Institutions Over Stepping Boundaries: School Meals Of Pupils
By Guinda St. Fleur

Introduction
Since its commencement in 1946 during President Truman’s presidency, the National School Meals Act has fed over 31 million students each day according to the USDA.¹ Many established amendments from 1966 to 2004 have helped provide millions of American pupils with the opportunity to have a decent meal during the school year and while they were on summer break. The recent initiation of the Hunger-Free Kids (HFK) Act which was passionately led by First Lady Michelle Obama has brought what many Americans view as individual states’ issues to a political battle at the local, state, and federal levels. At issue are what meals are healthier for students to consume, and even more importantly how to implement the fluctuating BMI standards that have led to increasing conflicts between states, public schools, and parents’ rights in determining which meals their children must eat. The issue is whether the redevelopment of the school meal policy of every public institution around the nation is encroaching on the rights of American parents regarding their children, and are American parents more at risk of government intrusion. In order to determine this we must ask the following questions:

- Should parents have the right to determine whether their child is evaluated by the current BMI standards?
- Whether the New Federal Meal Regulation actually meets its goal in combating the obesity epidemic?

Whether meals prepared at school are more nutritious than meals prepared at home in curbing obesity?

Current Legal Standards

The Florida law already mandates that, “All children who have attained the age of 6 years or who will have attained the age of 6 years by February 1 of any school year or who are older than 6 years of age but who have not attained the age of 16 years, except as otherwise provided, are required to attend school regularly during the entire school term.” Although, it is considered a fundamental right of parents to direct the educational institution care of their child, the battle to protect parental rights has now become a daily event. It is interesting to note that this conflict is not being waged in the local environment alone, but it is also being waged internationally.

This battle has become so intense that some Republicans in the U.S. Congress during 2012 introduced a proposed Constitutional Amendment to the Parent Rights Act (PRA). This effort follows the global fear against the 2009 United Nations Convention on the Right of the Child (CRC) which many supporters for the PRA believe will provide an opportunity for federal and international governments to micromanage parents. The new Federal food regulation for school lunch meals has been brought into the intense debate on where parenting rights begin and

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2 FL1003.21,1(a).
3 Id.
prevention of early childhood obesity ends.

The World Health Organization (WHO) is one of the organizations responsible for increasing the public awareness of obesity in developing countries. According to World Health Organization, there are 200 million obese adults and 18 million obese children under 5 in the United States in 1995. By 2000, the level of obese adults increased to 300 million. In 2013, the American Medical Association voted to declare obesity an epidemic, changing the way medical communities, federal program and insurance companies tackle the brewing problem. Primary care physicians are now encouraged to raise the awareness with obese patients and to direct them to a weight loss program. Recently approved federal programs specifically target childhood obesity.

Childhood obesity is defined by the National Institute of Health (NIH) as having too much body fat and is not considered related to the term overweight, which in itself means weighing too much. Childhood obesity begins roughly at the ages 5, 6 and adolescence. The Body Max Index (BMI) is the tool consistently used to measure for obesity. With a BMI of 85% children are considered to be at risk of being overweight and with a BMI of 95% children are considered overweight or obese. Research conducted by the University of Michigan Health System found that obesity is more closely linked to health habits than to heredity. This research also discovered that significantly fewer obese pupils actually exercise regularly or take some form of exercise classes or

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were on a sport team.\textsuperscript{9} These same individuals are at risk of making more unhealthy choices as they age. Statistics showed that an obese parent with children had a 50 percent chance that their children would become obese. If both parents were obese, the chance went up 20\%.\textsuperscript{10} It is for this very reason that the use of the BMI tool dramatically increased.

The BMI Debate

Nearly a quarter of state schools throughout the U.S. have made it their mission to yearly record and monitor the progress of each student’s performance on their BMI.\textsuperscript{11} BMI has come to have conflicts of its own. Health critics have argued that BMI measuring can be misleading among pupils with certain muscular structures. Could their ideal model have also contributed to resistance during food regulation implementation? Improper notifications of BMI test results also caused conflict in the schools. Second grade pupils at Hillcrest Elementary School were weighed and measured for their BMI then sent home with their results not sealed in a proper enveloped. Parents argued that such

\textsuperscript{9} Childhood obesity linked to health habits, not heredity, study finds, University of Michigan Health System, (January 31. 2011), http://www.uofmhealth.org/News/1913Childhood%20obesity%20linked%20to%20health%20habits%20not%20he.
\textsuperscript{11} Schools Increasingly Check Students For Obesity, CBS Sacramento, (March 29, 2014), http://sacramento.cbslocal.com/2014/03/29/schools-increasingly-check-students-for-obesity/.
\textsuperscript{12} Melissa Stern, Parents upset that letters from Belton school made kids insecure about weight, weren’t more private, (March 26 ,2015), fox4kc.com, http://fox4kc.com/2015/03/26/parents-upset-that-letters-from-belton-school-made-kids-insecure-about-weight-werent-more-private/.
reporting procedures created insecurities in their children. Parents of Hillcrest Elementary School felt that institutions needed clearer standards for sending out information about the pupil BMI, which would not be as invasive. The school district has now decided to sent out advance notices to parents.\(^\text{13}\)

With these changes we may see fewer cases such as Tracey Watson in 2013 weighing 97 lbs and playing on his school’s wrestling team. Ironically, he was one those who were sent home with a BMI report stating that he was obese. A controversial 2011 Georgia campaign cited in the *Huffington Post* stated that overweight children had a tag on them that said, "My fat may be funny to you but it's killing me."\(^\text{14}\) Clearly, incidents such as the Georgia campaign contributed to igniting debate on whether BMI reporting should be allowed in schools.\(^\text{15}\) According to the Chicago Tribune, studies have indicated that on average, the BMI reports sent home did not show any significant differences in pediatric obesity in California to parents who received the information, primarily because of the report complexity.

Awareness groups for eating disorder believe that the BMI reporting may trigger an increase in eating disorders such as binge-eating in vulnerable students.\(^\text{16}\) On average, 90% of eating

\(^{13}\) Id.


disorders are found in girls. Ultimately, it does not appear that parents are against the promotion of healthy lifestyle with the use of the BMI. However, they are against the misuse of BMI and communicating standards which could stigmatize students or potentially violate their right to privacy. It may be feared that such focus on BMI will lead to a negative pressure concerning body image.

Despite the clash of the BMI issue with parents in public school institutions, a noticeable drop of obesity in preschool age children provided evidence of how the focus on childhood has made a difference in curbing that area of obesity. It will up to the new federal meal program to reach the other major areas of which children are at risk of obesity.

The Effect of “Let’s Move Act”

The Hunger Free Healthier Law also known as the “Let’s Move Act” was signed in 2010 by President Obama. The act helps children who are in school, in out-of-school time programs, or in child care by improving their access to food and the quality of the food available. In translating the law into effect, the first lady, Michelle Obama, led an initiative that is dedicated to solving the

challenge of childhood obesity within a generation in order to provide children born today with the ability to grow healthier which in turn will enable them to pursue their dreams. This social movement plans to achieve its goals by providing healthier foods in the US schools, informing parents and communities of healthier choices and increasing daily activities of all pupils in U.S. schools.  

Research provided by the Norris Cotton Cancer Center Dartmouth-Hitchcock Medical Center has helped to show that low income students eat more fruits and vegetables at school compared to their counterparts from high income households. The work environment of parents has also been found to influence how often restaurant foods and regular dinners are eaten. These foods often subject patrons to a saturated fat diet, high calories, and sodium. Thus, the encouragement to eat healthy must also come from parents themselves.

To prevent unnecessary intrusion of the government into people’s eating habits through the Let’s Move Act, conservative critics have made claims that the new food regulation, in its attempt provide better quality meals, has overstepped the government’s authority by advocating certain requirement. Many new meal trays have left students hungry for more food. We

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21 Low income kids eat more fruits, vegetables when they are in school, Dartmouth-Hitchcock Norris Cotton Cancer Center, (December 11, 2014), http://cancer.dartmouth.edu/about_us/newsdetail/72495/.
22 Matt Swayne, How parents juggle work hours may influence kids' weight, Penn State News,( August 19, 2014), http://news.psu.edu/story/323287/2014/08/19/research/how-parents-juggle-work-hours-may-influence-kids-weight..
must remember that regulating school food by the government started in small measures, but has since then expanded. As policies have tightened, social media has helped to revive fears of founding fathers such as James Madison in encouraging American Citizens to be vigilant about the government’s minute advancement against their liberty. Students and parents have taken their complaints and frustration to social media with the meme such as #thanksMichellObama.24 There have also been speculations that the new food regulations would increase the waste of food. Research from Harvard School of Public Health recorded that in general, food waste did not increase. However students discarded roughly 60-75% of the vegetables and 40% of fruits in their trays. Comparing the before and after effect of the new standard’s implementation from fall 2011 to fall 2012, statistics showed a 23.0% increase of fruit selection and a 16.2% consumption of vegetables.25 The researchers also found, “The new school meal standards are the strongest implemented by the USDA to date, and the improved dietary intakes will likely have important health implications for children.”26

Particularly for this reason, those who oppose the program have asked the government to lessen many of the standards of the Federal regulations. They claim that some of the rules should be relaxed and schools must be allowed to opt-out of the program. In 2014, law makers brought a proposal which would allow tweaks to

26 Id.
be made to rules set by the Act. Nancy Brown, CEO of the American Heart Association, stated, "By giving special interests a seat at the school lunch table, some members of Congress are putting politics before the health of our children."\(^{27}\) The School Nutrition Association (SNA) showed support for the lawmakers` bill, stating the waiver is aimed at helping school cafeterias that are operating at a net loss and encouraged its approval\(^{28}\). According to the Arizona Daily Star, the hunt to provide meals that meet the new food standards is a struggle for parents who live in areas where schools do not have cafeterias and deal with the ban of meals containing white flour, refined sugar, or other "processed" foods.\(^{29}\) Such schools would benefit from lawmakers proposed waivers.

The USDA which administers the school food programs, continues to accommodate schools while handling isolated political incidences where parents are unhappy with schools who increasingly monitor brown-bagged meals from home. In 2011, an incident occurred where students at Chicago's Little Village Academy, a public school, were told that they could either eat the cafeteria food or go hungry, allowing only students with allergies to be able to bring homemade meals. However, the students and parents were accepting of this new approach. Several Little Village pupils have claim that, if given the opportunity, they would make


sound choices. “They're (being the schools) are afraid that we'll all bring in greasy food instead of healthy food and it won't be as good as what they give us at school," expressed Yesenia Gutierrez a student at the schools. The Chicago Tribune reporters questioned whether this new policy movement is being used as a new way to increase the flow of money.

East Syracuse, New York schools have specifically banned cupcakes and other sugary desserts. The former governor of Alaska, Sarah Palin, in 2011 recommended that teachers limit the number of times per month the sugary treats are eaten in classroom birthday celebrations. In international cases, one particular incident included Kristen Bartkiw in Canada who, according to the Huffington Post was fined 10 dollars for not adhering to her child’s daycare guidelines of preparing a balanced lunch which included placing Ritz crackers into her daughter's meal. Bartkiw was able to get the fine revoked, but argued that the same policies in place for better meals does not explain which processed foods count as grains or junk.

Research conducted by John Hopkins Bloomberg school of

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Public Health in 2014 concluded that the new federal standard requiring school meals to contain more of the supposed healthier choices: whole grain, less saturated fat and more fruit and vegetables, may in fact be enabling the same eating habits linked to obesity. The study showed that the linkage to obesity is for the same reason that the whole grains required by the new school meal regulation are mostly processed. The meals of wheat convert to sugar when digested and the rest of the remaining meal including fruits and milk also add more sugar. Researchers were baffled by this results, and recommended an independent panel of experts be assemble to re-evaluate the saturated fat and calorie restrictions. Without swift corrections, the Let’s Move Act that is intended to curb or reduce obesity will have little effect on lunch meals. Perhaps the focus on obesity should be on providing information about where students spend most of their time when they are not at school, and that is in their homes.

Recent studies have recorded that time spent preparing meals at home are linked to healthier diet said Lauri Wright, Ph.D., R.D.N., a registered dietician and nutritionist and assistant professor in the Department of Community and Family Health at the University of South Florida in Tampa. She stated, “This study reinforces what previous studies and nutrition practice tells us: that time is commonly reported as a barrier to healthy eating.”

Underlying this idea is that in the process of home cooking individuals generally consume fewer calories than when dining out. This also concurs with a previous report which demonstrated

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that the amount of time parents spend on food preparation at home influences children's food intake decisions.\textsuperscript{35}

**Conclusion**

The AMA declaration of obesity as an epidemic allowed the federal and local governments to revolutionize food standards for all school institution. The HHF goal of curbing obesity and its use of the BMI standards is challenged by cases in which parents and students rights` are invaded by the policies. Extreme measures taken by institutions toward home meal and sugary snacks could instead be replaced by raising health awareness and encouraging new meal options for students without restricting choices or penalizing students for those choices. School institutions must implement a better process to encourage healthy food choices for home meals since it has a profound impact on pupil health.

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