



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
MARGARET M. O'NEILL BUILDING
410 FEDERAL STREET, SUITE 1
DOVER, DE 19901

VOICE: (302) 739-3620
TTY/TDD: (302) 739-3699
FAX: (302) 739-6704

MEMORANDUM

DATE: February 20, 2012

TO: All Members of the Delaware State Senate
and House of Representatives

FROM: Ms. Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

RE: H.B. 225 [Child Care Center Food & Beverages]

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 225 which would bar the OCCL from regulating the nutritional content of food or drink brought from home. Currently, the Office of Child Care Licensing (OCCL) regulation [9 DE Admin Code 101, §67] requires licensed child care providers to have policies on the content of meals supplied by parents and to assess the nutritional content of food brought from home. [§67.1.1.4-5] The bill implicates competing public policies and SCPD has the following observations.

On the one hand, parents should know their child's eating requirements and habits and enjoy some autonomy in their choice of food and beverages.

On the other hand, consistent with the attached articles, there is a national, alarming epidemic of childhood obesity which is being addressed at the federal, state, and local levels of government. The January 26, 2012 New Journal article describes new, rigorous USDA nutrition standards applicable to schools. Moreover, the Legislature enacted H.B. 3 in 2011 banning trans-fats in schools. Finally, consistent with the January 31, 2011 News Journal article, "eating behavior starts at an early age" and "(c)hildren start to choose things that taste good instead of what is good for their bodies". If parents were effective and adept at regulating children's food and beverage intake, there wouldn't be an epidemic of obesity.

Balancing the competing public policies, SCPD opposes the concept of the bill. A strict interpretation of the bill could endanger child welfare. For example, if a parent supplied a clearly inadequate amount of food and beverages to a child, the child care center would be hamstrung in its ability to "supplement or replace a child's food or drink" (lines 8-9). A child could theoretically

starve to death on a diet of parent-provided rice cakes and water since the child care provider would be barred from questioning the nutritional value of home-supplied food and drink. Similarly, a strict interpretation of the bill could prevent a child care provider from questioning the nutritional wholesomeness of the food despite evidence of spoilage or mold.

Parenthetically, there is a technical problem with the bill. Line 1 contemplates “inserting a new subsection (d)” in Title 31 Del.C. §343. There is already a subsection (d) in the statute. Moreover, H.B. 226 also envisions creation of a different subsection (d).

Thank you for your consideration and please contact SCPD if you have any questions regarding our position or observations on the proposed legislation.

cc: The Honorable Jack A. Markell
Mr. Brian Hartman, Esq.
Governor’s Advisory Council for Exceptional Citizens
Developmental Disabilities Council

Hb 225 occl food 2-20-12

67.0 Food and Nutrition**67.1 General**

67.1.1 A licensee shall have a written policy concerning food service including:

67.1.1.1 A description of all food services provided;

67.1.1.2 Times of snacks and meals;

67.1.1.3 Procedures related to food allergies, religious dietary requirements and other special needs;

67.1.1.4 If applicable, nutritional information and guidelines concerning the content of meals to be provided by parents/guardians;

67.1.1.5 If applicable, procedures to prevent spoilage of food brought from home;

67.1.1.6 If applicable, a procedure to be followed by Center staff if food brought from home fails to meet nutritional requirements as specified by Rules 67.2.1 - 67.2.3; and

67.1.1.7 This policy shall be provided to all parents/guardians at enrollment.

67.1.2 A licensee shall ensure that staff responsible for food service has knowledge of nutrition, sanitary food preparation, storage and clean-up and adhere to the Center's policy on food service.

67.1.2.1 Staff responsibilities for food service activities shall not reduce staff/child ratios nor be allowed to interfere in other ways with the Center's program or supervision of children while performing food service activities.

67.1.3 A licensee shall ensure that the Center has an annual review of a two (2) week menu sample by the Office of Child Care Licensing. Consultation and technical assistance shall be used as needed to correct any problem(s) identified by this annual review and/or during licensing or complaint investigations.

67.1.4 A licensee shall ensure that menus are planned in advance, are dated and are posted in a prominent place. Menus noting actual food served shall be retained by the Center for thirty (30) days. Any changes made in actual food served on a particular date ~~are to~~ shall be documented on the menu ~~for~~ on or before that date.

67.1.4.1 A supply of food and water shall be kept in stock for emergency situations that require an extended stay at the Center or cause a power outage. Non-perishable foods, bottled water and any equipment necessary to serve or prepare foods without the use of electricity shall be included in the supply.

67.1.5 A licensee shall ensure that meals and snacks are provided by a Center except when one (1) of the following circumstances occur:

67.1.5.1 A written statement has been signed by a parent/guardian and kept on file indicating that the parent/guardian has chosen to provide food for the child;

67.1.5.2 The licensee makes it known to all parents/guardians at the time of application for enrollment that meals are to be provided by parents/guardians and informs parents/guardians of the importance of sending meals that meet the nutritional requirements as specified in Rules 67.2.1 - 67.2.3 and the Appendix, CACFP Meal Pattern Requirements for Infants and CACFP Meal Pattern Requirement for Children; or

67.1.5.3 The Center has a field trip or a specific activity requiring special meal arrangements.

67.1.6 A licensee shall ensure that nutritious and appropriately-timed meals and snacks meeting nutritional requirements are served in accordance with the following schedule which indicates number of hours child is present at the Center:

67.1.6.1 2 hours - 4 hours 1 snack;

67.1.6.2 4 hours - 6 hours 1 meal and 1 snack;

67.1.6.3 7 hours - 11 hours 2 meals and 1 snack/or 2 snacks and 1 meal based on time of child's arrival; or

67.1.6.4 12 hours or more 3 meals and 2 snacks.

67.1.7 A licensee shall ensure that meals and snacks are provided in accordance to the current USDA/Child and Adult Care Food Program meal pattern requirements which are adjusted accordingly by the age of the infant and child as specified in Appendix, CACFP Meal Pattern Requirements for Infants and CACFP Meal Pattern Requirement for Children.

67.1.7.1 The licensee shall have supplemental foods from all basic food groups to serve children if meals provided by parents/guardians fail to meet nutritional requirements as specified in Rules 67.2.1 - 67.2.3.

67.1.8 A licensee shall provide food based on the basic food groups as follows:

Obesity epidemic for US adults, kids shows no sign of shrinking

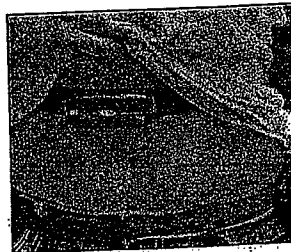
By LINDSEY TANNER
Associated Press

CHICAGO — America's obesity epidemic is proving to be as stubborn as those maddening love handles.

More than one-third of adults and almost 17 percent of children were obese in 2009-2010, echoing results since 2003, the Centers for Disease Control and Prevention reported Tuesday.

"It's good that we didn't see increases. On the other hand, we didn't see any decreases in any group," said CDC researcher Cynthia Ogden.

Early in the decade, slight increases were seen among white, black and Hispanic men, and among Hispanic and black women. These changes may be leveling off, but the authors said they "found no indica-



That's a pre-exercise sensor around those love handles, not a device to reduce weight. AP/KIM JOHNSON FLODIN

tion that the prevalence of obesity is declining in any group."

In 2009-2010, more than 78 million adults and almost 13 million children aged 2-19 were obese, the CDC researchers reported.

Those numbers are staggering, and while they haven't increased in recent years, "we're plateauing at an unacceptably high prevalence rate," said Dr.

JAMA:
jama.ama-assn.org
CDC: www.cdc.gov

David Ludwig, director of an obesity prevention center at Children's Hospital Boston. He was not involved in the reports.

The CDC reports summarize results of national health surveys in children and adults, which are conducted every two years. The nationally representative surveys include in-person weight and height measurements. The 2009-2010 reports involved nearly 6,000 adults and about 4,000 children, from infancy through age 19.

The results were released online in the *Journal of the American Medical Association*.

Dr. Elbert Huang, an associate professor of medicine at the University of Chicago who studies health care policy issues, said his research shows that even if obesity rates continue to remain stable, there will be dramatic increases down the road in diabetes and in costs linked with that disease. That's because Type 2 diabetes, among many diseases linked with obesity, becomes more prevalent as people age.

The latest reports focused on obesity, meaning a body-mass index of at least 30. But the numbers of adults and children who were overweight, with a BMI of between 25 and 29, also remained high.

Overall, 33 percent of adults were overweight but not obese, versus about 15 percent of children and teens.

Rates of overweight or obese adults and children were generally higher in blacks and Hispanics than in whites.

The government says a healthy weight is a BMI of 18 to 25. The index is a ratio of height to weight.

1-13-12 MS



More veggies, grains in school lunches

Students: Get ready for pizza with whole-grain crust and bigger portions of fruits and vegetables on your school lunch tray. You're still going to get French fries, but they'll probably be baked and sprinkled with less salt.

Today the government is releasing new nutrition standards for school meals that spell out dramatic changes, including slashing the sodium, limiting calories and offering students a wider variety and larger portions of fruits and vegetables. These changes will raise the nutrition standards for meals for the first time in more than 15 years.

"When we send our kids to school, we expect that they won't be eating the kind of fatty, salty, sugary foods that we try to keep them from eating at home," first lady Michelle Obama said in a statement. She is announcing the new standards today along with Agriculture Secretary Tom Vilsack.

Vilsack says this is a historic opportunity "to improve the quality and quantity of the school meal programs."

The quality of school meals has been hotly debated for years because a third of children in the USA are overweight or obese. The Healthy, Hunger-Free Kids Act

of 2010 directed the U.S. Department of Agriculture to set new nutrition standards for all food served in schools. The rules released today apply to school meals. New regulations for other foods such those served in à la carte lines, vending machines and stores will come later.

The changes are designed to improve the health of nearly 32 million children who eat lunch at school every day and almost 11 million who eat breakfast. Overall, kids consume about 30(PERCENT) to 50 (PERCENT) of their calories while at school. The new standards for school lunch:

- Establish maximum calorie and sodium limits for meals. The sodium limits are phased in over 10 years.
- Require schools to serve a fruit and vegetable every day at lunch, and in larger portions than previously offered. Portion sizes vary by age group. For instance, high school students will have to be offered one cup of vegetables and one cup of fruit a day. Right now they have to be offered a

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total of three-quarters cup of fruit and veggies.

- Require schools to offer a minimum number of leafy green vegetables, red-orange vegetables, starchy vegetables and legumes each week. The amount varies by age group. For example, high school students have to be offered at least a half-cup of green leafy vegetables a week.
- Require that after the two years of implementation, all grains offered to students must be rich in whole grains such as brown rice. Breads, buns, cereals and pastas must list whole grain as the first ingredient.
- Require milk to be either low-fat (1 (PERCENT)) or fat-free. (This is already in effect.) Flavored milk, such as chocolate, must now be fat-free.
- Require that foods that are served contain no trans fats.

The new standards for lunch go into effect the next school year. Changes for breakfast will be phased in.

Margo Wootan of the Center for Science in the Public Interest says the changes "are landmark. These are the first-ever standards for sodium, trans fat and whole grains and the first time ever they've had an upper limit for calories."

Congress blocked the proposal to restrict starchy vegetables, such and it required that pizza continue to count as a vegetable,

she says.

The federal government will give schools an additional 6 cents a lunch to meet the standards. When fully implemented, the cost of preparing a healthier lunch that meets the new rules is estimated to rise by about 11 cents, and the cost of preparing a breakfast is estimated to increase by 28 cents, the USDA says. The agency estimates that the increased cost of producing meals that meet the standard will be \$3.2 billion over five years.

Vilsack says companies that supply commodities to the USDA are already responding to the standards by offering foods that are lower in fat, sugar and sodium. Frozen fried potatoes are being replaced with potatoes that have been roasted or baked, he says.

Many schools have already made improvements. "These are all goals school nutrition professionals have been working toward, and these national nutrition standards will ensure that every student

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has access to a healthy meal in the cafeteria," says Diane Pratt-Heavner of the School Nutrition Association.

Schools must meet the standards to get federal reimbursements for meals, she says. They currently receive \$2.77 from the federal government for every child who is on the free-lunch program. "Healthy food costs more, so school programs will have to find ways to meet the standards while staying within their budget."

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January 31, 2011

Del. schools ahead of nutrition curve

Meals include more fruits, veggies, whole grains

By *ALYSON CUNNINGHAM*
The (Salisbury, Md.) Daily Times

Nutrition standards for public schools nationwide could soon change, but administrators say Delaware is already ahead of the curve.

For the first time in 15 years, the U.S. Department of Agriculture has proposed new guidelines for school meals that would reduce sodium and calories and offer students more fruits, vegetables and whole grains.

While Linda Wolfe, director of school support services with the state Department of Education, praises the agency for taking the initiative, she said Delaware already has made introducing healthier lunch options a priority.

"I think school meals are the best-kept secret in Delaware," she said. "The good news is that we've been making those changes. [The state] already has some infrastructure in place."

A survey from the state Department of Education revealed that 13.7 percent of high school students in Delaware were considered obese in 2009. That compares to 17 percent of all children and adolescents nationwide in 2008, according to the Centers for Disease Control and Prevention.

Peggy Geisler, executive director of the Sussex Child Health Promotion Coalition — a group that promotes healthy eating and physical activity for children and their families — said obese children are more likely to encounter chronic health issues such as high blood pressure, high cholesterol and diabetes. That's why regulations must be changed, she said.

"Eating behavior starts at an early age," she said. "Children start to choose things that taste good instead of what is good for their bodies."

Implementing the new national meal standards is part of the Healthy, Hunger-Free Kids Act of 2010, signed into law by President Barack Obama in December.

"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 well-being of all our kids," USDA Secretary Tom Vilsack said in a news release.

Wolfe said meal programs in Delaware already include more whole grains, fresh fruits and vegetables than they did two years ago.

"I don't think you're going to see such drastic changes in Delaware as you are in other states," she said.

In the Indian River School District, spokesman Dave Maull said the high school lunch menu has expanded and students are excited.

"[They] have all kinds of menu choices over and above the normal options," he said. "We have a lot of soups and salads in addition to the normal entrées."

Wolfe said there will be more of an emphasis on offering locally grown fruits and vegetables in the years to come.

"We knew the changes were coming, and we've been moving toward those changes," she said. "This is not the same meal you had when you were in school."

Additional Facts

INFORMATION

The U.S. Department of Agriculture is accepting public input on nutrition standards for school lunches through April 13. To comment, visit www.regulations.gov.



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Delaware educators on a nutrition mission

Although the state has no food standards, some schools take the initiative

By ALISON KEPNER, The News Journal
Posted Tuesday, December 18, 2007

In Concord High School's cafeteria, pizza crusts are whole wheat, chicken nuggets are soy and fresh fruits and vegetables are on the menu daily.

At Christina's Brader Elementary, students pedal stationary bicycles in the library as they turn the pages of the latest Magic Treehouse book.

And at Laurel Middle School, students spend the last 10 minutes of their lunch break trying to move their feet fast enough to keep pace with a Dance Dance Revolution game in the cafeteria.

Over at the Delaware Military Academy charter school, cadets monitor their heart rates and blood pressure with stethoscopes and blood pressure cuffs.

These are a few of the innovative programs Delaware educators are piloting in schools across the state as they look for new ways to encourage children to eat healthier and exercise more.

They have strong motivation: About 17 percent of Americans age 6 to 19 are overweight, triple the figure in the 1970s. The number of overweight children ages 2 to 5 has doubled in the same period, according to the Centers for Disease Control and Prevention.

Delaware's problem is severe: 36 percent of the state's children ages 2 to 17 are overweight or at risk of becoming overweight, according to a 2005 report by Nemours Health and Prevention Services.

"It's a community problem we need to all work together on," said John Ray, state education associate for physical education.

That is why representatives from five Delaware districts -- Appoquinimink, Brandywine, Christina, Red Clay Consolidated and Woodbridge -- and a charter school, Delaware Military Academy, met this month in Dover to showcase healthy practices and success stories from their schools. The Nemours Health and Prevention Services conference also gave teams time to start developing action plans to implement some of the shared ideas at their districts or schools.

More greens, less sugar

Districts across the state have switched to whole wheat rolls, pizza crusts and cookies while replacing as many canned fruits and vegetables as possible with fresh produce.

But that may not be enough.

"Providing nutritious meals does not mean children always take a nutritious combination," said state School Nutrition Programs Director Huida Harris-Russell.

Many choose a la carte chips and ice cream over an apple and a salad, regardless if the greens are bagged iceberg lettuce or fresh baby spinach.

While federally subsidized school lunches must meet U.S. Department of Agriculture nutritional standards, the same regulations don't apply to a la carte foods. And the USDA has no authority to regulate food sold outside the cafeteria, such as sugary sodas and fruit drinks or fat-laden candy bars hawked in school vending machines.

Delaware has no standards of its own, the main reason why the Center for Science in the Public Interest gave the state an "F" last month on its School Food Report Card. No states earned an "A," though Kentucky and Oregon each received an A-. Six states got a B+; nine earned a B or B-; six had C's; seven received D's; the remaining 20 failed either for having no policies or, in CSPI's view, very weak policies.

CSPI found only 11 states have comprehensive food and beverage standards that apply to the entire campus all day for all grade levels.

In a statement announcing the findings, CSPI Nutrition Policy Director Margo Wootan complained that a majority of states -- Delaware included -- still rely on USDA's "outdated" school nutrition standards: "Those national standards limit only the sale of jelly beans, lollipops and other so-called 'foods of minimal nutritional value.' Those standards don't address calories, saturated and trans fat, sodium or other key nutrition concerns for children today."

Although no state regulations mandate it, many school nutrition directors are working to improve the nutritional value of all their offerings, pressuring vendors to offer varieties with lower sodium and lower fat.

In the Brandywine School District, regular chips are out, baked crisps are in. Every hamburger roll and slice of bread is whole wheat. Snack items with more than 35 percent of their calories from fat or sugar are banned.

During a recent lunch at Concord High, students' choices included whole wheat breaded fish sticks, chicken teriyaki over rice, and wraps made with whole wheat tortillas. A salad bar featured lots of greens, fresh sliced strawberries and a variety of fat-free dressings. In the snack line, students could buy 100-calorie pack Chips Ahoy crisps, bags of nuts or Baked Doritos.

Carrot and celery sticks, cucumber slices, grape tomatoes, broccoli and cauliflower are free for the taking every day.

"We just absorb the cost. We want them to try it," said district School Nutrition Supervisor Pam Gouge.

Junior Ryan Shaer was one of many students grabbing carrot sticks. But while he is a fan of the raw veggies, he wishes the pizza crusts weren't whole wheat.

"I like regular pizza better, but it's all they've got," he said.

Cauliflower-lover Julia Smith, a sophomore, said she actually likes the soy chicken nuggets better than the regular variety. "They are more crispier and stuff."

Senior Megan Molineux isn't sold on any of the changes. She loaded up on salad but said that was only because she couldn't stomach the other offerings.

"I would like more normal food -- not everything wheat and gross," she said.

School nutrition workers say they know they won't please everyone, but they feel better knowing, at least at school, the children are eating well.

"We pay a lot more money for [the more nutritious ingredients], but their health is more important," Gouge said.

Better health education

Even if students are eating healthy at lunch, they won't be healthy if their out-of-school habits don't improve.

That is why Delaware educators have a renewed focus on better health education.

Lessons on diseases and dangers do little if students don't know how to apply the information to their lives.

"We don't want them just to be knowledgeable about health," said Janet Ray, state education associate for health. "The goal is 'How do we develop a program that will impact those behavioral intentions down the line?' You can't just start in middle school. It has to start in kindergarten."

At Brandywine's Springer Elementary, Healthy Foods for Healthy Kids founder and director Thianda Manzara teaches students about science and nutrition through gardening.

Children grow vegetables, then eat what they grow.

"Let them have hands-on activities where they can use all their senses. That's very compelling for some students," Manzara said. "They are planting it, they are picking it, they are deciding whether to taste it."

Seventh-graders plant and harvest the garden each semester.

Manzara then demonstrates recipes with the homegrown ingredients. They may wrinkle their noses when they look at her ingredients, but as she begins to cook the stir fry "the smells get to them and they line up. Then a lot of them want to come back for seconds."

Many schools throughout the state are teaching students about Nemours' "5-2-1-Almost None" program: five servings of fruits and vegetables a day, two hours or fewer of screen time a day, at least one hour of physical activity a day and almost no sugary beverages.

At Red Clay's Brandywine Springs, nurse Becky King spoons spoonfuls of sugar into a glass to show students how much sugar is in a 12-ounce can of soda. Most are shocked as she dumps the 10th spoonful. Eyes bulge even bigger when she pulls out a 64-ounce "DOUBLE BIG GULP" cup, which filled with regular soda has 59 teaspoons of sugar.

"Kids start to see these visuals," she said.

More exercise, more fun

Hand-in-hand with better nutrition is the need for better physical fitness. To that end, the state last year passed House Bill 471, which requires schools to provide 150 minutes of physical activity per week.

Educators, who already are time-crunched as they try to raise students' academic achievement under the federal No Child Left Behind Act, must be creative.

Brader Elementary pupil Quentin Fleetwood, 8, came to the library before school Monday to jump on a bicycle while he paged through Herman Parish's "Bravo, Amélia Bedélia!"

The third-grader said he likes the early-morning library time because it is quiet: "I get to exercise, and you're reading at the same time."

Third-grader Zach Cox comes about twice a week. On Monday, he was reading "Bunnicula: A Rabbit-Tale of Mystery" by Deborah and James Howe.

"Once you get the hang of it, you keep the rhythm," he said.

Some elementary school leaders are structuring recess to ensure students are moving -- not lounging -- during the break. Others use the first few minutes of academic classes for stretching activities. And some teachers are being trained in ways to make geography lessons double as exercise time.

Delaware's new physical education standards require that students are active at least 50 percent of class time, a percentage

above the national average.

At Brandywine High, one answer has been to make activity options more appealing -- especially for nonathletes.

One of the most popular equipment additions has been the Versiclimber, which simulates what it would take to climb different monuments, such as the Washington Monument and Eiffel Tower. A poster on the wall advertises which students have completed the challenge -- and in what time.

"Oh my, now we have competition," department head Sandy Kupchick said. "It's something that these students are getting motivated [about] and doing."

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