

No End in Cite-ations: Analyzing Michigan School Nutrition Policy Compliance

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Abstract:

In 2019, approximately **50% of Michigan students received free or reduced-price lunches** and the percent has continued to rise throughout the Covid-19 pandemic¹. With school health and nutrition policies being the most effective ways to reduce the achievement gap for students of lower socioeconomic status, it is important to have reliable policies that work towards improving school nutrition for all². Currently, in the State of Michigan, there is very little public information on how well schools are complying with current nutrition policies. This project coded and analyzed data, collected by the Michigan Department of Education, to highlight nutrition policy compliance and standards in the state.

Data shows that **schools are falling behind** on nutrition standards, free and reduced-price meal programs, and local wellness policy compliance. With a lack of consistency regarding the implementation and monitoring of food and nutrition policies in Michigan schools, policy makers must look to what other states are doing to design interventions that will improve the quality of school nutrition programs and the experiences of stakeholders. Michigan's current intervention options are to **change monitoring methods, increase punishments for non-compliance, increase incentives for schools to comply, and/or have a combination of interventions**. Which one should the state choose?

Introduction:

Students spend most of their waking hours each weekday in school where they rely on school meals as the primary source of their daily dietary intake. With concerns over what kids eat, schools have become the ideal setting for public health policies to target their nutrition habits.

A key piece of school nutrition legislation is the 2004 Child Nutrition and WIC Reauthorization Act. This federal policy required all private and nonprofit school areas/districts, referred to as a local educational agency (LEA), to develop a local wellness policy (LWP) and every state is allowed to further expand upon this legislation

1. *Students Receiving Free or Reduced Priced Lunch*. (n.d.). Kids Count Data Center. Retrieved March 10, 2022, from <https://datacenter.kidscount.org/data/tables/1672-students-receiving-free-or-reduced-priced-lunch>

2. *School health guidelines to promote healthy eating and physical activity*. (2011, September 16). Centers for Disease Control and Prevention. <https://stacks.cdc.gov/view/cdc/6024>

to include requirements that cater to health and nutrition goals; Michigan is one of the states that chose not to do so³.

An LWP is a document that describes how an LEA plans to implement federal nutrition guidelines for all foods sold both in and outside of school, as well as its plan to promote nutrition and physical wellness⁴. LWPs are updated and submitted every three years to the Michigan Department of Education for review. Schools within each LEA are then randomly audited every three years during the Administrative Review process to determine if their LWP is up to code and if they are following this document as well as all other federal nutrition requirements⁵.

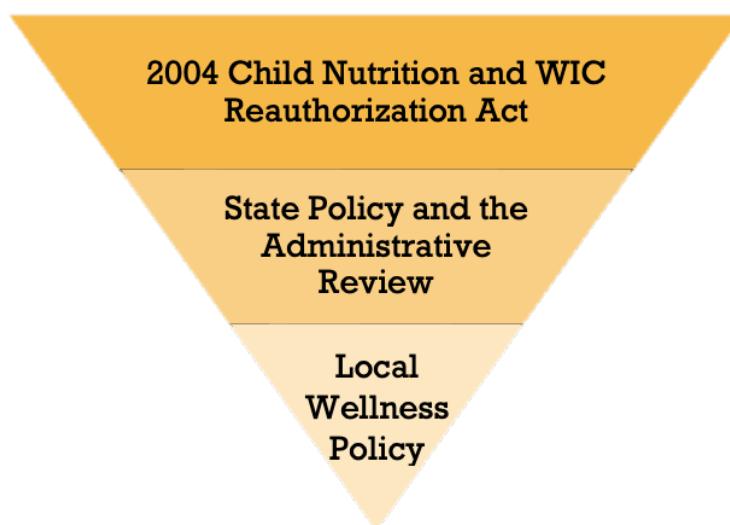


Figure 1: Hierarchy of federal, state, and local practices

Most individuals assume that schools are following all programs and policies. However, at the time of this project, there is very little publicly available data and literature on how well schools are complying with current nutrition policies and adhering to their local wellness policies. With schools having the power to influence their students' dietary habits and relationships with food, reflecting on this information is key for future school nutrition policies.

Analysis:

The data used for this project was provided by the Michigan Department of Education. It was an excel spreadsheet detailing information collected during the Administrative Reviews of all LEAs visited during the 2018-2020 fiscal years. For this capstone project, only data from the 2018 and 2019 fiscal years were used as the 2020 data has been influenced by the Covid-19 pandemic. It is important to note that there were some limitations to using this data. The primary limitation was that only two out of the three-year Administrative Review period was used. An additional potential restriction/issue with this data is that every school is not being reviewed by the same

3. Cochran, T. (2004, June 30). *Child Nutrition and WIC Reauthorization Act of 2004* (2003/2004). <https://www.congress.gov/bill/108th-congress/senate-bill/2507>

4. *Local School Wellness Policy*. (2019, December 19). Food and Nutrition Service. <https://www.fns.usda.gov/tn/local-school-wellness-policy>

5. *Administrative Reviews*. (n.d.). Michigan Department of Education. Retrieved November 27, 2021, from https://www.michigan.gov/mde/0,4615,7-140-66254_50144-194533--,00.html

evaluator. Therefore, some of the MDE evaluators could be stricter than others and hand out a higher number of citations. Also, it is important to note that there were duplicates of citations in this dataset and it is unknown as to why this occurred. This could be due to multiple schools from the same LEA having the same violations or that it was filled out twice so that it could be categorized as a citation and, since there is no notes section, the second was filled to further describe the issue.

For this project, the Administrative Review scores for all LEAs in Michigan during the 2018-2019 fiscal years were compared. This was evaluated by measuring the quantity and types of citations for each school audited. There was a total of 3,754 violations, across 365 LEAs, during the first two years of the Administrative Review process.

The most common citation, at 24%, was dietary and nutrition violations such as breakfast, lunch, and/or afterschool snack items not meeting the standard nutrition guidelines or portion standards. The second most frequent citation, at 20%, was for benefit mismanagement such as improper meal claiming or charges, not updating the list of students receiving benefits, and not informing students of their eligibility to receive free/reduced-price meals. The third most frequent citation, at 16%, was for Local Wellness Policy violations. The primary examples for receiving this citation were that the school did not follow all the policies related to properly updating their LWP such as not allowing the public to assist in the update process.



Figure 2: Top 3 Citations in the 2018-2019 Administrative Reviews

It is important to decrease the total number of violations, especially for these top three citations, since so many students rely on nutrition programs and high volumes of violations creates a greater burden for all stakeholders involved. These numbers show that there is an overall lack of consistency regarding the implementation of food and nutrition policies in Michigan schools. With some simple changes in monitoring systems and designing proper interventions, Michigan can do better.

Recommendations:

To improve upon this current predicament, there are four primary interventions that could be implemented. To determine what would be the best next step to take, the best practices and policies implemented in other states were researched. It is

important to note that most of the states, including Michigan, do not have any additions to the LWP requirements created by the USDA. Other than choosing to keep the status quo and change nothing, Michigan's current intervention options are:

1. Change monitoring methods,
2. Increase punishments for non-compliance,
3. Increase incentives for schools to comply,
4. Have a combination of interventions, or

Option #1: Change Monitoring Methods

There are only a handful of states that have specific policies on monitoring LWP compliance. The State of Nevada requires each LEA to hire a Local Wellness Policy Coordinator, for the district and/or each school, whose sole job would be to monitor and submit an annual report⁶. By making this someone's full-time job and having an annual review submitted to the state, these checkpoints can help ensure proper actions are being taken to reduce both the number of violations found during the AR and overall administrative burden. North Carolina requires each local educational agency to collaborate with their School Health Advisory Council to prepare and submit an annual report explaining how they are meeting their LWP requirements⁷. Having Michigan change their monitoring methods to something like what the states above do is a simple, yet effective, way to improve compliance, make schools more accountable, and prevent necessary actions from slipping through the cracks.

Option #2: Increase Punishments for Non-Compliance

Another policy option would be to increase severity of punishments when a school fails to properly comply or receives too many violations during an Administrative Review. In Kentucky, schools face harsh penalties when they are found to have violated nutritional standards such as foods served in the lunchroom. For the first violation found, the school will be fined "one (1) week's revenue from the sale of competitive food" and multiple violations will result in a fine of at least 1 month's revenue⁸. From there the penalties continue to become harsher. While this form of punishment is extremely severe, and this brief does not recommend taking it to this point, fining schools would likely decrease the number of nutrition specific LWP violations found during the Administrative Review. The downside is that this would place a heavy burden on schools with already low levels of funding; if Kentucky's policy were to be put into

6. Nevada's School Wellness Policy. (n.d.). Nevada Department of Agriculture. Retrieved February 22, 2022, from https://agri.nv.gov/uploadedFiles/agri.nv.gov/Content/Food/Wellness/Wellness_documents/Wellness_Policies/NV_School_Wellness_Policy_Final.pdf

7. North Carolina State Board of Education Policy Manual. (2014). <https://www.buncombeschools.org/common/pages/UserFile.aspx?fileId=2120526>

8. Promulgation of administrative regulations by Kentucky Board of Education. (n.d.). Retrieved February 21, 2022, from <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=51089>

place it is recommended that the fines are adjusted based on the level of funding each school receives.

West Virginia also has penalties for LWP non-compliance, however theirs are less strict. Depending on what the violation was, schools can be disciplined by having federal lunch reimbursements suspended, vending privileges revoked, “recovery of general local funds,” or they can be placed on probation until their corrective action plan is approved⁹. This is recommended over Kentucky’s policies as it is more catered to the specific violations the schools made and is not as stringent.

Option #3: Increase Incentives for Schools to Comply

In Mississippi, the Department of Education is required to provide financial incentives, of up to \$8,000, to schools that are recognized by the USDA Healthier US School Challenge¹⁰. Although the USDA Healthier US School Challenge is a voluntary nationwide challenge that specifically focuses on how schools are promoting good nutrition and physical activity, instead of LWP compliance, this does incentivize schools to follow proper nutrition and physical activity requirements that are detailed in every local wellness policy¹¹. One downside to this intervention is that it would only be a short-term option if there weren’t proper budgetary systems in place. If Michigan policymakers were able to design an efficient incentive program, similar to what Mississippi has but more catered towards LWP compliance, there could be a decrease in total number of violations.

Option #4: Have a Combination of Interventions

The final option would be to have a combination of the policies listed above. For example, if Michigan were to implement financial punishments this money could be put towards incentivizing schools to comply; therefore, not having to worry as much about schools with small budgets or the incentive program running out of money. Although, depending on how compliance changes over time this may only be a quick fix. No matter what, it is time for the State of Michigan to make some changes. Improving current monitoring systems will reduce the burden on stakeholders and allow students to thrive.

9. *Standards for School Nutrition*. (2016). West Virginia Department of Education. <http://wvde.state.wv.us/healthyschools/documents/Policy4321.1SchoolNutrition.doc>

10. *Mississippi State Board of Education Policy Manual*. (2015). The Mississippi Department of Education. <https://www.mdek12.org/MBE/SBPI>

11. *The Healthier US School Challenge*. (n.d.). Let’s Move! Retrieved March 4, 2022, from <https://letsmove.obamawhitehouse.archives.gov/healthierus-school-challenge>