



Nancy S. Grasmick
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD

TO: Members of the State Board of Education
FROM: Nancy S. Grasmick *Nancy*
DATE: January 25, 2011
RE: Federal Legislative Update

PURPOSE:

The purpose of this agenda item is to update the State Board of Education on federal legislation affecting education, child care, libraries and vocational rehabilitation.

EXECUTIVE SUMMARY:

Appropriations:

Congress has not yet passed an appropriations bill for federal fiscal year 2011 which began October 1, 2010. They have passed a Continuing Resolution (CR) that will be in effect until March 4th and freezes education funding at the FY10 level, which is basically the same as the 2009 level. The Early Learning Challenge Fund which we lobbied very hard for is not included in the CR.

Reauthorization of the Child Nutrition Programs:

The Healthy, Hunger-Free Kids Act of 2010, the reauthorization of the Child Nutrition Programs, was passed by Congress and signed by the President on December 13, 2010. A summary of the Bill's provisions is attached, as well as a January 13, 2011 US Department of Agriculture (USDA) press release on proposed rules to update the nutrition standards for meals served through the National School Lunch and School Breakfast programs. MSDE staff in the School Nutrition Branch are reviewing the proposed rules and will provide comments to USDA as appropriate.

Reauthorization of the Elementary and Secondary Education Act (ESEA):

On the Senate side: It was recently reported that Dan Smith, the Senate HELP Committee Staff Director, said that Chairman Harkin intends to markup an ESEA bill by Easter, have it on the Senate floor by late spring/early summer and get it finalized and done by the August recess. Jason Unger from Majority Leader Reid's staff did not confirm that timeline but stated that the Senate leadership expects to take up ESEA "this year."



On the House side: It was recently reported that Rep. John Kline, R-MN, the incoming chairman of the House Education and Workforce Committee, has said there is not going to be a rewrite of the No Child Left Behind Act. Instead, Kline wants to pass a series of stand-alone bills to rectify pieces of NCLB. Reportedly, Kline recently stated, "I'm increasingly of the notion that we're going to do this in smaller steps rather than a big reauthorization. You could take it by title. You could do it by issue."

New House Committee Members:

House Republicans have named their members on the Education and Workforce Committee, the Appropriations Committee and the Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies. House Democrats have only named members to the full Appropriations Committee at the time of this mailing (See attachment). A more up-to-date listing will be provided at the Board meeting if newer information is available at that time.

Federal Priorities:

This Board has traditionally supplied their position on reauthorization and other federal issues in its Federal Priorities document which is submitted to the Governor's office and included in the Governor's submission to the Maryland Congressional delegation. This usually occurs in December or January. However, this year the Governor's Washington Office has indicated the Governor may not submit a Federal Priorities document to the Maryland delegation. The primary purpose of the document is to provide the State's earmark requests to the delegation and, as it is quite likely there will be no earmarks in the next budget request, the Governor's Washington office is currently asking state agencies to wait for further direction. Therefore, a Federal Priorities document is not being submitted for your approval at this time.

ACTION:

For information only.

Attachments



CHILD NUTRITION REAUTHORIZATION HEALTHY, HUNGER-FREE KIDS ACT OF 2010

The Healthy, Hunger-Free Kids Act of 2010 represents a major step forward in our nation's effort to provide all children with healthy food in schools. Increasingly schools are playing a central role in children's health. Over 31 million children receive meals through the school lunch program and many children receive most, if not all, of their meals at school. With over seventeen million children living in food insecure households and one out of every three children in America now considered overweight or obese, schools often are on the front lines of our national challenge to combat childhood obesity and improve children's overall health. This legislation includes significant improvements that will help provide children with healthier and more nutritious food options, educate children about making healthy food choices, and teach children healthy habits that can last a lifetime.

WHAT IS THE CHILD NUTRITION REAUTHORIZATION BILL?

The Healthy, Hunger-Free Kids Act of 2010 authorizes funding for federal school meal and child nutrition programs and increases access to healthy food for low-income children. The bill that reauthorizes these programs is often referred to by shorthand as the child nutrition reauthorization bill. This particular bill reauthorizes child nutrition programs for five years and includes \$4.5 billion in new funding for these programs over 10 years.

Many of the programs featured in the Act do not have a specific expiration date, but Congress is periodically required to review and reauthorize funding. This reauthorization presents an important opportunity to strengthen programs to address more effectively the needs of our nation's children and young adults.

WHAT DOES IT DO?

Improves Nutrition and Focuses on Reducing Childhood Obesity

- **Gives USDA the authority to set nutritional standards** for all foods regularly sold in schools during the school day, including vending machines, the "a la carte" lunch lines, and school stores.
- **Provides additional funding to schools that meet updated nutritional standards** for federally-subsidized lunches. This is an historic investment, the first real reimbursement rate increase in over 30 years.
- **Helps communities establish local farm to school networks, create school gardens,** and ensures that more local foods are used in the school setting.
- **Builds on USDA work to improve nutritional quality of commodity foods** that schools receive from USDA and use in their breakfast and lunch programs.
- **Expands access to drinking water** in schools, particularly during meal times.

- **Sets basic standards for school wellness policies** including goals for nutrition promotion and education and physical activity, while still permitting local flexibility to tailor the policies to their particular needs.
- **Promotes nutrition and wellness in child care settings** through the federally-subsidized Child and Adult Care Food Program.
- **Expands support for breastfeeding** through the WIC program.

Increases Access

- **Increases the number of eligible children enrolled in school meal programs by approximately 115,000 students** by using Medicaid data to directly certify children who meet income requirements.
- **Helps certify an average additional 4,500 students per year** to receive school meals by setting benchmarks for states to improve the certification process.
- **Allows more universal meal access for eligible students** in high poverty communities by eliminating paper applications and using census data to determine school-wide income eligibility.
- **Expands USDA authority to support meals** served to at-risk children in afterschool programs.

Increases Program Monitoring and Integrity

- **Requires school districts to be audited every three years** to improve compliance with nutritional standards.
- **Requires schools to make information more readily available** to parents about the nutritional quality of meals.
- **Includes provisions to ensure the safety of school foods** like improving recall procedures and extending hazard analysis and food safety requirements for school meals throughout the campus.
- **Provides training and technical assistance** for school food service providers.

WHAT IS THE TIME FRAME?

USDA will work with states, school districts and neighborhoods to implement the provisions of the bill and Americans will start to see changes in their communities over time.

US Department of Agriculture Press Release

USDA Unveils Critical Upgrades to Nutritional Standards for School Meals

Proposed Changes Will Improve the Health and Wellbeing of Children Nationwide and Help Address Childhood Obesity Crisis

WASHINGTON, Jan. 13, 2010 —The U.S. Department of Agriculture today published a proposed rule to update the nutrition standards for meals served through the National School Lunch and School Breakfast programs as part of the Healthy, Hunger-Free Kids Act of 2010, signed into law by President Barack Obama on December 13, 2010. The new proposed meal requirements will raise standards for the first time in fifteen years and will make critical changes to school meals and help improve the health and nutrition of nearly 32 million kids that participate in school meal programs every school day, an important component of First Lady Michelle Obama's *Let's Move!* initiative to solve the challenge of childhood obesity within a generation.

“The United States is facing an obesity epidemic and the crisis of poor diets threatens the future of our children – and our nation,” said Agriculture Secretary Tom Vilsack. “With many children consuming as many as half their daily calories at school, strengthening nutritional standards is an important step in the Obama administration's effort to combat childhood obesity and improve the health and wellbeing of all our kids.”

The proposed changes to school meal standards, which would add more fruits, vegetables, whole grains, fat-free and low-fat milk to school meals, are based on recommendations released in October 2009 by the National Academies' Institute of Medicine (IOM) and presented in their report, *School Meals: Building Blocks for Healthy Children*. Schools would also be required to limit the levels of saturated fat, sodium, calories, and trans fats in meals.

The Healthy, Hunger-Free Kids Act gives schools and communities new tools to meet the challenge of providing more nutritious food including increasing school lunch reimbursements by 6 cents per meal, and increasing technical assistance. School meal programs are a partnership between USDA, State agencies and local schools, and USDA will work with schools and communities to help improve meals so that they are consistent with the Dietary Guidelines for Americans.

“Raising a healthier generation of kids will require hard work and commitment of a host of partners,” said Vilsack. “We understand that these improved meal standards may present challenges for some school districts, but the new law provides important new resources, technical assistance and flexibility to help schools raise the bar for our kids.”

According to government data, almost 32 percent of children 6 to 19 years of age are overweight or obese; the number of obese children in this age range has trebled in the last few decades. These children are more likely to have risk factors associated with chronic diseases such as high blood pressure, high cholesterol, and Type 2 diabetes. Updated school meal standards are a central part of the strategy developed by President Obama's Childhood Obesity Task Force to provide healthier food at schools, and in turn, work toward resolving childhood obesity.

USDA is seeking input on the proposed rule from the public through April 13, 2011. Those interested in reviewing the proposal and offering comments are encouraged to do so at www.regulations.gov, a web-based portal to make it easy for citizens to participate in the Federal rulemaking process. All comments received will be considered carefully in finalizing the rule before it is implemented.

USDA's Food and Nutrition Service (FNS) oversees the administration of 15 nutrition assistance programs, including the child nutrition programs, that touch the lives of one in four Americans over the course of a year. These programs work in concert to form a national safety net against hunger. Visit www.fns.usda.gov for information about FNS and nutrition assistance programs.

112th Congress - Committees Relevant to Education

House Education and Workforce Committee:

Rep. John Kline (R-MN), Chairman

(D-), Ranking Member

<u>Republicans</u>	<u>Democrats</u>
Lou Barletta (PA-11)	Democratic members not named as of this mailing.
Judy Biggert (IL-13)*	
Rob Bishop (UT-1) *	
Larry Bucshon (IN-8)	
Scott DesJarlais (TN-4)	
Virginia Foxx (NC-5) *	
Gowdy (SC),	
Richard Hanna (NY-24)	
Joe Heck (NV-3)	
Duncan Hunter (CA-52) *	
Mike Kelly (PA-3)	
Buck McKeon (CA-25) *	
Kristi Noem (SD-AL)	
Tom Petri (WI-6) *	
Todd Platts (PA-19) *	
Roby (AL),	
Phil Roe (TN-1) *	
Todd Rokita (IN-4)	
Ross (FL),	
Glenn Thompson (PA-5) *	
Tim Walberg (MI-7) *	
Joe Wilson (SC).	
* Indicates prior service on the committee.	

House Committee on Appropriations:

Hal Rogers (R-KY), Chairman

Norm Dicks (D-WA), Ranking Member

<u>Republicans</u>	<u>Democrats</u>
Jerry Lewis, CA	Marcy Kaptur, OH
C.W. Bill Young, FL	Peter J. Visclosky, IN
Frank R. Wolf, VA	Nita M. Lowey, NY
Jack Kingston, GA	José E. Serrano, NY
Rodney Frelinghuysen, NJ	Rosa DeLauro, CN
Tom Latham, IA	James P. Moran, VA
Robert B. Aderholt, AL	John W. Olver, MA
Jo Ann Emerson, MO	Ed Pastor, AZ
Kay Granger, TX	David E. Price, NC
Michael K. Simpson, ID	Maurice D. Hinchey, NY
John Abney Culberson, TX	Lucille Roybal-Allard, CA
Ander Crenshaw, FL	Sam Farr, CA
Dennis R. Rehberg, MT	Jesse L. Jackson Jr., IL
John R. Carter, TX	Chaka Fattah, PA
Rodney Alexander, LA	Steven R. Rothman, NJ
Ken Calvert, CA	Sanford D. Bishop Jr., GA
Jo Bonner, AL	Barbara Lee, CA
Steve LaTourette, OH	Adam B. Schiff, CA
Ton Cole, OK	Michael M. Honda, CA
Steve Austria, OH	Betty McCollum, MN
Charles Dent, PA	
Mario Diaz-Balart, FL	
Jeff Flake, AZ	
Tom Graves, GA	
Cynthia Lummis, WY	
Alan Nunnelee, MS	
Steve Womack, AR	
Kevin Yoder, KS	

House Appropriations Labor, Health and Human Services Subcommittee:

Denny Rehberg (R-MT), Chairman

Congresswoman DeLauro (D-CT), Ranking Member

<u>Republican</u>	<u>Democrat</u>
Jerry Lewis (R-CA) Rodney Alexander (R-LA) Jack Kingston (R-GA) Kay Granger (R-TX) Mike Simpson (R-ID) Jeff Flake (R-AZ) Cynthia Lummis (R-WY)	Democratic Subcommittee Members not named as of this mailing

The lead staff person on the **Labor/Health and Human Services subcommittee** will be Steve Crane, who served as Republican staff on this subcommittee in the last Congress.