Healthy Eating and Active Living at School: An Overview of School Nutrition and Physical Activity Legislation

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Today's Menu

National Overview
- Nutrition and physical activity - Why should we care?
- Obesity - facts, figures, cost to taxpayers
- State legislation summary and evidence base

NCSL Goals:
- To improve the quality & effectiveness of state legislatures
- To promote policy innovation and communication among state legislatures
- To ensure states a strong, cohesive voice in the federal system
Obesity – Fast Facts

- Obesity is epidemic in the U.S. and cost $147 billion in medical costs in 2006. Cost is $1,429 per year for each obese person.
  

- About 67 million U.S. adults are obese.

- Obesity-associated chronic diseases – heart disease, some cancers, stroke, diabetes – are the 1st, 2nd, 3rd, & 6th leading U.S. causes of death.
Adult Obesity Rates by State - 2008

Source: Behavioral Risk Factor Surveillance System, CDC

(*BMI ≥30, or ~ 30 lbs. overweight for 5’ 4” person)

No Data  <10%  10%–14%  15%–19%  20%–24%  25%–29%  ≥30%
County-Specific Obesity Prevalence, 2007

Source: CDC, MMWR, November 20, 2009 / 58(45);1259-1263
County-Specific Diabetes Prevalence, 2007
Source: CDC, MMWR, November 20, 2009 / 58(45);1259-1263
County-Specific Diabetes and Obesity Prevalence, 2007

Source: CDC, MMWR, November 20, 2009 / 58(45);1259-1263
If That's Not Enough...Along Comes the Budget!

Edvard Munch: *The Scream* 1893 (National Gallery of Norway)
Annual State Medical Obesity Costs in Millions of Dollars

Source: Obesity Research, Volume 12, No. 1, January 2004
## Annual State Medical Obesity Costs

### Estimated Annual Obesity Medical Costs for States in Attendance (in millions):

<table>
<thead>
<tr>
<th>State</th>
<th>Cost (in millions)</th>
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<tr>
<td>Alabama</td>
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<td>Alaska</td>
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<td>Wisconsin</td>
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Taxpayers fund about half these expenses through Medicare and Medicaid.

Childhood Obesity – Fast Facts

- About 12 million U.S. children and adolescents (17.1 percent of 2-19 year-olds) are obese.

- Over the past three decades, obesity rates have:
  - more than doubled for children ages 2 to 5 (from 5 percent to 12.4 percent),
  - more than quadrupled for children ages 6 to 11 (from 4.2 percent to 17.6 percent),
  - and more than tripled for youth ages 12 to 19 (from 5 percent to 17 percent).
Percentage of Children Who Are Overweight or Obese: 2007*

* Obesity is defined as body mass index (BMI) at or above the 95th percentile of the 2000 Centers for Disease Control and Prevention BMI-for-age growth charts. Children with BMI between the 85th and 95th percentile are classified as overweight. BMI is calculated as weight in kilograms divided by the square of height in meters. Children age 10-17 are included in this data.

State Childhood Obesity Rates - 2007

Percent of Children Who Were Obese or Overweight for States in Attendance:

Alabama 36.1%
Alaska 33.9%
Arkansas 37.5%
Colorado 27.2%
Hawaii 28.5%
Indiana 29.9%
Iowa 26.5%
Kansas 31.1%
Kentucky 37.1%
Massachusetts 30%
Minnesota 23.1%
Montana 25.6%
Nebraska 31.5%
Nevada 34.2%
New Mexico 32.7%
North Carolina 33.5%
North Dakota 25.7%
Tennessee 36.5%
Utah 23.1%
Vermont 26.7%
Virginia 31%
West Virginia 35.5%
Wisconsin 31%

For additional state childhood obesity rates, please see this NCSL web page:

Nutrition Topics – State Legislation

- Most Prevalent Approaches in Schools
  - Nutrition Standards
  - Nutrition Education
  - Farm-to-School Programs

- Other Nutrition Approaches
  - School Wellness Policies
  - Menu Labeling Nutrition Information
  - Taxes on Foods or Beverages with Minimal Nutritional Value
  - Trans Fat Free Foods
Physical Activity – State Legislation

- Most Prevalent Approaches in Schools
  - Physical Education or Physical Activity During the School Day
  - Recess Legislation
  - Body Mass Index (BMI) or Fitness Screening in Schools

- Other Physical Activity Approaches
  - Safe Routes to School
  - Joint Use Agreements for School Facilities
Childhood Obesity – Other State Legislation

- Other Topics
  - Task Forces, Commissions, Studies or Community Grants
  - Diabetes Screening & Management at School
  - Insurance Coverage for Obesity
  - Raising Awareness
  - Appropriations
  - Multi-sector State or Regional/City Plans - developed by health, planning and transportation departments
  - Health Impact Assessments
Policy Option - Nutrition Standards for School Foods

What's the approach - Set or encourage guidelines for healthier food and beverage choices at school, to help build lifelong healthy eating habits.

- What's the evidence -
  - Proper nutrition enhances academic achievement.
  - A review of 129 studies found strong evidence that availability of nutritious foods and point of purchase strategies influence behavior.
  - Offering healthier foods and beverages has a positive or neutral effect on school food revenues.
  - Students will purchase and consume healthy foods.
  - A la carte food availability is linked to higher intake of calories and fat.
  - Increasing availability of fresh fruits and vegetables at school helps to encourage consumption.

- At least 17 states have set or improved standards since 2003.
- TFAH says 20 states' nutrition standards exceed USDA requirements; 28 states have standards for competitive foods.
Policy Option - Nutrition Standards for School Foods

Examples of recently enacted legislation:

- **Ohio** - Establishes nutrition standards for school foods and beverages, daily physical activity, P.E. pilot, to combat obesity. (SB 210, 2010 enacted)

- **District of Columbia** - Healthy Schools Act establishes nutrition standards for school foods, healthy vending, fundraising and marketing; encourages physical education/activity. (Bill 18-54, 2010 enacted)

- **Mississippi** - Healthy Students Act requires State Board of Education to adopt healthy food and beverage regulations. (SB 2369, 2007 enacted)

- **North Carolina** - State Board of Education to consult nutrition directors to establish statewide nutrition standards, phased in by grade-level, for school meals, a la carte, beverages, after school. (HB 1473, 2007 enacted)

- **Oregon** - Sets minimum school food and beverage standards, prohibits trans fats; allows more restrictive local standards. (HB 2650, 2007 enacted)

- **Rhode Island** - Requires healthier high school beverages and snacks, including in vending machines. (HB 5050, 2007 enacted)
Federal Child Nutrition Reauthorization - Pending

HR 5504 - Improving Nutrition for America's Children Act (Introduced in House - IH)

`(b) National School Nutrition Standards-

`(1) REGULATIONS-

`(A) IN GENERAL- The Secretary shall establish science-based nutrition standards for foods sold in schools other than foods provided under this Act and the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

`(B) APPLICATION- The nutrition standards shall apply to all foods sold--

`(i) outside the school meal programs under this Act and the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

`(ii) on the school campus; and

`(iii) at any time during the extended school day ....

`(C) REQUIREMENTS- In establishing nutrition standards under this paragraph, the Secretary shall--

`(i) establish standards that are consistent with the goals of the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341) (in this subsection referred to as the `Dietary Guidelines'), including the provisions related to food groups to encourage and nutrients of concern; and

`(ii) consider--

`(I) authoritative scientific recommendations for nutrition standards;

`(II) existing school nutrition standards, including voluntary standards for beverages and snack foods, and State and local standards;

`(III) the practical application of the nutrition standards; and

`(IV) special exemptions for school-sponsored fundraisers (other than fundraising through vending machines, school stores, snack bars, a la carte sales, and any other exclusions determined by the Secretary), if the fundraisers are approved by the school and--

`(aa) are infrequent within the school during the official school day

Pending floor vote in Senate - S 3307 Healthy, Hunger-Free Kids Act of 2010

+ 6 cents reimbursement increase to states and water available
Policy Option - Nutrition Education

What's the approach - Require nutrition education as a component of school health curriculum or include nutrition education in obesity prevention programs.

- What's the evidence -
  - A USDA review of 217 studies found nutrition education is a significant factor in improving dietary practices.
  - Programs of longer duration with more components--such as parent involvement or changes in school meals--produce more positive outcomes.

- At least 10 states currently require some type of nutrition education in schools: CA, CO, IN, LA, ME, NH, SC, TX, WV, VT.
Policy Option - Nutrition Education

Examples of recently enacted legislation:

- **Massachusetts** - As part of a general appropriation bill for FY 2010, incorporates *obesity prevention programs into school curricula*, including nutrition and wellness programs. (HB 4149, 2009 enacted)

- **Pennsylvania** - Among other provisions related to local wellness policies and nutritional guidelines for school foods and beverages, provides that the Pennsylvania Child *Wellness Plan shall include* recommendations for "teaching about nutrition and obesity." (HB 185, 2006, enacted)

- **Vermont** - Directs education commissioner to award small *grants to schools that use Vermont products in their food services programs and provide nutrition education*; and to report to the general assembly regarding school district adoption of nutrition policies. (HB 456, 2006, enacted)
Policy Option - Farm-to-School Programs

What's the approach - Provide mechanisms for schools to connect with local farmers and producers to bring more local fruits, vegetables and agricultural products to school meals. Also provides expanded market for local farmers. Often includes state coordinator, producer database and hands-on nutrition education such as school gardens.

Programs often enjoy strong bipartisan support because of their multi-sector benefits - schools, agriculture, health.

What's the evidence -

- Children are more likely to eat fresh fruits and vegetables when they learn about them in the classroom and have a connection to the farmer.
- USDA case studies of farm-to-school programs show that using local fresh foods increases school meal participation and consumption of vegetables.
- Higher meal participation can increase federal meal reimbursement to states. At least 19 states and DC currently have some type of statewide farm-to-school program. About 2,000 local farm-to-school programs in 39 states.
Policy Option - Farm-to-School Programs

Examples of recently enacted legislation:

- **Alaska** - Establishes farm-to-school program, includes provisions for school gardens and greenhouses. (HB 70, 2010 enacted)

- **District of Columbia** - Healthy Schools Act establishes a farm-to-school program and provides an additional 5 cents for each lunch that includes local foods. (Bill 18-54, 2010 enacted)

- **Oregon** - Requires education and agriculture to work together to create farm-to-school and school garden program. (HB 3601, 2008 enacted)

- **Washington** - Creates a farm-to-school program to facilitate purchase of Washington grown food by schools, link school districts and local producers, and integrate curricula and programs that demonstrate the benefits of local food. (SB 6483, 2008 enacted)

- **Wisconsin** - Creates farm-to-school council to administer program, promote local foods and provide grants. (SB 313, 2010 enacted)
Policy Option - School Wellness Policies

- Federal law required school districts participating in federal school meal programs to establish local wellness policies beginning with the 2006-2007 school year. (Child Nutrition and WIC Reauthorization Act of 2004, Public Law 108-265)

- Required wellness policy elements:
  - Nutrition education,
  - Physical activity,
  - Campus-wide healthy foods, and other school-based activities designed to promote student wellness.

- In 2006-2009 at least 11 states enacted legislation to support school wellness policies: CO, DE, FL, IN, KY, MD, MS, OK, PA, RI, TN.

What's the evidence

- Research shows broad, community-wide campaigns to promote physical activity and wellness are generally effective.

- BUT - Other analysis finds varied compliance with federal school wellness policy requirements.
Policy Option - Physical Education and/or Physical Activity at School

- What's the approach - Set or encourage requirements for frequency and/or duration of physical education and/or physical activity at school, often by grade level.
  - Bills enacted 2005 - 2009 - at least 47 bills enacted to address aspects of physical activity in school.
  - 49 states require physical education in schools, but the scope of the requirement varies greatly. Few require daily physical education for grades K-12.

- What's the evidence -
  - Evidence links physical activity during the school day to increased student achievement. CDC report released in April 2010 cites 50 studies on this point.
  - The link between physical activity and academic performance is most significant when kids meet Healthy People 2010 guidelines for vigorous activity 20 minutes per day, at least 3 days per week.

Policy Option - Physical Education and/or Physical Activity at School

Examples of recently enacted legislation:

– **Alabama** - Requires all students in grades K-8 to take physical education. (HB 105, 2010 enacted)

– **Oklahoma** - Requires an average of 60 minutes daily of physical activity in grades K-6 to maintain school accreditation. (SB 1186, 2008 enacted)

– **Oregon** - Over 10 years, phases in a requirement for 150 minutes weekly of physical education in elementary schools and 210 minutes weekly in middle schools. (HB 3141, 2007 enacted)

– **Texas** - Requires 30 minutes daily of physical activity for grades K-6 and at least 4 semesters of 30 minutes/day physical activity for grades 6-8. (HB1257, SB 530, 2007 enacted)
Policy Option - Recess at School

- What's the approach - Urge or require schools to provide daily recess with physical activity during the school day.
- At least 7 states currently have some type of school recess requirement.
- Some states also encourage physical activity opportunities before, during, and after school such as dance instruction, fitness trail programs, intramural programs, bicycling or walking programs, and activities to promote physical activity in the classroom.

- What's the evidence -
  - Physical activity during the school day can increase student achievement.
  - Recess may help develop interpersonal communication skills.
  - Recess is an avenue for creativity.
Policy Option - Recess at School

- Examples of recently enacted legislation:
  - **Arkansas** - Resolution urges schools to provide a mid-morning and mid-afternoon recess of at least 10 minutes for grades K-6. (2007, HR 1023, adopted)
  
  - **Washington** - Requires a cooperative survey by education and parent teacher organizations of the availability of recess in elementary schools and a report to the legislature. (2009, SB 5551, enacted)
Policy Option - Body Mass Index (BMI) and/or Fitness Screening at School

What's the approach - Require schools to assess student fitness and/or measure student weight and height and calculate BMI; collect aggregate data or send individual confidential reports to parents.

What's the evidence -

- Arkansas' Act 1220 of 2003 to Combat Childhood Obesity included BMI measurement with confidential reports to parents and other community- and school-based actions. In annual studies after Act 1220 was enacted, childhood obesity rates in the state held steady for 2 years and declined slightly in the 3rd year from 20.9% to 20.4%. But rates are now on the upswing.*

- At least 20 states currently have some type of student BMI or fitness screening at school or legislative requirements to develop a BMI pilot: AR, CA, DE (pilot), FL, IL, IA (pilot), LA (fitness), ME, MO, NY, NC, OH, OK, PA, SC (fitness pilot), TN, TX, VA (fitness in wellness database), VT and WV.

* AR rolled back BMI screening to every other year in 2007. ◦ Requirement was legislatively enacted.
Policy Option - Body Mass Index (BMI) and/or Fitness Screening at School

- **Examples of recently enacted legislation:**
  - **Louisiana** - Expands a pilot program to provide health-related fitness assessments statewide, focused on schools with high poverty rates. (2009, SB 309, enacted)
  - **Oklahoma** - Directs the state departments of education and health to develop a physical fitness assessment software program that can track five components of student health-related fitness: aerobic capacity, muscular strength, muscular endurance, flexibility and weight status. (2008, SB 519, enacted)
Policy Option - Safe Routes to School

What's the approach - Safe Routes to School (SRTS) Programs - aimed at providing children with safe, feasible ways to walk or bike to school.

- Other benefits - reduce traffic congestion and improve health and the environment.
- Recent development of more federal and state funding for SRTS programs.
Policy Option - Safe Routes to School

- Examples of recently enacted legislation:
  - **Hawaii** - Requires the director of transportation to conduct a **statewide pupil travel evaluation** and award federal grants for community planning to reduce traffic congestion, encourage biking and walking and increase health and safety. (HB 983, 2009, enacted)
  - **Minnesota** - Requires school boards proposing to build an educational facility to submit a proposal that includes a description of pedestrian, bicycle and transit connections between the school and nearby residential areas. (HF 2, 2009, enacted)
  - **Washington** - Establishes a **safe routes to school program** in the state's **department of transportation**. (HB 1793, 2009, enacted)
Policy Option - Joint Use Agreements

What's the approach - Joint Use Agreement = a formal agreement between two government entities (often a school and city or county) with terms for shared use of facilities or public property.

Many schools close facilities after school hours because of concerns about liability, costs, security or maintenance. These concerns can be alleviated by joint use agreements.

- Facilities that can be opened to promote recreation include: gymnasiums, playgrounds, fields, courts, tracks. This may be a lower cost option for safe, adequate places for recreation in local communities.

- State-level facilitating factors:
  - Governmental immunity laws in all 50 states.
  - Some states have recreational user statutes providing additional protection for landowners to encourage opening property for public use.
  - No state has more onerous liability rules for property use after school.
  - Many states have more favorable liability rules for property use after school.
Long Term Results?

A nearly middle-aged man able to leap tall buildings in a single bound? The evidence was staring us in the face, but most people chose not to see it.

Look! Up in the sky!

It’s a bird!

It’s a plane!

It’s a phenomenon easily explained by improved conditioning and better nutrition!
Additional Resources

Links for NCSL and other resources on legislation and policy options to address school nutrition, physical activity and childhood obesity:

- **NCSL web page: Fighting Obesity Spotlight and Resource List**
- **NCSL web page: Childhood Obesity – 2009 Update of Legislative Policy Options**
- **NCSL web page: Childhood Obesity – 2008 Update of Legislative Policy Options**
- **NCSL web page: Childhood Obesity – 2007 Update of Legislative Policy Options**
- **NCSL web page: Childhood Obesity – 2006 Update of Legislative Policy Options**
- **NCSL web page: Childhood Obesity – 2005 Update of Legislative Policy Options**
- **NCSL web page: Healthy communities: Food systems, healthy eating and physical activity**

Other resources:

- Information about school-based physical activity and academic achievement:
  [http://www.cdc.gov/HealthyYouth/health_and_academics/index.htm#3](http://www.cdc.gov/HealthyYouth/health_and_academics/index.htm#3)
- Information about federal school wellness policy requirements from USDA:
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