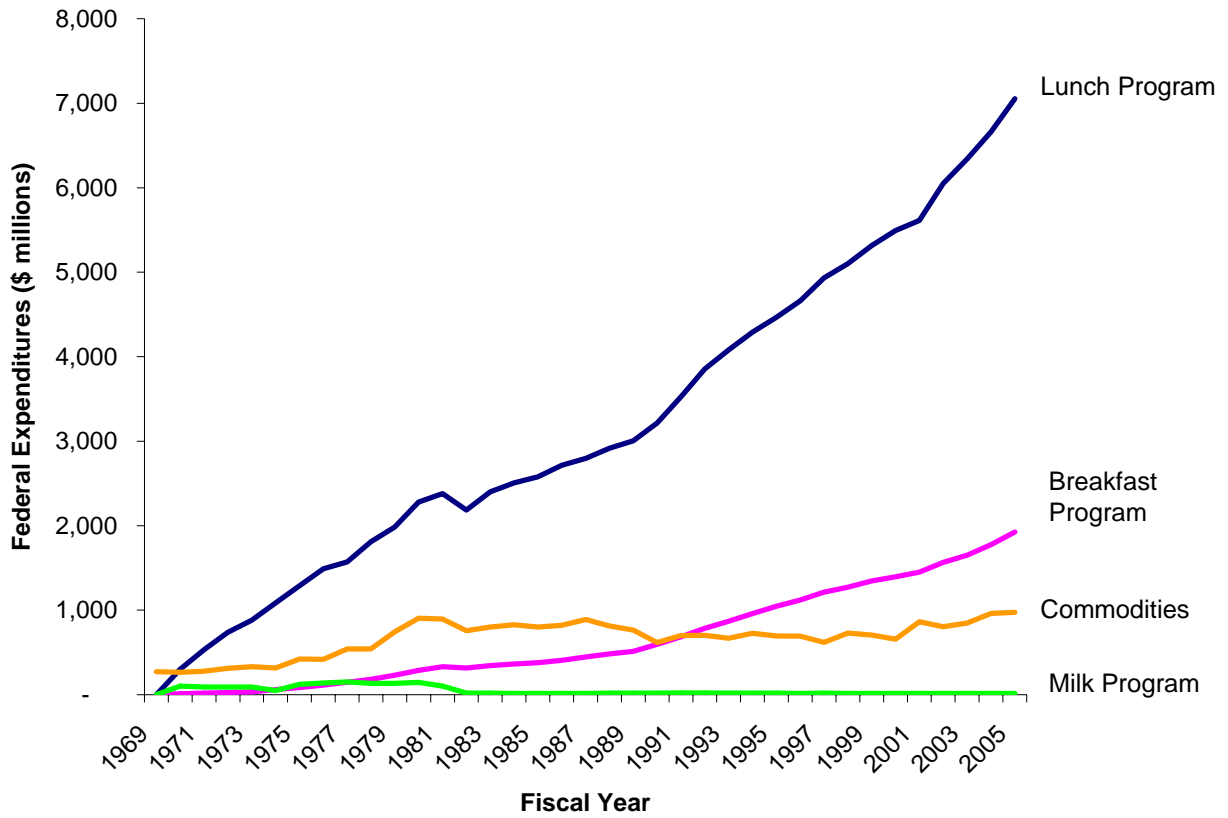
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**Figure 1. Organization Chart of USDA's Food and Nutrition Service**

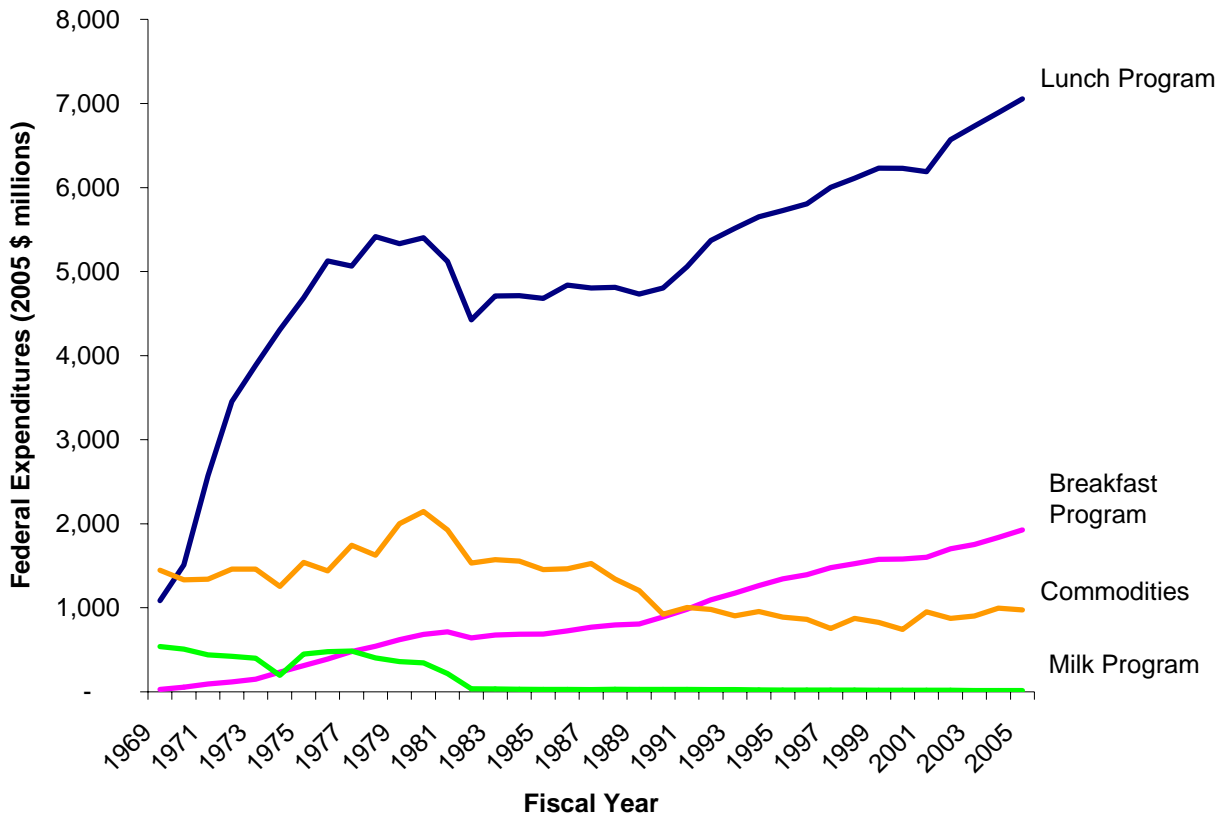


Source: <http://www.fns.usda.gov/cga/OrgChart/OrgChart.pdf>

**Figure 2. School meals program expenditures since 1969 (\$ millions, unadjusted)**

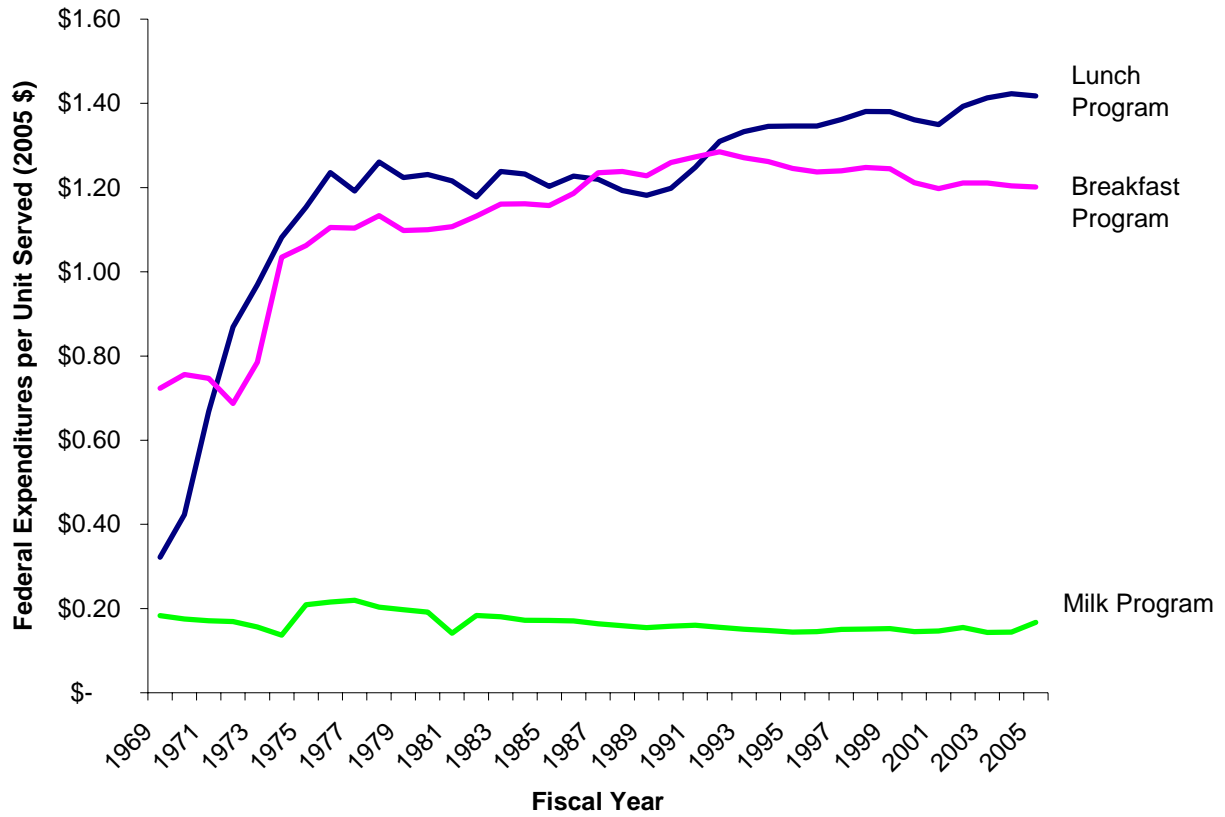


**Figure 3. School meals program expenditures since 1969 (in 2005 \$ millions)**





**Figure 4. School meals program expenditures by number of units served (in 2005 \$ millions)**



*Lunch and breakfast units served = meals; milk units served = half-pints of milk*