

FOOD FIGHT: HASHTAGS, WHOLE GRAINS, AND THE FIGHT OVER SCHOOL LUNCHES

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In 2010, Congress passed the Healthy, Hunger-Free Kids Act (the “Act”) as part of the reauthorization of the child nutrition programs and the free lunch programs.² The law, an extension of First Lady Michelle Obama’s “Let’s Move” campaign, aims to end childhood obesity and reduce health risks associated with children’s diets through new nutrition standards for school lunches.³ These standards, however, caused outcry from parents, administrators, and students alike.⁴ Though championed by the First Lady herself, the Healthy, Hunger-Free Kids Act incurred substantial critique culminating in a series of student protests complete with a trending hashtag on social media.⁵ Students hated the taste of the food, parents hated the intrusion by the government, and administrators hated the cost of implementation.⁶ This wholly unpopular law is set to expire this year, and Republican-led Congress has been quick to reduce its lingering effects by including increased flexibility for school districts to opt out of certain requirements in its 2015 Omnibus Appropriations Bill.⁷

Although masked with political overtones, the underlying implications of this fight could have consequences for the students who receive these lunches. The school lunch program is a unique way to both help low-income student and combat childhood obesity. The school lunch program currently serves over thirty-one million children in the United States, 51 percent of whom come from low-income households.⁸ For many, lunch may be the only substantial meal these children receive.⁹ Additionally, childhood obesity is a current concern, and there is logic in modifying school lunches as a way to combat this epidemic.¹⁰ In fact, children in low-income households are more likely to be overweight or obese.¹¹ School lunches, therefore, are an

excellent way to target the children who are most at risk of obesity and most in need of a nutritious lunch. Although the Healthy, Hunger-Free Kids Act is certainly not without its shortcomings, the Act itself recognizes important points about child nutrition that should be improved upon, rather than rejected.

Criticism of the Healthy, Hunger-Free Kids Act centers on three issues: nutrition, cost, and personal freedoms. Students complain that the new nutritional standards have left them with unsatisfactory lunches, administrators struggle to find the money to implement many of these reforms, and parents are upset that lunch prices are rising yet their children are hungry.¹² Each of these criticisms, in a limited sense, is warranted. For many school districts, implementing the Healthy, Hunger-Free Kids Act has been a challenge, which has led to dissatisfaction from parents and students alike.¹³ Overall, however, the program has demonstrated great success, once the initial road bumps are passed, indicating that these changes have potential to impact students across the U.S.¹⁴ While it is necessary to address the shortcomings of the program, it is most important to understand the motivation behind certain changes and search for better ways to incorporate these changes in the future.

The focal point of the Healthy, Hunger-Free Kids Act is the new nutrition requirements aimed at reducing childhood obesity.¹⁵ These changes include offering lower-fat milk options, increasing the amounts of fruits and vegetables, emphasizing whole-grain foods, and reducing the amount of sugar, salt, and saturated fats served.¹⁶ Many of the nutritional standards implemented by the Act have long been advocated by nutritionists and emphasized by the First Lady's "Let's Move" campaign as an integral way to fight childhood obesity.¹⁷ Currently, approximately seventeen percent of children and adolescents, or 12.7 million, are not just overweight, but obese.¹⁸ Type 2 Diabetes, once a rarity among children, is now more common.¹⁹

Research on the causes of childhood obesity points to a lack of healthy lifestyle habits, specifically with eating and exercise.²⁰ The Centers for Disease Control (“CDC”) identifies school as an important resource for teaching students about healthy eating, which is part of the reason why the Healthy, Hunger-Free Kids Act was passed.²¹

Although many praised these nutritional standards, their implementation sometimes fell short. Reports of small portion sizes, unappetizing options, and even unidentifiable food were prevalent in the media. Indeed, students launched a number of campaigns across the United States via social media, protesting the unappetizing meals they were being served.²² The hashtag “#ThanksMichelleObama,” coupled with pictures of unappealing food being served, was a trending topic on Twitter.²³ Students were complaining of being hungry due to either small portion sizes or most of their food being rejected and thrown away. The new school lunch program was pushed into the limelight, though that is arguably not an unusual place for school lunches to be. Lawmakers began to question whether the new school lunch standards were more harmful than beneficial.²⁴

Despite the backlash during the initial year of implementation, these unappealing lunches were not the norm. Many schools were able to create very successful school lunch programs, with some even integrating local and farm-fresh ingredients.²⁵ In fact, investigative studies found that most students responded well to the changes, especially over time as they began to grow accustomed to them throughout the year.²⁶ These studies are encouraging because they indicate that students are learning healthy eating habits. For many students, it is about exposure and providing them with access to foods they may never have the opportunity to try on their own.²⁷ While it is inevitable that not everyone will like all the items served, it is important to establish good eating habits from an early age. As far as the nutrition standards themselves, they

are based in sound research and reflect the healthy and balanced meals that children *should* have, not what they want to have.²⁸ For this reason, the nutritional standards in place are not a real concern, as children will eventually adjust to the new options available at school.

Much of the criticism about the taste and appearance of food actually stems not from the nutrition standards, but from a school's failure to implement these standards. Changes on the national level will inevitably be difficult to execute effectively on a small scale. Each individual school will have different levels of ability to adhere to such changes. The sheer cost of implementing changes in school cafeterias has forced some schools to funnel money from other areas into the school lunch programs.²⁹ For instance, the new standards include fresh fruits, which are often more expensive than canned ones.³⁰ Additionally, some school kitchens simply do not have the ability to create and store meals incorporating the new standards.³¹ Indeed, these administrative costs are reflected in the rising prices of school lunches in some areas.³² The cost of adherence to the regulations, coupled with the waste of food rejected and thrown away, has led to an estimated \$3.2 billion dollar price tag on the changes required under the Act.³³

The cost of implementation is a real concern: if schools cannot execute the program at the same or lower cost than the previous school lunch program, money will have to be pulled from other areas, potentially creating a negative impact on students beyond just the cafeteria. Cost became such an overwhelming concern that it was the main focus of the Republican reforms passed in the 2015 Omnibus Appropriations Bill ("Appropriations Bill").³⁴ This law gives school districts more flexibility in implementing certain requirements.³⁵ Specifically, it allows schools that show significant hardship in meeting certain standards to be waived out of them.³⁶ But the changes do not stop there; the Spending Bill includes provisions that reduce the amount of whole grains required and increase the amount of sodium allowed in foods.³⁷

These adjustments may simply be another way to increase flexibility, but the proponents of the original standards consider them a major step back, claiming that they are a way to bring the food industry back into school lunches.³⁸ This argument is not without merit as the food industry wields vast influence in Congress, and these new standards will allow the inclusion of more starchy foods, such as potatoes, that are key products in the food industry.³⁹ Additionally, many of the adjustments adopted into the 2015 Omnibus Appropriations Bill were based on recommendations made by the School Nutrition Association (“SNA”), which represents over 55,000 professionals whose job it is to administer the school lunch program.⁴⁰ The SNA has taken somewhat of a regressive position on many of the nutrition standards enacted under the Healthy, Hunger-Free Kids Act, a position many find frustrating given their influential position in setting school lunch standards.⁴¹

Allowing for more flexibility, especially for schools that would otherwise have to take funds from other areas of the school budget, is certainly a step in the right direction; a food program at the expense of education is not an effective program. But rolling back standards across the board is a step in the wrong direction. A mass overhaul of the school lunch program will inevitably have difficulties, and flexible standards may help relieve some of the hardships imposed on schools trying to update facilities to adhere to this new program. Reducing the whole grain requirement and increasing the amount of sodium allowed, however, do not serve this purpose. Whole grains and low-sodium are standard nutritional recommendations that should not be excluded. It becomes redundant to cite “facility incapability” or “high cost” as the reason to change these requirements; any school that truly cannot adhere to these standards could easily be given more flexible guidelines to follow. If Congress and the SNA truly want to do what is in the best interest of the children, they should find ways to incorporate the nutrition standards

while recognizing that it may take time for some schools to be fully compliant; a flexible approach seems more than enough to accomplish this, making any changes to the actual nutrition standards obsolete.

There are arguments against the Healthy Hunger Free Kids Act based on interpreting such legislation as an invasion of personal freedoms by the federal government. This argument is prevalent when discussing sensitive topics such as health and nutrition in which individuals believe that it is their choice, not the government's, to decide what to eat. This would certainly be a valid argument if this were about legislation that affected the general public, but that is not the case. Not only have school lunches always been under the control of the federal government, but any parent who does not agree with the new standards always has the option of packing their child's lunch. Public school lunches, then, are not a domain in which the government's interjection is unusual or beyond the scope of its power.

The new school lunch programs have the potential to truly help impact childhood obesity. Children spend the majority of their time at school, and childhood is the best time to incorporate healthy habits. The Healthy, Hunger-Free Kids Act came up short in application but not in its upgraded nutrition standards. The 2015 Omnibus Appropriations Bill makes some unnecessary rollbacks that will only undo some of the most important changes made by the Healthy, Hunger-Free Kids Act. Any future changes should focus not on rolling back nutrition standards, but on creating flexibility to help schools find the best and more cost-effective way to provide healthy meals to their kids.

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³ *Id.*

⁴ Melinda Carstensen, *Schools to Feds: Healthy Lunches Too Costly*, PATCH NATIONAL DESK (Aug. 22, 2014, 11:28 AM), <http://patch.com/illinois/desplaines/schools-to-feds-healthy-lunches-too-costly>; *see also* Maya Wuertz, *Kids ‘thank’ Michelle Obama for ‘mystery mush’ school lunches*, NY POST (Nov. 23, 2014, 12:11 PM), <http://nypost.com/2014/11/23/kids-thank-michelle-obama-for-mystery-mush-school-lunches/>; Rebecca Schleicher, *Family’s anger over school lunch reveals more widespread issues*, OKC FOX NEWS (Nov. 05, 2014, 11:44 PM), <http://www.okcfox.com/story/26799348/familys-anger-over-school-lunch-reveals-more-widespread-issues>.

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¹⁶ *Id.*

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