

Testimony of:

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The Implementation of the Healthy Schools Act, D.C. Law 18-209

**John A. Wilson Building
1350 Pennsylvania Ave., NW, Room 500
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Thank you for this opportunity to testify on the implementation of the Healthy Schools Act, and thank you for your leadership Councilmember Cheh in assuring that the Act will be funded in the Fiscal Year 2011 budget. A law is only as good as its implementation, and we appreciate that you are committed to learning how this piece of legislation is working in the community and how we can make it work even better.

My name is Andrea Northup and I coordinate the D.C. Farm to School Network, a program of the Capital Area Food Bank. The Network aims to improve child health in the District by increasing access to healthy, local food in school meals. I work primarily with school food service providers that prepare meals for D.C. public and public charter schools, so my comments reflect the sections of the Act that pertain to school meals.

The Healthy Schools Act is beginning to make its mark in school cafeterias across the District. Schools were tentative and uncertain about the Act when it first became law, and many still are. But more and more schools are learning about and complying with the Act's requirements. I will make a few suggestions about how to make the Act even more successful, and I am happy to discuss any or all of them in greater detail.

OUTREACH & COMMUNICATION

First, we need a comprehensive communication plan for the Healthy Schools Act, with strategies and tactics tailored to different stakeholders affected by the Act. The public, teachers, parents, food service vendors and school administrators need to know more. Despite efforts by OSSE and other agencies to disseminate information about the Act, there is a lot of confusion about its requirements, timelines, incentives and punitive measures.

At the beginning of the school year, schools and food service vendors didn't know when the Act was going to take effect, or when they will be reimbursed for complying with the enhanced school meal requirements. As a result, schools didn't know what to specify in their requests for school food service contract bids (did they know enough to require that meals from vendors must meet HSA requirements and assume that they'd have extra money to pay?) and vendors didn't know what to include in their proposals (did they assume that they'd have to provide meals to the Act's high standards and risk getting undercut by other vendors?). Complying with the Healthy

Schools Act was a gamble for schools and vendors, and they haven't gotten paid yet.

Outside of the school food domain, most principals and school administrators are vaguely aware of the Act's requirements, but don't seem to have received clear or consistent messaging about what is required of them and when, and what tools/resources are available to help. Parents and teachers also have not received communication, as evidenced by the emails and inquiries I get from parents about the different components of the Act.

The Council should work with the community to develop an outreach plan, and delineate specific communication tasks to different agencies and community partners. For example, the Council could require trainings on certain topics, dissemination of educational materials, or the creation of templates and worksheets. Community partners have stepped up to fill the communication void - D.C. Hunger Solutions spearheaded the creation of a comprehensive website with information about the Act. We've worked together to create a pamphlet outlining the school meal requirements in the Act. We've emailed, talked on the phone, and met with numerous schools to help them comply. Other non-profit organizations could help as well, but we need to all be on the same page instead of working on parallel/piecemeal efforts.

The Council needs to take the lead, and hold agencies and community partners accountable for clearly delineated communication responsibilities. Communication could go both ways - in terms of disseminating information, and getting feedback. All stakeholders involved want and need to know more about the Act. And the more they know, the more invested they will be in the Act's success.

COUNCIL-AGENCY COLLABORATION & ACCOUNTABILITY

Second, a point person in the Council or an appointed official in the Mayor's administration needs to communicate directly with the agencies implementing the Act, and hold agencies accountable for carrying out the tasks required of them by law. Open communication along these lines was prohibited by the current Mayor, but I hope the Gray Administration stays true to its promise to increase cooperation between the Council and the Executive Branch. The Healthy Schools Act is a very broad and complex piece of legislation that includes many new programs and initiatives. As such, OSSE and the other agencies charged with implementation must be monitored and held accountable by the Council.

For example, OSSE held trainings in October for schools and food service vendors about the Healthy Schools Act requirements. Claiming to have held trainings is not enough - the Council needs to demand specific outcomes, presentations, content, handouts, etc., because the training was not adequate. Schools and vendors reported being more confused when they left than when they came. OSSE staff went through a cut-and-dry overview of the Act, and left many questions unanswered. The agency provided very few tools, resources, community support, or templates to help the schools comply. And DC Hunger Solutions was the only community organization that knew about the training so they were able to present, but other community organizations should have been informed (or none at all). I was only able to go because I heard about it last-minute from a school. This is not acceptable.

The Council and Mayor must work together and hold agencies accountable through regular check-in meetings, public hearings, and specific reporting timetables. Some implementation collaboration is already happening - please make sure it is even more transparent so that the public can be aware. The Act will be most successful if there is transparency and accountability around implementation responsibilities and timelines, and agencies have the staff they need to carry out these duties.

EVALUATION

Third, we have an opportunity to measure the impact of the Healthy Schools Act and find out how cost-effective and successful different components of the Act are. We are slowly letting this opportunity pass us by. We owe it to the children of the District of Columbia to see this Act through - all the way from legislative language to impact on child health. Crafting a great bill is not enough. If we understand the Act's impact in the community, we'll know what needs to be improved upon, and it will set the stage for other jurisdictions to effectively replicate the District's successes. Fortunately many of the measures that would comprise such an assessment are already in place, or required by the Act itself. Evaluation outcomes should be gathered and shared publically, especially key implementation statistics such as breakfast in the classroom participation rates, or information about farm to school claims.

MEASUREMENT

One small issue that came up when I asked school food stakeholders for their feedback on the Act is that schools cooking from scratch must use special hardware and software to provide nutrient analysis. I've heard from schools that this costs around \$500. Perhaps OSSE could purchase some of this equipment (or perhaps they already have) for schools to use if they need to find the nutritional information of meals in order to comply with the Act.

CENTRAL KITCHEN

I'd like to make a final note on the large-scale production kitchen promised to D.C. schools for improving the quality and nutrition of school meals. I would just urge the council that the charter schools be involved in the deliberations as that production kitchen is brought to fruition, not just DCPS. They too deserve to use a central facility for storage, food preparation and distribution.

INCENTIVE PASS-THROUGH

In their testimony, D.C. Central Kitchen mentioned the issue that the extra reimbursements for school meals are not being passed through to the food service vendors preparing the meals in a number of instances. In some cases, schools have asked vendors to prepare meals to comply with the Healthy Schools Act, and have offered more funding to do so. In others, schools have asked vendors to comply but have NOT offered more funding to do so. And in other cases, schools have just not asked vendors to comply at all. This has to do with the communication issues mentioned in my first point - schools and vendors need a better grasp on the requirements and incentives in the Act. But it is also tied to another point - the schools are promised the

funding (per meal) for complying with the Act, but they are not required to pass it on to their vendors. So in the end, many of the vendors operating under the first case I described (like DCCK) are getting squeezed because they're providing better meals without direct funding. This was an issue that came up when we first brainstorming how a funding incentive could work because the NSLP reimburses schools not vendors. But it deserves to be revisited, because it's still an issue that vendors continue to have. Perhaps their could be a stipulation put into the standard school-vendor contract starting next year that requires schools to pass on the Healthy Schools Act funding to vendors that win their contracts.

FARM TO SCHOOL CLARIFICATIONS

Finally, I have a few comments specifically about the farm to school incentive in the Act.

The first issue is that Act requires OSSE to provide schools with 5 cents per meal if they serve a fresh (or unprocessed) local food as a meal component, and list the name and address of the farm where that food came from. The Act uses the USDA definition of unprocessed, which includes pasteurized milk. Almost every school in the District get their milk from Cloverland Dairy based in Baltimore, or another locally-based milk distributor. If the goal of this reimbursement is to get more fresh, local fruits and vegetables into school meals, you might consider excluding milk from the qualifying unprocessed foods. Or I have two suggestions.

The first is that since most dairies add Vitamins A & D or other substances to their milk, you could clarify that only milk without these additives would count for the farm to school reimbursement. The second is that Cloverland Dairy and other large, industrial milk operations probably can't give you the exact name and address of the farm where the milk came from, because they're gathering milk for distribution from all over the country. So depending on how stringent the origin labeling requirements are defined, industrial milk could be excluded from the reimbursement. I'm happy to follow up with you to discuss this matter further, and find a solution that rewards schools for serving healthy, farm-fresh foods in school meals.

This issue is tied to a problem about OSSE's take on the farm to school section of the Act in general. When describing the section in the school training in October, OSSE first and foremost stated that every school should qualify for the farm to school reimbursement because everyone was serving local milk (and encouraged schools not serving local milk to do so). I understand that OSSE wants schools to comply with the Act as much as possible, but highlighting all of the wonderful fresh fruits and vegetables that would ALSO qualify for the reimbursement would have been appropriate. Even stating that the farm to school incentive was designed to help schools serve more fresh, local fruits and vegetables would have been accurate. Perhaps this is a function of OSSE's inadequate staffing capacity to implement the Healthy Schools Act, but it seems somewhat of an unnecessary distortion of the Act's intentions.

Another issue is defining the name and address

Another issue is the definition of Sustainable Agriculture. The current definition in the Act is:

“Sustainable agriculture” means an integrated system of plant and animal production practices

having a site-specific application that will, over the long-term:

- (A) Satisfy human food and fiber needs;
- (B) Enhance environmental quality and the natural resource base upon which the agricultural economy depends;
- (C) Make the most efficient use of nonrenewable resources and on-farm resources and integrate, where appropriate, natural biological cycles and controls;
- (D) Sustain the economic viability of farm operations; and
- (E) Enhance the quality of life for farmers and society as a whole.

OSSE needs more guidance on what sustainable agriculture is, and how it is to be reported by the schools and food service vendors. When school food service providers asked OSSE to clarify what sustainable agriculture is at the training, OSSE staff could only refer schools to the definition in the Act. The current definition is confusing for an agency and school food service providers not familiar with farming terminology and processes, and near impossible to clarify without visiting the farm itself and talking to the owner. It is unclear to the schools how they should report whether or not a fruit or vegetable is sustainably-grown. Right now it seems that they just have to mark YES or NO on their menus. If the assumption is that the schools or vendors must ask farmers directly, I don't know of any farmer who would say that they don't fit into this definition. This is an issue coming up all over the country - how can we find a measurable definition of sustainable agriculture without it turning into something like organic certification? Perhaps this section of the law should be implemented only when OSSE (or a contracted partner organization) has the capacity to do third party certification of farms providing foods for DC schools for sustainable practices. Thinking realistically, clear guidance must be issued on specific farm practices and features that would meet the definition, along with specific examples/lists of farms that meet the definition.

Another definition that needs clarification is the requirement that schools "report the name and address of the farms where the locally grown foods were grown to the Office of the State Superintendent of Education." Is it enough for schools just to list a number of farm names and addresses at the bottom of the menu, or must they be tied directly to the food that qualified for the farm to school reimbursement? Also, perhaps including a phone number would be helpful so that outside organizations can hold schools accountable.

To build on that note, one way to make sure that the farm to school component of the Act (and other school meal/nutrition requirements) are reported is to provide schools with a user-friendly menu template that they could fill out each month for submission to OSSE. OSSE could work with the Council and school food service vendors/schools to develop such a template, which would make reporting requirements clearer and easier to comply with. For example, the farm to school information could be reported using footnotes, with a small number next to each qualifying fruit or vegetable component tied to a farm name, address, and phone number at the bottom of the page. Right now OSSE has given examples of menus that include all of the necessary information, but could use some feedback from schools to create a template that could work for everyone. With buy-in and functionality, such a template could result in higher compliance and satisfaction for all.

Thank you again for the opportunity to testify. I commend you on passing this landmark legislation for the children of the District of Columbia, and I commend you further for assuring that it is successfully implemented. Please consider some of these cost-effective suggestions for improving upon the Act, and I am happy to discuss any or all of them in further detail at your request.

Respectfully,

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