

Good morning Chairman Rokita, Ranking Member Fudge, and members of the subcommittee. Thank you for allowing me to share my perspective on implementation of the Child Nutrition Act, also known as the Healthy, Hunger-Free Kids Act of 2010.

As South Dakota's Secretary of Education, I work every day to ensure students in my state graduate from high school ready for college and careers. Delivering a high-quality education drives my work, and the work of our 102 person state agency. We ask a lot of our students, and they deserve our every effort to support their academic success.

As a state chief with 23 years of classroom teaching experience, 9 years as a school board member, and 15 years in the South Dakota Department of Education, I know how much goes into creating the best environment for students to thrive. And I know that a child can't give their best if they are hungry, tired, or malnourished.

That's why I fully support the intent behind the Healthy, Hunger-Free Kids Act of 2010. By providing a nutritious meal for every child when they are in school, we give them the fuel to learn and we set an example for a healthy life. I have frequently stated that one of the most valuable things we could do for students is to assure they all have a diploma and a healthy lifestyle upon leaving the K12 system. Both are critical for assuring a happy and successful life.

But while I find the intentions of the Act noble, the implementation of this law is undoing those good intentions. I have three main concerns I want to emphasize today.

First, the complex and time-consuming review requirements have not actually resulted in identifying more problems. In fact, the new monitoring requirements have created unnecessary burdens making it difficult if not impossible for my staff to support the intent of the program.

Recent changes in the Act mean that states now have to audit school districts every three years to determine compliance with nutritional standards, a timeframe that is unwieldy and overwhelming for my small Child and Adult Nutrition staff of 10 people. The paperwork burden alone has stretched our department and pushed our staff into expensive overtime work and we still can't catch up. The review manual is over 300 pages with 100 additional pages of fiscal action forms and assessment tools. It takes my staff 40 or more hours to prepare for each review. My school districts with 100 students face the same monitoring as my largest districts with more than 20,000 students. One district said it best; it took more hours to complete the review process than they have students, as it took over 100 hours and they have 90 students enrolled.

We've tried to assign additional people to help. We brought in help from out of state, to try to identify any inefficiency in our oversight process. Still, we struggle to dig out from under a mountain of compliance work. My staff feels like a mouse on a treadmill; they just can't catch up.

My second point and equally concerning, is the lack of time for training with district personnel. Due to resources being spent on completing administrative reviews and compliance, our staff has lost resources to complete training, work with local agencies to develop innovative solutions and grow the programs so that they are set up for success. We're too busy checking boxes to do the work of ensuring more students receive nutritious meals.

My third concern is specific to the complexity of the programs for both state and local agencies. Other provisions of the Act have placed undue stress on the system, including new requirements for our school food service directors. Our very small schools do not have funds to pay people with college degrees or dietetics licenses to operate their programs. The complexity of detailed label reading to determine how a product can be counted towards meeting the requirements is daunting. Our directors have had to navigate hundreds of policy memorandums that have been issued by USDA to clarify the regulations put in place to implement this statute. While USDA offers “waivers” for flexibility due to too many rules coming too fast, this only increases complexities. Staff train schools on the rules and when a waiver is requested, it needs to be on the waiver form approved by USDA. The State agency must then approve the waiver, track the approved and denied waivers and, in most cases, report numerous times on the approved waivers.

All of these conditions, which can be traced back to the Healthy Hunger-Free Kids Act, have put significant strain on the ability of our local directors to maintain meal programs for their students.

I oversee a system of more than 130,000 students in 151 districts, four technical institutes, and manage a budget of \$630 million with a multitude of pressing needs. Unfortunately, I spend an inordinate amount of my time grappling with the burdens of implementing the school meals program.

This isn't just an issue for a large rural state with a small state education agency. I am well aware of other states facing these same issues. My greatest fear is that the compliance measures will become so onerous that we will see districts opt out of participation. A number of our rural schools as well as two of the private nonprofit agencies have already dropped out in South Dakota. I have great concerns that others may follow that path, rather than be subject to the time-consuming compliance burden.

State chiefs know how important it is to provide healthy meals. I just encourage you to find a more logical way to ensure compliance. I urge you to reduce the complexity and burden put on state agencies seeking to comply with the law and allow states to focus on what's most important: finding the most efficient ways to get the most nutritious meals to our students.