

NORTH CAROLINA GENERAL ASSEMBLY



**HOUSE SELECT COMMITTEE ON
CHILDHOOD OBESITY**

**REPORT TO THE 2012
REGULAR SESSION
OF THE 2011
GENERAL ASSEMBLY**

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STATE OF NORTH CAROLINA

HOUSE SELECT COMMITTEE ON CHILDHOOD OBESITY



April 25, 2012

TO THE MEMBERS OF THE 2012 REGULAR SESSION OF THE 2011 GENERAL ASSEMBLY:

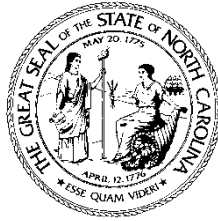
Attached for your consideration is the report to the 2012 Regular Session of the 2011 General Assembly. This report was prepared by the House Select Committee on Childhood Obesity pursuant to G.S. 120-19.6(a1) and Rule 26 of the Rules of the House of Representatives of the 2011 General Assembly.

Respectfully submitted,

Representative Stephen LaRoque
Cochair

Representative Norman Sanderson
Cochair

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AUTHORIZING LEGISLATION



Office of Speaker Thom Tillis
North Carolina House of Representatives
Raleigh, North Carolina 27601-1096

HOUSE SELECT COMMITTEE ON CHILDHOOD OBESITY.

TO THE HONORABLE MEMBERS OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES

Section 1. The House Select Committee on Childhood Obesity (hereinafter "Committee") is established by the Speaker of the House of Representatives pursuant to G.S. 120-19.6(a1) and Rule 26 of the Rules of the House of Representatives of the 2011 General Assembly.

Section 2. The Committee consists of the 9 members listed below, appointed by the Speaker of the House of Representatives. Members serve at the pleasure of the Speaker of the House of Representatives. The Speaker of the House of Representatives may dissolve the Committee at any time.

Representative Stephen LaRoque (co-chair)
Representative Norm Sanderson (co-chair)
Representative Larry Brown
Representative Linda Johnson
Representative Rayne Brown
Representative Chuck McGrady
Representative Verla Insko
Representative Marcus Brandon
Representative Garland Pierce

Section 3. The Committee shall study issues relating to childhood obesity. In the course of the study, the Committee may consider and recommend to the General Assembly strategies for addressing the problem of childhood obesity and encouraging healthy eating and increased physical activity among children through the following:

- (1) Early childhood intervention.
- (2) Childcare facilities.
- (3) Before- and after-school programs.
- (4) Physical education and physical activity in schools.
- (5) Higher nutrition standards in schools.
- (6) Comprehensive nutrition education in schools.

HOUSE SELECT COMMITTEE ON CHILDHOOD OBESITY

- (7) Increased access to recreational activities for children.
- (8) Community initiatives and public awareness.
- (9) Other means.

The Committee shall encourage input from public nonprofit organizations promoting healthy lifestyles for children, addressing the problems related to childhood obesity, encouraging healthy eating, and increasing physical activity among children.

Section 4. The Committee shall meet upon the call of its Co-Chairs. A quorum of the Committee shall be a majority of its members.

Section 5. The Committee, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and Article 5A of Chapter 120 of the General Statutes.


Section 6. Members of the Committee shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1.

Section 7. The expenses of the Committee including per diem, subsistence, travel allowances for Committee members, and contracts for professional or consultant services shall be paid upon the written approval of the Speaker of the House of Representatives pursuant to G.S. 120-32.02(c) and G.S. 120-35 from funds available to the House of Representatives for its operations.

Section 8. The Legislative Services Officer shall assign professional and clerical staff to assist the Committee in its work. The Director of Legislative Assistants of the House of Representatives shall assign clerical support staff to the Committee.

Section 9. The Committee may submit an interim report on the results of the study, including any proposed legislation, on or before May 1, 2012, by filing a copy of the report with the Office of the Speaker of the House of Representatives, the House Principal Clerk, and the Legislative Library. The Committee shall submit a final report on the results of its study, including any proposed legislation, to the members of the House of Representatives prior to the convening of the 2013 General Assembly by filing the final report with the Office of the Speaker of the House of Representatives, the House Principal Clerk, and the Legislative Library. The Committee terminates upon the convening of the 2013 General Assembly or upon the filing of its final report, whichever occurs first.

Effective this the 1st day of September, 2011.



Thom Tillis
Speaker

OVERVIEW OF COMMITTEE PRESENTATIONS

The House Select Committee on Childhood Obesity met 5 times from November 10, 2011 until April 25, 2012.

November 10, 2011

Committee Authorization/Budget

Sara Kamprath, Committee Staff

Enacted Legislation Related to Childhood Obesity (2008-2011)

Theresa Matula, Committee Staff

Overview of the Problem of Childhood Obesity in North Carolina

Dr. Joseph Skelton, MD, Section of Pediatric Gastroenterology and Nutrition

Department of Pediatrics, Wake Forest University School of Medicine

Department of Public Instruction Activities

Healthful Living Essential Standards

Ellen Essick, Coordinated School Health Consultant

NC Healthy Schools, DPI

Healthy Active Children Policy

State Board of Education Policy Regarding Physical Activity in the Public Schools

Paula Hudson Hildebrand, Chief Health and Community Relations Officer, DPI

Fitness Testing Guidelines: Implementation of HB 1757

Paula Hudson Hildebrand, Chief Health and Community Relations Officer, DPI

IsPOD (In-School Prevention of Obesity and Disease)

Judy Martino, Assistant Executive Director for Grants & Special Programs, NCAAHPERD

Physical Activity Initiatives for Early Childhood Programs

Lori Rhew, MA, PAPHS, Physical Activity Unit Manager

Physical Activity and Nutrition Branch

North Carolina Division of Public Health, Department of Health and Human Services

Alice Lenihan, MPH, RD, LDN, Branch Head

Nutrition Services Branch, North Carolina Division of Public Health, Department of Health and Human Services

Wendi Boggess, Family Relations Specialist

First Environments Early Learning Center

Middle School Sport Policies and Sport Participation

Dr. Michael Kanters, Associate Professor
Department of Parks, Recreation & Tourism Management, NCSU

December 8, 2011

S.L. 2010-117 (HB 1726), Improve Childcare Nutrition Standards

Jani Kozlowski, Director's Office, Policy Unit Manager, Division of Child Development and Early Education

Alice Lenihan, Branch Head, Nutrition Services Branch, Division of Public Health

School Nutrition Program

Lynn Harvey, Section Chief, Child Nutrition Services, DPI

NC General Assembly Program Evaluation Division

Child Nutrition Programs Study Report

Carol Ripple, Principal Evaluator

Fresh and Local Food in Communities

Alice Ammerman, Director, Center for Health Promotion and Disease Prevention, UNC-CH

Professor, Department of Nutrition, Gillings School of Global Public Health and School of Medicine, UNC-CH

January 12, 2012

Eligibility for Food and Nutrition Services (FNS) Benefits

David Locklear, Assistant Chief, Economic and Family Services Section, Department of Health and Human Services

SNAP-Ed

Veronica Bryant, SNAP-Ed Outreach Coordinator, Department of Health and Human Services

North Carolina Farm to School Program

Gary Gay, Food Distribution Division, Department of Agriculture and Consumer Services

National Farm to School Network

Laurie Stradley, State Lead for the National Farm to School Network

North Carolina Sustainable Local Food Advisory Council Recommendations from 2011 Annual Report

Joy Hicks, Policy Development Analyst, Department of Agriculture and Consumer Services

February 15, 2012

Good Agricultural Practices (GAP) Certification as it Relates to Farm to School

Heather Barnes, Farm to School, NC Department of Agriculture

Brooke Stephenson, Marketing Division, NC Department of Agriculture

Small Farms and GAPs: Addressing On-the-Ground Challenges

Roland McReynolds, Executive Director, Carolina Farm Stewardship Association

Child Nutrition Issues: A Local Perspective

Pam Smith, Child Nutrition Director, Lenoir County Schools

Healthy Active Children Policy Report

Paula Hudson Hildebrand, Chief Health and Community Relations Officer, DPI

Physical Education Success Stories

Dr. Patrick Miller, Superintendent, Greene County Schools

Angie Miller, Healthful Living Coordinator, Nash-Rocky Mount Public School System

New Federal Child Nutrition Standards and Possible Local Impact

Lynn Harvey, Section Chief, Child Nutrition Services, DPI

April 25, 2012

Committee Report

Review of Draft Report

Committee Discussion

COMMITTEE PROCEEDINGS

This section of the report provides a brief summary of the Committee meetings. It is not intended to be a complete, official record of those meetings. However, there is an official record of the Committee's meetings, including minutes and handouts distributed to the Committee members, in the Legislative Library.

November 10, 2011

Ms. Sara Kamprath, Legislative Analyst, Research Division, General Assembly reviewed the authorizing legislation and budget for the Committee.

Ms. Theresa Matula, Legislative Analyst, Research Division, General Assembly, reviewed enacted legislation from 2008 through 2011 related to childhood obesity to give Committee members context on what has happened and what may still need to be enacted to help to reduce childhood obesity.

Dr. Joseph Skelton, Pediatric Gastroenterology and Nutrition, Department of Pediatrics, Wake Forest University School of Medicine, gave an in-depth presentation on the epidemic of childhood obesity. He covered obesity trends since 1998 which indicate that nearly a third of children ages 10-17 years are overweight or obese. Dr. Skelton explained what it means to be overweight or obese and the causes of this epidemic. He cited the epidemic's major culprits are: increased serving sizes, sweetened beverages, and decreased activity levels. Dr. Skelton concluded his presentation with recommendations for decreasing the number of children who are overweight or obese. Some of the recommendations included behavioral therapy, and other child and family based approaches to changing behavior and habits.

Ms. Ellen Essick, School Health Consultant, NC Department of Public Instruction (DPI), presented an overview of the new Healthful Living Essential Standards which are included in the new Standard Course of Study for NC traditional public schools. The Healthful Living Essential Standards include learning benchmarks for kindergarten through 12th grade in mental and emotional health, personal and consumer health, interpersonal communication and relationships, nutrition and physical activity, and alcohol, tobacco and other drugs.

Ms. Paula Hudson Hildebrand, Chief Health and Community Relations Officer, Department of Public Instruction, provided an update of implementation of S.L. 2010-161 (HB 1757), Fitness Testing in Schools. She shared a document, Fitness Testing Guidelines, which has been adopted by the State Board of Education and is being implemented for the first time during the current school year, as directed in the Session Law.

Ms. Hildebrand continued her presentation by describing the State Board of Education policy on Healthy Active Children (GCS-S-000). The policy encourages elementary schools to provide 150 minutes per week of physical education (PE) provided by a certified PE teacher and middle schools to provide 225 minutes per week of Healthful Living Education provided by a certified health and PE teacher. The policy requires schools to provide a

minimum of 30 minutes of “moderate to vigorous physical activity” daily to all K-8 students. This time is supposed to compliment, not supplant, PE. The policy requires each school system to have a School Health Advisory Council, a coordinated school health program, and to prepare and submit to DPI annual reports on minutes of physical activity and PE received by each student. Ms. Hildebrand offered to present 2010-2011 findings of the annual report at a future Committee meeting.

Ms. Judy Marino, Assistant Director of the In-school Prevention of Obesity and Disease (IsPOD) program provided an overview of IsPOD’s goals and objectives including assessing and improving K-8 students’ overall fitness. IsPOD trains teachers to administer the FITNESSGRAM and to implement the SPARK fitness curriculum. IsPOD also surveys students and teachers twice per year regarding attitudes, behaviors and fitness levels.

Ms. Lori Rhew, Physical Activity Unit Manager, Physical Activity and Nutrition (PAN) Branch, Division of Public Health (DPH), Department of Health and Human Services (DHHS) described the PAN Branch’s mission, goals and activities to decrease childhood obesity and related chronic diseases. The PAN Branch is collaborating with the Department of Public Instruction and with the Division of Child Development and Early Education to help children choose to be involved in physical activity on a daily basis.

Ms. Alice Lenihan, Branch Head of the Nutrition Services Branch, DPH, DHHS, detailed outdoor time and physical activity requirements for infants, toddlers, and preschoolers attending licensed child care facilities. She also talked about the limited amount of “screen time” that is allowed and the Kids Eat Smart Move More program.

Ms. Wendi Boggess, Family Relations Specialist, First Environments Early Learning Center, shared a Power Point presentation showing photos of children at her child care center engaged in Kids Eat Smart Move More activities.

Dr. Michael Kanters, Associate Professor, Department of Parks, Department of Parks, Recreation & Tourism Management, North Carolina State University, recommended that the State Board of Education policy on interscholastic sports in grades 7-12 be changed to include 6th graders. Dr. Kanters also mentioned that children who participate in sports are more active than children who don’t participate in sports.

December 8, 2011

Ms. Jani Kozlowski, Policy Unit Manager, Division of Child Development and Early Education (DCDEE), described the new nutrition rules that the Child Care Commission had agreed upon on September 27, 2011. These rules are the result of S.L. 2010-117(HB 1726). Original rules to help reduce childhood obesity had been developed in August, 2010.

Ms. Alice Lenihan, Branch Head of the Nutrition Services Branch, DPH, DHHS, described the process of public hearings that had been used to gather input on the new nutrition standards. They also learned about what different localities are doing to help preschool children to be more active and to eat more healthy foods. Their Branch plans to work collaboratively with DCDEE to implement new nutrition standards.

Dr. Lynn Harvey, Section Chief, Child Nutrition Services, Department of Public Instruction, presented a thorough overview of Federal Child Nutrition programs offered in each local school administrative unit (LEA) and administered by DPI. She provided the history of the program along with current successes and challenges. Overall program costs are increasing and revenues are decreasing. Dr. Harvey concluded her presentation with information on food insecurity, or lack of nutritious food, which is being experienced by many children in North Carolina.

Dr. Carol Ripple, Principal Evaluator, Program Evaluation Division (PED), North Carolina General Assembly, gave a report on a study that the PED had completed on NC's Child Nutrition program. The major findings of that study included (i) program viability depends on a delicate balance of cost, nutritional value, and student participation; (ii) indirect costs challenge program solvency; and, (iii) NC does not supplement federal funding beyond the required match. The PED recommended that programs must be solvent, defined as having one month's operating balance, before LEAs can charge indirect costs and that the legislature should support the NC Procurement Alliance. The Procurement Alliance helps LEAs to buy food and products in bulk, and thus at lower rates.

Dr. Alice Ammerman, Professor, UNC-Chapel Hill School of Public Health, presented information about a project that the School of Public Health is engaged in. This project promotes the creation and consumption of healthy foods at local events such as barbecue festivals. She also recommended supporting the Sustainable Local Food Advisory Council's report to increase the availability of locally-produced foods for SNAP participants.

January 12, 2012

Mr. David Locklear, Assistant Chief, Economic and Family Services, DHHS, explained eligibility criteria for, and allowable benefits of, the Supplemental Nutrition Assistance Program (SNAP), formerly called "food stamps."

Ms. Veronica Bryant, SNAP-Ed Outreach Coordinator, DHHS, explained what this program does. SNAP-Ed provides nutrition training and information to families who participate in SNAP to support them to make health food choices. SNAP-Ed also provides information on increasing SNAP participant physical activity as needed. Ms. Bryant provided a list of agencies who offer SNAP-Ed and a list of counties served by the agencies. She concluded her presentation with a description of SNAP-Ed partnerships and pilot projects including the NC Farmers Markets.

Mr. Gary Gay from the Food Distribution Division in the Department of Agriculture and Consumer Service explained how the Farm to School program works. He provided information on what crops are available for schools to purchase during different times of the year. The NC Farm to School Program served approximately one million students and delivered over 1 million pounds of NC produce in 2010-11. He indicated that the major barriers to schools participating in the Farm to School program include lack of refrigeration space, staff to prepare fresh produce, and Good Agricultural Practices (GAP) certified farmers.

Ms. Laurie Stradley, the NC State Lead for the National Farm to School Network provided evidence that buying local foods is beneficial for health and economic reasons. She indicated that the components of a farm to school program includes more than just delivery of fresh produce, but also includes field trips to farms, nutrition education and cooking in schools, and school gardens. Ms. Stradley concluded her presentation to with several recommendations to increase the number of schools and farms participating in the farm to school program.

Ms. Joy Hicks, Policy Development Analyst, Department of Agriculture and Consumer Services, gave the report form the NC Sustainable Local Food Advisory Council. In 2009, the General Assembly established the NC Sustainable Local Food Advisory Council. Article 70 of Chapter 106 of the North Carolina General Statutes creates, and provides the duties of, the Council but the Council is currently set to expire on July 31, 2012. In the Council's 2010 report, some of the recommendations related to reducing childhood obesity included supporting the Farm-to-School program, expanding SNAP-Ed, supporting WIC and EBT programs, increasing funding for school cafeterias, increasing local food purchases with SNAP, and getting whole farms to be GAP certified. The NC Sustainable Local Food Advisory Council is set to expire in 2012, but would like to have the expiration date amended so that they can continue to pursue some of the efforts they have begun.

February 15, 2012

Mr. Ronnie Wynne and Ms. Brooke Stephenson from the Marketing Division of the NC Department of Agriculture and Consumer Services provided an overview of how farms become GAP certified. GAP stands for Good Agricultural Practices and the certification process involves farms meeting a number of criteria and food safety procedures. Farms and packaging facilities are inspected and farm workers are observed and interviewed. GAP certification is voluntary and the type of certification is driven by the consumer of the farmer's products. The certification is used for safety, sanitation, and for marketing, e.g., a restaurant who advertises local produce from a GAP certified farm.

Ms. Heather Barnes, Marketing Director, NC Farm to School Program, indicated that DPI requires farms to be GAP certified before a school can buy produce from them.

Mr. Roland McReynolds, Carolina Farm Stewardship Association, further explained the GAP certification process, and the positive reasons for having the certification, but also the hardships placed on farmers going through this process. His group, working with the NC Fresh Produce Safety Task Force, found that the current GAP certification process is not well-suited for small-scale farms. They are developing an All-Farm GAP process pilot project to see if this alternative would be less costly and easier for small farms to complete. The project will produce a results report and guidance manual later this year.

Ms. Paula Hudson Hildebrand, Chief Health and Community Relations Officer, DPI, gave the 2010-2011 Health Active Children Policy Report. According to data submitted to DPI by 95% of LEAs, 51% provide 150 minutes of weekly physical education (PE) with PE certified teachers to elementary school children and 52% provided 225 minutes of weekly Healthful Living coursework with certified health and PE teachers. She indicated that cost of certified teachers in these areas and equipment was hindering other school systems to meet

these aspects of the Healthy Active Children Policy. Ms. Hildebrand included in her report the successes of the local school health advisory councils including a significant reduction in the use of exercise in schools as a punishment.

Representative LaRoque passed out a current report from the IsPOD which indicated that teachers and students report less involvement in physical education and activity. Ms. Judy Marino from IsPod and Ms. Hildebrand from DPI indicated that teacher and student perceptions from their individual schools and life experiences may be different from the reports sent to DPI which reflect physical education and activity on the whole across an LEA.

Ms. Pamela Smith, Child Nutrition Director, Lenoir County Schools, provided a local perspective on running a child nutrition program. She talked about how Lenoir County Schools had been running a significant deficit until they ended 25 positions through attrition, reduced the variety of items on the menu, and participated in the NC Procurement Alliance. Their Child Nutrition Program now does not pay indirect costs. She talked about introducing more fresh fruits and vegetables to all children who come through the cafeteria lines and that fresh salads had actually become a popular item with all of the children. She concluded her presentation with a description of how cashiers have to charge children based on different elements required by the USDA and how Lenoir County Schools uses lunchprepay.com that allows families to keep funds available for their child to use and know what foods their child purchases.

Dr. Patrick Miller, Superintendent, Greene County Schools, shared their “success story” in being able to meet the State Board of Education’s Healthy Active Children policy. He said that they had prioritized their small system and low wealth system funds to hire certified PE teachers in each of their schools in 2006-2007. He said that they had seen a decrease in behavior referrals since being able to offer PE and/or “energizers” to all of their students on a daily basis.

Ms. Angie Miller, Healthful Living Coordinator, Nash-Rocky Mount Public Schools, presented their “success story” as they had also been able to meet the State Board of Education (SBE) policy of providing daily physical activity. Her school system partnered with the local hospital and YMCA to offer incentives such as water bottles and jump ropes to children when they walked a number of miles. Each student walks a targeted amount per day with their teacher in this school system.

Dr. Lynn Harvey concluded this meeting by presenting the new federal nutrition standards which were mandated on January 26, 2012 with passage of the final rule on meal pattern and nutrition standards. Dr. Harvey explained the differences in the amounts of each component required by the USDA. More fruits, vegetables, and whole grains will be required. Reduced sodium, calories, and trans fat will also be required. The cost estimate of implementing the new nutrition standards is an estimated 10 cents for each lunch and 27 cents for each breakfast. The final rule states that “school districts will be required to make a substantial investment to improve the quality of school meals.” As such, Dr. Harvey indicated that State and local governments will likely be expected to play a significant role in coming up with the funding for improved nutrition standards. Additionally, Dr. Harvey highlighted barriers to an optimal nutrition environment which supports obesity prevention including:

inadequate funds; nutrition not valued as part of the instructional day; priority for the child nutrition program to be financially self-supporting; limited time and or space for students to eat meals at school; too little nutrition education; and student taste preferences. There will be a gradual implementation of the new nutrition standards over the next three years.

April 25, 2012

The chair recognized Committee staff to go through the draft Committee report and the draft recommendations and corresponding bill drafts. Theresa Matula provided information on the Committee's purpose and reporting requirements as contained in the Committee authorization. Ms. Matula reviewed the elements of the report and explained the first four draft recommendations and corresponding bill drafts. Sara Kamprath explained the remaining seven draft recommendations and corresponding bill drafts. After each draft recommendation and bill draft was explained by staff, the Committee discussed the recommendation and bill draft making any changes deemed appropriate. The Committee voted to approve each draft recommendation and corresponding bill draft.

FINDINGS AND RECOMMENDATIONS

Improving Child Nutrition Programs

Recommendation 1: The House Select Committee on Childhood Obesity recommends that the General Assembly appropriate:

- \$20 million dollars for the 2012-13 fiscal year to the Department of Public Instruction to assist child nutrition programs in meeting nutrition standards.
and
- \$1.7 million dollars for the 2012-13 fiscal year to the Department of Public Instruction to support the elimination of the student cost of the reduced-price breakfast in order to increase the participation rate.
and
- funds for the 2012-13 fiscal year to the Department of Public Instruction to support the cost of any increases in salaries and benefits required by the State for child nutrition personnel.

These recommendations are contained in bill drafts [2011-SHza-12](#), [2011-SHza-13](#), and [2011-SHza-14](#).

Background 1: The Program Evaluation Division report on December 8, 2011, indicated that 32 states supplement federal child nutrition funds. Some states have a recurring flat appropriation amount, some fund labor costs, and some provide meal reimbursements. The Department of Public Instruction indicated that since 2007, the State Board of Education has requested \$20 million annually to assist Child Nutrition programs in meeting nutrition standards. Following the Committee's March meeting, the Department of Public Instruction provided supplemental information indicating a cost of \$1.7 million dollars to eliminate the student cost of a reduced-price breakfast for children who qualify for reduced-price meals.

Recommendation 2: The House Select Committee on Childhood Obesity recommends that the General Assembly require the Department of Public Instruction to work with school districts to decrease food costs and increase the use of locally grown fresh fruits and vegetables through 1) increased participation in the North Carolina Procurement Alliance and 2) increased participation in the Farm to School program, and to report progress on this recommendation on or before November 1, 2013, to the Joint Legislative Education Oversight Committee. To support these initiatives the House Select Committee on Childhood Obesity recommends that the General Assembly appropriate \$80,000 for the 2012-13 fiscal year to the Department of Public Instruction to provide administrative support for the NC Procurement Alliance; and to appropriate \$5,000 to the Department of Public Instruction for each school district, for a total of \$575,000 for the 2012-13 fiscal year, to purchase chopping/slicing devices, or other equipment, that would encourage the purchase and consumption of locally grown fresh fruits and vegetables in school food services.

This recommendation is contained in bill draft [2011-TLza-17](#).

Background 2: The Program Evaluation Division report on December 8, 2011, presented information on opportunities for child nutrition programs to save money when purchasing food and supplies through the North Carolina Procurement Alliance. The Division found that Members have realized an average savings of 6% on the purchase of food and supplies. The Division recommended funding administrative support for the Procurement Alliance in the amount of \$80,000.

Following the Committee's March meeting, the Department of Public Instruction provided information indicating that 87 school districts currently participate in the Procurement Alliance. The Department funds a position to support the work of Alliance and the remaining support is provided through federal grants and the efforts of school district volunteers. The Department indicated that the funds provided to support the Procurement Alliance are not sufficient to enable the buying group to operate at an optimal level or to expand.

During meetings on January 12, 2012, and February 15, 2012, the Committee heard presentations on the North Carolina Farm to School Program coordinated by the North Carolina Department of Agriculture. The Farm to School program has been in operation for 15 years. Comments by the Committee members indicated that the purchase of locally grown produce from farmers and the consumption of this produce by school children was a win-win situation for North Carolina. However, some concerns were shared with the Committee that many school kitchens are not equipped to handle the preparation of fresh fruits and vegetables for consumption by children.

Following the Committee's March meeting, the Department of Public Instruction provided information on the need for funding to support the purchase of equipment that supports the use of fresh, locally-grown produce. Within the last several years, districts did receive some federal funding for equipment purchases. However the equipment requests received totaled \$12.5 million, but the funding received was only \$3.2 million. Equipment needs include: pass-through refrigerators, refrigerated display cases, chopping/slicing devices, and walk-in coolers. The Department indicated that a vertical cutter mixer would cost approximately \$5,000 and could facilitate the use of fresh produce.

Recommendation 3: The House Select Committee on Childhood Obesity recommends that the General Assembly amend G.S. 143-64 to remove "local school administrative units" which is anticipated to save \$500,000 by removing the requirement that school districts procure juice and water separately from other foods and beverages.

This recommendation is contained in bill draft [2011-SHz-15](#).

Background 3: Following the Committee's March meeting, the Department of Public Instruction provided information indicating that G.S. 143-64 requires local school administrative units to competitively bid contracts for the sale of bottled water separately from each other and separately from any other contract. The Department reported that this requires school districts to procure juice and water separately from each other and from all other foods and beverages served in the school breakfast and lunch program and the approximate cost of this administrative burden exceeds \$500,000. The Department reported that all purchases of foods and beverages in the child nutrition program are made in

compliance with federal regulations. An amended version of G.S. 143-64 has been provided below.

§ 143-64. Beverages contracts.

~~Notwithstanding any other provision of law, local school administrative units, community colleges, and constituent institutions~~ Notwithstanding any other provision of the law, community colleges and constituent institutions of The University of North Carolina shall competitively bid contracts that involve the sale of juice or bottled water. Contracts for the sale of juice and contracts for the sale of bottled water shall each be bid separately from each other and separately from any other contract, including contracts for other beverages or vending machine services. ~~The local school administrative units, community colleges,~~ Community Colleges and constituent institutions may set quality standards for these beverages, and these standards may be used to accept or reject a bid.

Recommendation 4: The House Select Committee on Childhood Obesity recommends that the General Assembly require the State Board of Education and the Department of Public Instruction to determine the optimal amount of seat time students need for breakfast and lunch and to explore innovative options for utilizing meal time as instructional time and to report on or before January 1, 2014, to the Joint Legislative Education Oversight Committee.

This recommendation is contained in bill draft [2011-TLz-18](#).

Background 4: On December 8, 2011, Child Nutrition Services reported the following breakfast participation levels: 37% in Elementary School, 19% in Middle School, 12% in High School. The following lunch participation levels were reported: 77% in Elementary School, 69% in Middle School, 42% in High School. According to information presented by the Department of Public Instruction, North Carolina has the tenth most food insecure student body in the nation and the fifth fattest student body in the nation. For some students a school breakfast and/or lunch may provide a significant portion of their daily food intake. Many studies have shown a link between decreased instructional outcomes when children are hungry. The Committee expressed concerns that all school students may not have adequate time to go through the cafeteria line and to eat breakfast and lunch. However, it is not clear how much time is appropriate. The Committee also expressed an awareness of the importance of instructional time. The Department mentioned several options that included “grab and go” meals and other options which may include facilitating students eating breakfast in the classroom. A study would explore both the optimal seat time and innovative approaches to ensuring students have the opportunity to eat breakfast and lunch.

Increasing the Consumption of Healthy Food in Communities

Recommendation 5: The House Select Committee on Childhood Obesity recommends that the General Assembly require the Department of Health and Human Services to increase participation in Supplemental Nutrition Assistance Program Education (SNAP-Ed) and to report progress on or before October 1, 2013, to the Joint Legislative Oversight Committee on Health and Human Services.

This recommendation is contained in bill draft [2011-TLz-19](#).

Background 5: On January 12, 2012, the Division of Social Services, Department of Health and Human Services, presented information on Food and Nutrition Services and Supplemental Nutrition Assistance Program Education (SNAP-Ed). SNAP-Ed is an optional nutrition education and obesity prevention grant program that is 100% federally funded. The Division provided that the goals of SNAP-Ed include: healthy food choices within a limited budget, physically active lifestyles, and education on Dietary Guidelines for Americans and MyPlate. The focus of the program is to encourage consumption of fruits, vegetables, whole grains, and fat free or low-fat milk instead of unhealthy alternatives. The program also encourages physical activity, caloric intake monitoring and drinking water instead of sugary drinks.

Recommendation 6: The House Select Committee on Childhood Obesity appreciates and supports efforts to assist farmers in becoming Good Agricultural Practices (GAP) certified in order to increase participation in the Farm to School program and to increase the availability, supply and consumption of healthy locally grown fruits and vegetables.

No legislation is necessary for this recommendation.

Background 6: During the meetings on January 12, 2012 and February 15, 2012, the Committee heard presentations on the Farm to School program and Good Agricultural Practices (GAP) certification for farmers. The Committee appreciates current and future efforts by the Department of Agriculture and the Carolina Farm Stewardship Association to assist farmers in obtaining GAP certification thereby increasing local farmer participation in the Farm to School program and public access to healthy fruits and vegetables.

Recommendation 7: The House Select Committee on Childhood Obesity recommends that the General Assembly require the Department of Health and Human Services, the Department of Agriculture & Consumer Services to work toward increasing the number of farmers markets accepting SNAP (Supplemental Nutrition Assistance Program) EBT (Electronic Benefit Transfer) cards, to make the location of these markets known to SNAP recipients, and to report progress on this recommendation on or before March 1, 2013 and November 1, 2013, to the Joint Legislative Oversight Committee on Health and Human Services.

This recommendation is contained in bill draft [2011-TLz-19](#).

Background 7: During the January 12, 2012 meeting the Committee heard a presentation on SNAP and SNAP-Ed. At the December 8, 2011 meeting, the Committee heard from Dr. Alice Ammerman, Professor, Department of Nutrition, Gillings School of Global Public Health and School of Medicine Director, Center for Health Promotion and Disease Prevention, University of North Carolina at Chapel Hill, who presented information on SNAP-Ed and the economic case for local food. Dr. Ammerman presented Recommendation 13 from the Sustainable Local Food Advisory Council's 2011 report, which encouraged the SNAP-Ed Advisory Committee to work with the Council's subcommittee to consider a statewide coordinated approach to encourage the use of locally produced food by SNAP participants. The Committee is encouraged by the work thus far to increase the acceptance of SNAP EBT cards at farmers markets. Increasing acceptance of these cards will assist farmers and SNAP recipients by increasing consumption of locally grown fruits and vegetables.

Recommendation 8: The House Select Committee on Childhood Obesity recommends that the General Assembly continue the Sustainable Local Food Advisory Council until July 31, 2015.

This recommendation is contained in bill draft [2011-TLz-20](#).

Background 8: Session Law 2009-530 created the North Carolina Sustainable Local Food Advisory Council to address program and policy considerations regarding the development of a sustainable local food economy in North Carolina. The Council is set to expire on July 31, 2012. The Committee has heard from a number of groups that are involved with the Council and has benefited from information facilitated through the Council. The Council has requested continuation.

Increasing Physical Activity Among Children

Recommendation 9: The House Select Committee on Childhood Obesity recommends that the General Assembly establish the Task Force on Physical Education and Physical Activity in Schools (Task Force) to examine strategies for increasing physical activity and quality physical education instruction in the public schools. In the course of the study, the Task Force shall consider and recommend to the General Assembly a strategic plan to:

- Increase the amount of time that K-8 students are engaged in daily moderate to vigorous physical activity.
- Increase the number of K-8 students that are receiving the amount of weekly physical education recommended by the State Board of Education.
- Provide adequate facilities, equipment, and licensed physical education instructors.
- Identify local and statewide funding sources, including potential public-private partnerships.
- Identify methods to provide and fund the collection of reliable data from fitness testing that can be used to monitor and improve student health.

The Task Force shall consider any recommendations that are received from the State Board of Education work group on fitness testing data and use. The Task Force shall also identify any other barriers to increasing physical activity and quality physical education instruction in the public schools and recommend any means to overcome those barriers. The Task Force shall include members of the North Carolina Senate and House of Representatives; representatives from the Department of Public Instruction; the Division of Public Health in the Department of Health and Human Services; and other interested stakeholders. The Task Force shall report interim progress on this recommendation on or before March 1, 2013 and shall provide a final report on or before March 15, 2014 to the Joint Legislative Education Oversight Committee.

This recommendation is contained in bill draft [2011-RJz-4](#).

Background 9: At the November 10 meeting, the Committee heard about the link between the amount of time that a child participated in daily activity and the child's grades in school. According to the Physical Activity and Nutrition Branch of DHHS, parents reported that

53% of children who spent over an hour in physical activity each day made mostly A's as compared to 42% of children who spent less than 20 minutes in physical activity each day made mostly A's.

Paula Hudson Hildebrand, Chief Health and Community Relations Officer for DPI, explained State Board of Education Policy HSP-S-000 that required schools to provide daily a minimum of 30 minutes of moderate to vigorous physical activity to all K-8 students. The requirement can be met through a regular physical education class or through other activities such as recess, dance, classroom energizers, or other curriculum based physical education activity programs. This time should not substitute for the physical education program.

During the February 15, 2012 meeting, Ms. Hildebrand provided the results of a 2011 study on the percentage of local school administrative units (LEAs) that are meeting the requirements of this policy. DPI combined city and county LEAs for the purposes of this report and 106/112 (combined LEAs) provided data. Slightly over half (51%) of the reporting LEAs indicated that all of their elementary schools are meeting the suggested 150 minutes per week with a certified Physical Education teacher. Slightly over half (52%) of the reporting LEAs indicate that all of their middle schools are meeting the suggested 225 minutes per week of Healthful Living instruction taught by a certified Health and Physical Education teacher. Therefore, it appears that only about half of the State's school children are being provided with physical education by a certified PE teacher.

During the November 10th meeting, Dr. Michael Kanters, Associate Professor, Department of Parks, Recreation & Tourism Management, NCSU, spoke on the importance of providing intramural opportunities for students who do not participate in interscholastic athletic competition. Dr. Kanters mentioned that children who participate in sports are more active than children who don't participate in sports. He pointed out that his research found that about 32,000 6th graders don't have access to any school sports. Dr. Kanters mentioned that this is important because when children don't participate in sports their motivation to participate later diminishes. His research found that intramural sports attract more students than interscholastic sports and that African American and low-income students are more likely to participate in sports in schools that have intramural sports programs. Dr. Kanters presented research indicating that 47% of schools offer some type of intramurals but that sometimes facilities sit empty but intramurals more effectively use buildings.

Recommendation 10: The House Select Committee on Childhood Obesity recommends that the General Assembly direct the State Board of Education to coordinate a work group to examine how to continue the collection of data from fitness testing currently conducted in the public schools, methods to ensure that the data is reliable, procedures to allow the data to be shared appropriately with State agencies in order to have a Statewide picture of fitness levels of students, and funding sources for these activities. The work group should include representatives from the Department of Public Instruction; the NC Alliance for Athletics, Health, Physical Education, Recreation, and Dance; the Division of Public Health in the Department of Health and Human Services; the American Heart Association; and other organizations and agencies deemed appropriate. The work group shall report to the Task Force on Physical Education and Physical Activity in Schools by June 30, 2013 on the results of its work.

This recommendation is contained in bill draft [2011-RJz-4](#).

Background 10: At the November 10 meeting, Paula Hudson Hildebrand, Chief Health and Community Relations Officer for DPI, explained about the new fitness testing guidelines for K-8 students developed by the State Board of Education as required by Session Law 2010-61. The new tests should measure aerobic capacity, body composition, muscular strength, muscular, endurance and flexibility. At the same meeting, the Committee heard that the Kate B. Reynolds grant funding that supports the efforts of the NC Alliance for Athletics, Health, Physical Education, Recreation, and Dance (NC AAHPERD) will end on July 31, 2012. Through the grant NCAAHPERD has collected data on the fitness levels of K-8 students.

Following the Committee's March meeting, the State Board and DPI provided information that DPI had lead the task force that initially developed the new fitness testing guidelines and would be the logical entity to lead this new task force.

Addressing Early Childhood Obesity

Recommendation 11: The House Select Committee on Childhood Obesity recommends that the North Carolina Institute of Medicine (NCIOM) present the findings and recommendations of the NCIOM Task Force on Early Childhood Obesity Prevention to the Joint Legislative Education Oversight Committee when those findings are available in 2013.

No legislation is necessary for this recommendation.

Background 11: The North Carolina Institute of Medicine (NCIOM) Task Force on Early Childhood Obesity Prevention is working to develop recommendations to address barriers and to ensure the availability of systems and services to improve young children, ages 0-5, and the physical and nutritional health of their families. According to information from the NCIOM, the Task Force is charged to:

- (1) examine evidence-based and promising practices from prior North Carolina related task forces, as well as from the White House and national Institute of Medicine Committee on Childhood Obesity Prevention; and
- (2) develop a strategic plan to prevent or reduce early childhood obesity in North Carolina that can serve as a blueprint for foundations, government, health professional associations, and other community groups interested in improving the health of young children, ages 0-5

LEGISLATIVE PROPOSAL I

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

U

D

BILL DRAFT 2011-SHza-12 [v.2] (04/25)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/25/2012 1:42:28 PM**

Short Title: Funds for Child Nutrition Stnds. (Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF PUBLIC INSTRUCTION FOR THE CHILD NUTRITION PROGRAM TO ASSIST CHILD NUTRITION PROGRAMS IN MEETING NUTRITION STANDARDS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON CHILDHOOD OBESITY.

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated from the General Fund to the Department of Public Instruction, the sum of twenty million dollars (\$20,000,000) for the 2012-2013 fiscal year to be used for the child nutrition program in each local school administrative unit to meet nutrition standards.

SECTION 2. This act becomes effective July 1, 2012.

LEGISLATIVE PROPOSAL II

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

U

D

BILL DRAFT 2011-SHza-13 [v.3] (04/25)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/25/2012 1:48:03 PM**

Short Title: Eliminate Student Cost Reducd-Price Breakfst.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

1 AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF PUBLIC
2 INSTRUCTION FOR THE CHILD NUTRITION PROGRAM TO ELIMINATE
3 THE STUDENT COST FOR REDUCED-PRICE BREAKFAST IN ORDER TO
4 INCREASE BREAKFAST PARTICIPATION, AS RECOMMENDED BY THE
5 HOUSE SELECT COMMITTEE ON CHILDHOOD OBESITY.

6
7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** There is appropriated from the General Fund to the
9 Department of Public Instruction, the sum of one million seven hundred thousand
10 dollars (\$1,700,000) for the 2012-2013 fiscal year to eliminate the student cost of
11 reduced-price breakfast for children who qualify for reduced price meals in each local
12 school administrative unit. The goal of these funds is to increase breakfast
13 participation.

14 **SECTION 2.** This act becomes effective July 1, 2012.

LEGISLATIVE PROPOSAL III

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

U

D

BILL DRAFT 2011-SHza-14 [v.2] (04/25)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/25/2012 1:41:07 PM**

Short Title: Fund Child Nutrition Salary&Benefit Cost Inc. (Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

1 AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF PUBLIC
2 INSTRUCTION TO OFFSET THE COST OF SALARY AND BENEFIT
3 INCREASES REQUIRED BY THE STATE FOR CHILD NUTRITION
4 PERSONNEL IN LOCAL SCHOOL ADMINISTRATIVE UNITS, AS
5 RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON CHILDHOOD
6 OBESITY.
7

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** There is appropriated from the General Fund to the
10 Department of Public Instruction, funds for the 2012-2013 fiscal year to offset the cost
11 of any salary and benefit increases required by the State for child nutrition personnel in
12 each local school administrative unit.

13 **SECTION 2.** This act becomes effective July 1, 2012.

LEGISLATIVE PROPOSAL IV

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

U

D

BILL DRAFT 2011-TLza-17 [v.9] (04/25)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

4/25/2012 1:43:22 PM

Short Title: Support Procurement & Farm to School/Funds.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

1 AN ACT TO REDUCE CHILD NUTRITION PROGRAM FOOD COSTS BY
2 ENCOURAGING PARTICIPATION IN THE NORTH CAROLINA
3 PROCUREMENT ALLIANCE AND BY APPROPRIATING FUNDS FOR
4 ADMINISTRATIVE SUPPORT FOR THE PROCUREMENT ALLIANCE; AND
5 ENCOURAGING USE OF THE FARM TO SCHOOL PROGRAM AND BY
6 APPROPRIATING FUNDS FOR CHILD NUTRITION EQUIPMENT TO
7 ENCOURAGE CONSUMPTION OF LOCALLY GROWN FRUITS AND
8 VEGETABLES, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE
9 ON CHILDHOOD OBESITY.
10

11 The General Assembly of North Carolina enacts:

12 **SECTION 1.(a).** The State Board of Education and the Department of Public
13 Instruction shall work collaboratively with local boards of education and local school
14 administrative units to (i) reduce the food costs through increased participation in the
15 North Carolina Procurement Alliance and; (ii) increase the use of locally grown fresh
16 fruits and vegetables through increased participation in the Farm to School Program.

17 **SECTION 1.(b).** The State Board of Education and the Department of
18 Public Instruction shall report on the progress of this section on or before November 1,
19 2013, to the Joint Legislative Education Oversight Committee.

20 **SECTION 2.** There is appropriated from the General Fund to the
21 Department of Public Instruction, the sum of eighty thousand dollars (\$80,000) for the
22 2012-2013 fiscal year to provide administrative support to the North Carolina
23 Procurement Alliance.

24 **SECTION 3.** There is appropriated from the General Fund to the
25 Department of Public Instruction, the sum of five hundred seventy-five thousand dollars
26 (\$575,000) for the 2012-2013 fiscal year to provide each local school administrative
27 unit with a sum of five thousand dollars (\$5,000) to purchase chopping and slicing
28 devices, or other equipment, that would encourage the purchase by child nutrition

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1 programs, and consumption by school children, of locally grown fresh fruits and
2 vegetables.

3 **SECTION 4.** This act becomes effective July 1, 2012.

4

LEGISLATIVE PROPOSAL V

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

U

D

BILL DRAFT 2011-SHz-15 [v.2] (04/25)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

4/26/2012 9:36:08 AM

Short Title: Simplify School Beverage Contract Bids.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

AN ACT TO SAVE MONEY BY REMOVING LOCAL SCHOOL ADMINISTRATIVE UNITS FROM THE SEPARATE BID REQUIREMENTS FOR JUICE AND WATER, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON CHILDHOOD OBESITY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-64 reads as rewritten:

"§ 143-64. Beverages contracts.

~~Notwithstanding any other provision of law, local school administrative units, community colleges, and constituent institutions~~ Notwithstanding any other provision of law, community colleges and constituent institutions of The University of North Carolina shall competitively bid contracts that involve the sale of juice or bottled water. Contracts for the sale of juice and contracts for the sale of bottled water shall each be bid separately from each other and separately from any other contract, including contracts for other beverages or vending machine services. ~~The local school administrative units, community colleges,~~ Community Colleges and constituent institutions may set quality standards for these beverages, and these standards may be used to accept or reject a bid."

SECTION 2. This act is effective when it becomes law.

LEGISLATIVE PROPOSAL VII

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

U

D

BILL DRAFT 2011-TLz-19 [v.6] (04/09)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

4/26/2012 10:05:16 AM

Short Title: Promote Local/Healthy Food.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

1 AN ACT TO WORK TOWARD DECREASING OBESITY IN SUPPLEMENTAL
2 NUTRITION ASSISTANCE PROGRAM (SNAP) PARTICIPANTS BY
3 INCREASING THEIR PARTICIPATION IN SUPPLEMENTAL NUTRITION
4 ASSISTANCE PROGRAM EDUCATION (SNAP-ED) AND MAKING FRESH,
5 LOCALLY GROWN PRODUCE AVAILABLE BY INCREASING THE
6 ACCEPTANCE OF ELECTRONIC BENEFITS TRANSFER (EBT) CARDS AT
7 FARMERS MARKETS, AS RECOMMENDED BY THE HOUSE SELECT
8 COMMITTEE ON CHILDHOOD OBESITY.
9

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.(a).** The Department of Health and Human Services shall
12 increase the participation of eligible recipients in Supplemental Nutrition Assistance
13 Program Education (SNAP-ED), which is an optional federal grant program that
14 addresses nutrition education.

15 **SECTION 1.(b).** The Department of Health and Human Services shall report
16 on the progress of this section by October 1, 2013 to the Joint Legislative Oversight
17 Committee on Health and Human Services.

18 **SECTION 2.(a).** The Department of Agriculture and Consumer Services and
19 the North Carolina Department of Health and Human Services shall work
20 collaboratively to (i) increase the number of farmers markets accepting Supplemental
21 Nutrition Assistance Program (SNAP) Electronic Benefit Transfer (EBT) cards; and (ii)
22 make the location of these farmers markets known to program recipients.

23 **SECTION 2.(b).** The Department of Agriculture and Consumer Services and
24 the Department of Health and Human Services shall make an interim report by March 1,
25 2013 and a final report by November 1, 2013 to the Joint Legislative Oversight
26 Committee on Health and Human Services.

27 **SECTION 3.** This act is effective when it becomes law.

EGISLATIVE PROPOSAL VIII

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

H

D

BILL DRAFT 2011-TLz-20 [v.1] (04/16)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/16/2012 1:15:31 PM**

Short Title: Continue the Sustainable Local Food Advisory . (Public)

Sponsors: Representative Unknown.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CONTINUE THE WORK OF THE SUSTAINABLE LOCAL FOOD
ADVISORY COUNCIL, AS RECOMMENDED BY THE HOUSE SELECT
COMMITTEE ON CHILDHOOD OBESITY.

The General Assembly of North Carolina enacts:

SECTION 1.(a). The North Carolina Sustainable Local Food Advisory
Council, as established by Session Law 2009-530, shall continue to contribute to a local
food economy by considering and developing policies related to North Carolina's
agricultural sector and economic development as provided under G.S. 106-830.

SECTION 1.(b). Section 4 of Session Law 2009-530 reads as rewritten:

"This act is effective when it becomes law and shall expire on July 31, ~~2012~~2015."

SECTION 2. This act is effective when it becomes law.

LEGISLATIVE PROPOSAL IX

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

H

D

BILL DRAFT 2011-RJz-4 [v.9] (04/13)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

4/26/2012 2:57:54 PM

Short Title: Task Force & Work Group on PE and Fitness. (Public)

Sponsors: Representative Unknown.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE TASK FORCE ON PHYSICAL EDUCATION AND PHYSICAL ACTIVITY IN SCHOOLS AND TO DIRECT THE STATE BOARD OF EDUCATION TO COORDINATE A WORK GROUP TO EXAMINE THE CURRENT STATUS OF DATA COLLECTION FROM FITNESS TESTING CONDUCTED IN KINDERGARTEN THROUGH EIGHTH GRADE, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON CHILDHOOD OBESITY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) There is established the Task Force on Physical Education and Physical Activity in Schools (Task Force).

SECTION 1.(b) The Task Force shall consist of 16 members appointed as follows:

- (1) Eight members appointed by the President Pro Tempore of the Senate, to include:
 - a. Three members of the Senate, with one designated to serve as a cochair.
 - b. A local school administrator, as recommended by the North Carolina Association of School Administrators.
 - c. A representative from a public nonprofit organization promoting healthy lifestyles for children, addressing the problems related to childhood obesity, and increasing physical activity among children, as recommended by the North Carolina Alliance for Health.
 - d. A physician who specializes in the treatment of childhood obesity, as recommended by the North Carolina Academy of Family Physicians.
 - e. A representative of the Department of Public Instruction.

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- 1 f. A representative of the Division of Public Health of the
2 Department of Health and Human Services.
- 3 (2) Eight members appointed by the Speaker of the House of
4 Representatives, to include:
- 5 a. Three members of the House of Representatives, with one
6 designated to serve as a cochair.
- 7 b. A local school board member, as recommended by the North
8 Carolina School Boards Association.
- 9 c. A local elected official, as recommended by the North Carolina
10 Association of County Commissioners.
- 11 d. A physical education specialist, as recommended by the North
12 Carolina Alliance for Athletics, Health, Physical Education,
13 Recreation and Dance.
- 14 e. A representative of the State Board of Education.
- 15 f. A classroom teacher, as recommended by the North Carolina
16 Association of Educators.

17 Recommendations for Task Force members shall be submitted to the
18 appointing authority 30 days after enactment of this act. Vacancies on the Task Force
19 shall be filled by the same appointing authority making the initial appointment. A
20 quorum of the Task Force shall be a majority of its members.

21 **SECTION 1.(c)** The Task Force shall examine issues relating to physical
22 education, physical activity, and fitness testing data collection in the schools. In the
23 course of the study, the Task Force shall consider and recommend to the General
24 Assembly a strategic plan, including implementation dates, that provides:

- 25 (1) Physical education for every student in kindergarten through eighth
26 grade for the entire school year, including students with disabilities
27 and those in alternative education programs. Students in the
28 elementary schools shall participate in physical education for at least
29 150 minutes during each school week, and students in middle school
30 shall participate for at least 225 minutes during each school week.
- 31 (2) A physical education curriculum consistent with the National
32 Association of Sports and Physical Education (NASPE) standards. The
33 planned instructional program with specific objectives shall be
34 delivered by a licensed instructor.
- 35 (3) Methods to provide cost-effective and adequate spaces, facilities,
36 equipment, supplies, and operating budgets necessary to achieve the
37 objectives of the physical education program.
- 38 (4) A list of possible funding sources, including potential public-private
39 partnerships, to provide long-term sustainability for physical education
40 in schools.
- 41 (5) Methods to increase the amount of time that students in kindergarten
42 through eighth grade are engaged in daily moderate to vigorous
43 physical activity outside of physical education.
- 44 (6) Methods to collect and analyze fitness testing data in order to monitor
45 student fitness levels over time based on recommendations from the
46 work group.

LEGISLATIVE PROPOSAL IX

1 (7) Any other issue that the Task Force considers relevant to its charge.

2 **SECTION 1.(d)** Members of the Task Force shall receive per diem,
3 subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as
4 appropriate. The Task Force, while in the discharge of its official duties, may exercise
5 all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.
6 The Task Force may meet at any time upon the joint call of the cochairs. The Task
7 Force may meet in the Legislative Building or the Legislative Office Building.

8 With approval of the Legislative Services Commission, the Legislative
9 Services Officer shall assign professional staff to assist the Task Force in its work. The
10 House of Representatives' and the Senate's Directors of Legislative Assistants shall
11 assign clerical staff to the Task Force, and the expenses relating to the clerical
12 employees shall be borne by the Task Force. The Task Force may contract for
13 professional, clerical, or consultant services as provided by G.S. 120-32.02. If the Task
14 Force hires a consultant, the consultant shall not be a State employee or a person
15 currently under contract with the State to provide services.

16 All State departments and agencies and local governments and their
17 subdivisions shall furnish the Task Force with any information in their possession or
18 available to them.

19 **SECTION 1.(e)** The Task Force shall submit an interim report to the 2013
20 Regular Session of the 2013 General Assembly on or before January 15, 2013, and
21 submit a final report of the results of its study and its recommendations to the 2014
22 Regular Session of the 2013 General Assembly on or before May 1, 2014. The Task
23 Force shall terminate on May 15, 2014, or upon the filing of its final report, whichever
24 occurs first.

25 **SECTION 2.(a)** The State Board of Education shall coordinate a work group
26 to examine the current status of data collection from the fitness testing conducted in
27 kindergarten through eighth grade. The work group shall focus on methods to (i) collect
28 reliable data from the fitness testing; (ii) appropriately share the data among State
29 agencies; (iii) monitor fitness levels of students over time; and (iv) identify possible
30 funding sources that will provide long-term sustainability for data collection activities.

31 **SECTION 2.(b)** The workgroup shall include representatives from the
32 Department of Public Instruction; the Division of Public Health, Department of Health
33 and Human Services; the North Carolina Alliance for Athletics, Health, Physical
34 Education, Recreation, and Dance; the American Heart Association; and other interested
35 stakeholders.

36 **SECTION 2.(c)** The work group shall report its findings and
37 recommendations to the Task Force on Physical Education and Physical Activity in
38 Schools by June 30, 2013.

39 **SECTION 3.** This act is effective when it becomes law.

