

Testimony to Senate Education: H.79

Given By:

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The Agency of Education was pleased to provide information to the Senate Agriculture Committee in its drafting process. However, the agency has a concern with one section of the most recent version of the bill as reported out of Senate Agriculture. As currently drafted, this section poses significant challenges to School Districts and School Food Authorities and to the Agency of Education.

Section 2, Subsection (e) (pages 6 and 7 of draft 6.2):

(e)(l) On or before December 31, 2020, and annually thereafter, a school board operating a school lunch, breakfast, or summer meals program shall submit to the Agency of Education an estimate of the percentage of foods that were produced locally that are purchased for those programs and a summary of how the school board defined food purchased locally for the purposes of these purchases.

(2) On or before January 31, 2021, and annually thereafter, the Agency of Education shall submit to the Senate Committees on Agriculture and on Education and the House Committees on Agriculture and Forestry and on Education in an aggregated form the information received from school boards regarding the percentage of foods produced within the State that are purchased as part of a school lunch, breakfast, or summer meals program. The provisions of 2 V.S.A. § 20(d) regarding expiration of required reports shall not apply to the report required by this subdivision.

Concerns with Section 2, Subsection (e)

As currently drafted, this section requires that school boards provide a qualitative response to the agency about their definition of local foods. The agency is then required to take those responses and compile them into a quantitative report to the Legislature. When this section was originally proposed, the agency was charged with requesting that schools annually report an estimate of their food purchases that were produced in Vermont. This is a quantitative number that the agency told the Committee we have the capacity to collect by adding one question to the annual financial report completed by School Food Authorities. In this form, the data would be relatively easy for the agency to compile and submit to the Legislature. However, the qualitative data collection in the new language presents several challenges, and we do not have the capacity to collect and compile the data in this format.

Decisions about local purchasing may be made at several different levels within a School Food Authority. The SFA is a supervisory union level function and a single SFA may include several school boards. So different definitions of local may be used at different sites within an SFA. In addition, some SFAs use different definitions of local for different products. For example, the definition of local for blueberries and apples may be a 20-mile radius from the school building, while the definition of local for ground beef may be within the state of Vermont. Compiling a response to this question on behalf of the SFA will require significant legwork on the part of the business manager or assistant to the business manager who completes the annual financial report. We anticipate that the agency will receive many inquiries from the field about how to answer this question, and we do not currently have the staff resources or expertise to assist with answering these questions. Further, the time that it will take to gather this information will

delay responses to the annual financial report, and likely reduce overall response rates for the report. This will require additional AOE staff time to follow up on overdue reports. These reports contain other critical information for the operation of the Child Nutrition Programs, so hindering response rates for these reports will harm the operation of the programs.

Once the agency receives the information, the current version of the bill requires that the agency compile this data into a report for the Legislature showing the percentage of foods purchased from within the state of Vermont. This is not the same information requested in section (e)1. The agency does not have the capacity to analyze the various definitions of local and the purchasing data from section (e)1 to convert it to the requested report of percentage of foods produced within the State that are purchased.

Recommendations

- Replace section (e)1 with the following language:
(e)(1) On or before December 31, 2020, and annually thereafter, a school board operating a school lunch, breakfast, or summer meals program shall report to the Agency of Education regarding their estimate of the percentage of foods purchased for those programs that are produced within the State of Vermont.
- If the Legislature wishes to collect more information on various school level definitions of local, that work would more appropriately be assigned to the Local Foods Administrator at the Agency of Agriculture. That agency has the expertise to assist schools with determining which definitions of local they are or could be using.
- Any data collection requirements regarding quantities of local food purchasing should be requested as estimates, otherwise future auditors could interpret these provisions to require the Agency of verify the information, or penalize localities if reported data turns out to contain discrepancies.