

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON EDUCATION**

**Seventy-Sixth Session
May 16, 2011**

The Committee on Education was called to order by Chair David P. Bobzien at 3:31 p.m. on Monday, May 16, 2011, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/76th2011/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman David P. Bobzien, Chair
Assemblywoman Marilyn Dondero Loop, Vice Chair
Assemblyman Paul Aizley
Assemblyman Elliot T. Anderson
Assemblywoman Olivia Diaz
Assemblywoman Lucy Flores
Assemblyman Ira Hansen
Assemblyman Randy Kirner
Assemblywoman April Mastroluca
Assemblyman Richard McArthur
Assemblyman Harvey J. Munford
Assemblywoman Dina Neal
Assemblyman Lynn D. Stewart
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Moises (Mo) Denis, Clark County Senatorial District No. 2

STAFF MEMBERS PRESENT:

Mindy Martini, Committee Policy Analyst
Kristin Roberts, Committee Counsel
Taylor Anderson, Committee Manager
Janel Davis, Committee Secretary
Michael Smith, Committee Assistant

OTHERS PRESENT:

Christopher Roller, Senior Advocacy Director, Western States Affiliate,
American Heart Association, Inc.
Nicole Bungum, Supervisor, Office of Chronic Disease Prevention and
Health Promotion, Southern Nevada Health District
Keith Ahrens, Private Citizen, Henderson, Nevada
Jennifer Stoll-Hadayia, Public Health Program Manager, Washoe County
Health District
Danielle Bowen, Director, Nevada Afterschool Network
Amber Joiner, Director of Governmental Relations, Nevada State Medical
Association
Dotty Merrill, Executive Director, Nevada Association of School Boards
Bart Mangino, Legislative Representative, Community and Government
Relations, Clark County School District
Craig Hulse, Director, Department of Government Affairs, Washoe County
School District
Mary Pierczynski, representing Nevada Association of School
Superintendents

Chair Bobzien:

[Roll was called. Rules and protocol were stated.] Welcome. We will hear one bill today. I will open the hearing on Senate Bill 230 (1st Reprint). Welcome, Chair Denis.

Senate Bill 230 (1st Reprint): Requires the boards of trustees of school districts and the governing bodies of charter schools to adopt a policy governing the use of foods and beverages containing trans fats at public schools within this State. (BDR 34-666)

Senator Moises (Mo) Denis, Clark County Senatorial District No. 2:

I am here to talk about something important for our kids. Most of you know that I have an interest in helping all kids, but I have a specific interest in helping the kids in my district, the vast majority being Latino. Right now, childhood diabetes and obesity is higher than the norm. This bill helps all kids, but deals

with a specific issue I want to try to address. I found that the American Heart Association had some interest in this, so we have been working together on this bill. Senate Bill 230 (1st Reprint) specifically deals with trans fat. If you do not know what trans fats are, think of the old Crisco® you use to cook things with. It is artificially produced. The new Crisco® is different, and the vast majority of foods you see now do not contain trans fat because we found out that they were bad.

This bill cleans up all the rest of the things that deal with trans fat in education. Our children go to school and many of them eat breakfast and lunch there. This bill will help in that respect. This is not about creating a “cupcake police” to hunt down cupcakes with trans fat in them; however, the bill provides for school districts to create a policy concerning those types of things.

First of all, the bill deals with foods that the school districts purchase. Basically, it would say that school districts cannot purchase foods with trans fats in them. This is not a huge issue because it is already federally mandated. The food that the school districts purchase does not have trans fats in it. The second part of the bill concerns how the school districts prepare food—in that they would not prepare food with trans fats. It is a federal mandate as of September 2011 that schools cannot have trans fats in their food.

The other section of the bill provides the school district to create a policy which could include a guideline for parents and guardians. You will see this detailed on page 2, line 15 of the bill. We were looking for something to help educate people who are bringing food into the schools. It does not prohibit them from doing so, but at least it would give them some sort of policy that says we want to feed our kids healthier foods. There is a section that discusses fundraisers, and the policy would include that also. Page 3, line 7, deals with issues of extended school day programs, and line 13 talks about the school food service establishments. The definitions are explained below. The premise of the bill is to eliminate as much trans fat as possible from schools. In some cases, it is a mandate for the schools themselves, and in other cases, it is creating a policy that would encourage trans fat not to be brought into the schools.

Chair Bobzien:

Are there any questions?

Assemblyman Kirner:

Would this cover any vending machines?

Senator Denis:

Yes, but it will not eliminate candy because we are not dealing with sugar.

Assemblyman Kirner:

I am trying to understand the statement in the Legislative Counsel's Digest that states, "The policy adopted by the board of trustees of the school district or governing body of the charter school does not apply with respect to food made available pursuant to the federal School Breakfast Program or the National School Lunch Program." Can you tell me more about this?

Senator Denis:

That is the part that came into effect in September of 2011. The food coming in is already under the federal guidelines.

Assemblyman Stewart:

Can you comment on a mother bringing in cupcakes for students? The world's greatest chocolate bars come from some schools, and if those contain trans fat, I am going to have a real problem with this bill. [Laughter.]

Senator Denis:

We are not trying to outlaw cupcakes; we are asking the school districts to create a policy concerning foods that are brought into the school that would contain trans fat. For example, the school district could hand a policy to all parents that says if you are going to bring in birthday cupcakes, our policy is we would like to have foods with no trans fat and here is why. We could use this as an opportunity to educate parents so that they can start to do away with trans fat foods in their own homes. The school is not going to monitor all the food being brought in and issue citations to parents for bringing in cupcakes that contain trans fat. It is much easier now than it used to be to make things without trans fat.

Assemblyman Stewart:

What about the football games and the hot dogs that are sold by the parent booster clubs? Are they already monitored? Be sure to comment on the chocolate bars.

Senator Denis:

I do not think the chocolate bars have trans fat, but they do have a lot of sugar. The policy would apply for fundraisers as well.

Assemblyman Hansen:

I wanted to hear some examples of types of foods that currently exist that will be banned under this statute. We already have, under *Nevada Revised Statutes* (NRS) 387.070, a program of nutrition that is required for the school districts. While talking to some of the school district officials, they indicated that they are

already doing all of this without mandating it at the state level. Why do we need to get involved at all at the state level?

Senator Denis:

First of all, the mandate is to the school district, but we are asking them to create a policy. Many school districts already do most of these things, you are correct, but in order to create continuity throughout the state, we want to have something in statute that would help in that respect. As you will hear in the testimony, trans fat is not just an issue about obesity; it is an issue about serious health consequences that could occur if we do not reduce the trans fats in our diet. The purpose of the bill is to have continuity throughout the state.

Assemblyman Hansen:

Thank you. Can you list some types of food currently being consumed that will be banned?

Senator Denis:

Foods containing trans fat that could be banned include margarine spreads, cake and pancake mixes, Top Ramen noodles, some fast food items, some frozen food items such as pies and pot pies, baked goods such as donuts and creamed filled cookies, and some chips and crackers. We discovered that Cheez-It crackers are now made without trans fats, although, they used to contain trans fats. Some breakfast cereals, cereal bars, cookies, candies, toppings, and dips will also be banned. It just depends on what it is. It is getting harder and harder to find a lot of these, but they still exist.

Assemblyman Munford:

I am a strong advocate of what you are doing and support this. With young people, the biggest factor is inactivity. As young people and as adults, we eat almost anything we want to eat, but what do you do? You try to compensate by exercising and some sort of physical activity and do something to burn the food up. You can take a basketball or football player at a high school and he could eat everything that he wanted to eat in one day because at night he is going to sweat every bit of it out and burn off all the calories.

Basically, the problem lies in activity. Kids are so inactive; they used to be more active. As a result, kids are becoming more obese due to inactivity and lack of exercise. Movement is the key, and although we have to be conscious of our diet, inactivity should be considered to some degree. Schools are eliminating their physical education programs. When I was in high school, we had to take physical education class all four years unless you played a varsity sport. Would you agree that inactivity is part of the problem?

Senator Denis:

When talking about health, exercise is always an important part. I will correct one thing. Trans fats are a little different than other fats. You could be the most highly tuned athlete and eating trans fat will not make a difference because you cannot eliminate it by exercise because your body has the inability to do so. This is an important bill because trans fats create much bigger problems. It is not like eating too much food and working off the calories.

Assemblyman Anderson:

I am an advocate for staying healthy. As a state, what is our recourse if the school districts do not do this or violate the provisions because they do not know the food they are ordering has trans fat in it?

Senator Denis:

The school district has the flexibility for its policy. There is not anything specific in the statute. However, having things in statute gives the ability to say, "Why are you not doing this?" In all situations, districts want to do what is best for the kids. This is putting it out there and making them aware, although many of them already know this.

Assemblyman Anderson:

Under the term "school district," would that apply to all employees of the school district, including a teacher that may bring in food for her class? Both of my parents, being educators, did that a lot, as an incentive. Would your intention be to cover that situation as well?

Senator Denis:

Yes. This is for any food that is brought into the schools. The kids are a captive audience. If you bring food in, they are going to want to eat it. We want them to eat food that is as healthy as possible.

Assemblyman Kirner:

I am looking at my notes and I am noticing that some people on the Senate side voted against the bill because of a very small fiscal note. Is there a fiscal note, or has it been removed?

Senator Denis:

I believe that went away when we took away the mandate. There was an amendment from the original bill, and basically, we ended up asking the districts to come up with the policy versus outlawing trans fats outright for the districts. There should be no fiscal note on the bill.

Chair Bobzien:

I would like to address page 2, section 1, subsection 1, paragraph (c), which is the guidelines for parents and guardians. Knowing that there is so much paperwork that goes home to the parents from the school districts, could you talk a little bit about what you envisioned they hope to see out of that? I am trying to figure out how user friendly the information is going to be to parents preparing food for their child's classroom.

Senator Denis:

There is information that teachers give parents at the beginning of the school year. It would be at this point that the teacher would send something home—whatever is appropriate for that particular school. Schools that have the Internet use email to send information home. The vast majority of schools would be sending something home. This would be something that they can add to what they already send. The districts may have other, more efficient ways to get that information out, and this does not limit them to how they can do that.

Chair Bobzien:

The information would essentially say, "We would prefer that you not have foods that are cooked or prepared with trans fats; some examples of suitable alternatives would be X and Y." Is that what you are thinking?

Senator Denis:

That is exactly right. Even though we are not prescribing specifically what they need to do in that respect, they would come up with something that would have that type of language.

Christopher Roller, Senior Advocacy Director, Western States Affiliate, American Heart Association, Inc.:

We are in support of S.B. 230 (R1). I want to address some of the concerns that have been brought up both in this Committee and previously in the Senate Committee on Education. Assemblyman Stewart, dark chocolate is very good for the heart. Assemblyman Anderson, if you ran 16.5 miles you can eat just about anything you want with the exception of trans fat. Assemblyman Munford, physical activity level is not necessarily going to affect how the body metabolizes trans fats; it is different than other fats.

The American Heart Association focuses our child health efforts on promoting quality physical and health education, increased physical activity opportunities, strong nutrition policies and research to effectively treat and prevent childhood obesity and cardiovascular risk. [Continued to read from ([Exhibit C](#)).]

This bill helps to address gaps by helping to remove trans fat-laden foods from other food sources in the school environment. Senator Denis mentioned that this goes into effect in September—it was signed into law by the President in December 2010—and requires schools that are participating in the National School Lunch and School Breakfast Programs to serve breakfast and lunch foods that are trans fat-free. [Continued to read from [\(Exhibit C\)](#).]

We hope to advance a culture of self-enforcement with school officials, after-school programs and parents by enhancing the awareness of the dangers of trans fats through this law. I brought an example of how we can do that. The handout “Trans-fats: The Bad Fats” ([Exhibit D](#)) was created by an intern of ours. We have scientific materials, but we wanted to do something that was more suited for parents and teachers who were not human physiology experts. The American Heart Association can provide these to schools for parents and others talking about the dangers of trans fats and how to avoid it. We also have heart-healthy cookbooks that we can provide that help with alternative recipes in case that is needed.

Although school districts would be required to adopt a policy banning trans fats through this bill, they will have the flexibility to determine how the bill will be enforced and monitored. We also amended the bill in the Senate to include a delayed implementation date of July 1, 2012. [Continued to read [\(Exhibit C\)](#).]

I have also supplied to the Committee a fact sheet ([Exhibit E](#)) on trans fats. It talks about the basic points about trans fat and the science behind it. There are references to all the different studies that were mentioned in this paper. There is also information about the misconceptions of trans fat.

Chair Bobzien:

Thank you. Are there any questions for Mr. Roller?

Assemblyman Munford:

I do not know if this falls in the jurisdiction of the Food and Drug Administration or the United States Department of Agriculture (USDA), but do you know how much trans fat is used in fast food and delis? Do you have any information? There is a connection to fast food and schools because when I was teaching, students would bring in McDonald’s and Burger King all the time.

Christopher Roller:

Yes, I do. There has actually been a concerted effort from a lot of the industry including the fast food industry to remove trans fats from their foods. It started with some lawsuits a few years ago. McDonald’s was sued and removed trans fat along with Wendy’s and Taco Bell. I believe there is a large list of fast food

restaurants that have voluntarily banned trans fats. There has also been a lot of legislation in other states that have banned trans fats—not just in schools—but in restaurants as well. This bill does not do that, but it has taken place elsewhere.

Assemblywoman Mastroluca:

I have a concern about the additional costs to the districts. I recognize a lot of the districts put zero in the fiscal note. The research that I have been doing clearly states that food specifically targeted to be trans fat-free tends to be more expensive. I am concerned about an unintended consequence of additional cost to the districts. Have you received any research from the states that have enacted this?

Christopher Roller:

That has been brought up specifically by others and I have done a lot of research trying to find an answer. I have consulted with people on the national level within the American Heart Association and there is not any information. The laws that have been implemented elsewhere have not had anything submitted, there have been no complaints, there has not been any follow-up from school districts elsewhere that have said, “Look how much this has cost us since we have had to implement it.” Simply, there is not that information out there. Due to the wide availability of alternative oils and the low cost of alternative foods that are available, it is a matter of replacing some foods that cost the same or less in some cases.

One specific item brought up by one of the school districts in the survey that was done was their Little Debbie items. The school was afraid it was not going to be able to sell them anymore, which was a money maker on its à la carte menu. We did research and found that Little Debbie does not use trans fat in any of its food items anymore. This is just one specific example, but there are others where we found that either the food manufacturer or the food that they were worried about that might have cost more to replace now makes alternatives without trans fat. The cost has gone down because there are 22 manufacturers of alternative oils that can be used in cooking and food preparation. Initially they were more expensive, but it is not the case anymore from what I understand.

Assemblywoman Mastroluca:

It sounds like a large number of companies that the schools would be purchasing food from are already aware of this issue and seem to be avoiding it successfully. What is the purpose of having this in statute if it is something that the districts have said they are already doing? Is it something that food manufacturers are embracing and willing to do? From what I have read, it

seems that there will probably be something that will come from the USDA soon. What is the need for doing this now?

Christopher Roller:

It would have been nice to do this when the science became clear five or ten years ago, but it would have been difficult to do because it would have been more expensive for the schools and the schools would have had fewer options. Now, the timing is right in the sense that we have the law coming from the federal level that applies to school meals, but does not apply to other items such as vending machines and before- and after-school events. There is a need because there are some foods that still contain trans fat, but it is not too much to ask the school districts because the market has done a good job removing it from most food. My answer is that it is needed because we see some foods containing trans fat making it into schools and children's diets, but not so much that it becomes something overwhelming for the schools during a difficult fiscal time.

Assemblywoman Mastroluca:

I wonder if there is not a better way to find out if this is really a need before we go to the time and expense of doing something we may not need to do. I would honestly want to see something that would invest more in educating kids on how to avoid these kinds of food and why it is important, instead of removing them from the school without educating them. The kids are going home and eating them if the parents buy these types of food.

Assemblyman Hansen:

Apparently there have been various lawsuits and the majority of fast food restaurants are eliminating trans fat. Even Crisco® has changed its formula. Have you done a tour of Washoe or Clark County School District to see if there is problem with trans fat that we need to address?

Christopher Roller:

No, I have not done a tour. I have spoken with the food service providers for both Washoe and Clark County School Districts. I would say that there is no problem within the school-provided meal program. For example, Washoe County School District's ARAMARK provides trans fat-free foods for its meal program, but other areas like vending machines is where this policy becomes more necessary.

I understand the lawsuits and removal of trans fats from the marketplace, but there is still a need in schools. I do not want to get into what other states are doing, but there are quite a few other laws banning trans fat that are pending in other states right now. I can provide this information to members of the

Committee who are interested. This is nothing new and unusual for what we are trying to do for Nevada.

Assemblyman Hansen:

I understand that it is not new, but is it necessary? The private sector is responding to market forces eliminating trans fats from almost all products.

Chair Bobzien:

Are there any more questions? [There were none.]

Nicole Bungum, Supervisor, Office of Chronic Disease Prevention and Health Promotion, Southern Nevada Health District:

I am pleased to provide testimony ([Exhibit F](#)) in support of S.B. 230 (R1). As you have heard, trans fat is very dangerous to our health. In fact, a major study in the 2006 *New England Journal of Medicine* concluded that, on a per-calorie basis, trans fat appeared to increase the risk of coronary heart disease more than any other macronutrient. [Continued to read from ([Exhibit F](#)).]

I would like to share information from a community survey that we conducted last year that is relevant to this discussion. The Southern Nevada Health District commissioned a survey to obtain input from the public on priorities and strategies related to obesity. [Continued to read from ([Exhibit F](#)).]

Keith Ahrens, Private Citizen, Henderson, Nevada:

I am here to support the passage in S.B. 230 (R1) that will ban trans fats from our schools. Every 33 seconds, someone dies from cardiovascular disease in the United States. Four years ago, I came close to becoming one of those statistics. I weighed over 414 pounds, had a heart attack, and underwent lifesaving open heart surgery. [Continued to read from ([Exhibit G](#)).]

Chair Bobzien:

Are there any questions for the panelists? [There were none.]

Jennifer Stoll-Hadayia, Public Health Program Manager, Washoe County Health District:

You have a copy of my testimony ([Exhibit H](#)). My colleagues have been incredibly articulate in going over the health risks of consumption of trans fats in addition to the wide variety of alternatives to trans fats available and the gaps that S.B. 230 (R1) would fill. I want to use my time to respond to a question that was posed by Assemblywoman Mastroluca. It was the question about education of children and their parents being more effective in changing their eating habits. It made me think about the current best practice recommendations that are out from the Centers for Disease Control and

Prevention, the Institute of Medicine, and the White House Task Force on Childhood Obesity that say you need both. You need the education that changes community norms, expectations around food that go to children and their parents combined with the structural changes in schools and communities so that when they learn new healthy eating habits, they can apply them in those settings.

Senate Bill 230 (R1) makes the structural change within schools to remove artificial food additives and provides the education to go home to parents and their families. In addition to offering that perspective and our support, I wanted to offer the Health District's assistance in the application of S.B. 230 (R1). We have a chronic disease prevention program in our county; one of its priority populations is school-aged children. We want to improve their nutrition as a way to prevent and control obesity. As my colleague in southern Nevada stated, we have over a third of children in Nevada—and that is true for Washoe County—who are currently overweight or obese. We want to try to reverse those trends. We have staff expertise in our health district and possibly some resources that we can put toward assisting school districts, charter schools, and other programs in educating parents and their children and adopting and developing this policy.

Danielle Bowen, Director, Nevada Afterschool Network:

I asked different extended school day programs that have programs on school property if this would have an impact on them. Many of them already use the district's "Grab 'n Go" program, the Kids Café, or the ThreeSquare program to serve food for children. They also felt that the information, either provided from the county or others, would be helpful when they do additional cooking classes or other things that they may offer in their after-school programs. They all offer health and wellness programs, so they feel that this would be a great alignment to help educate both families and the children that they serve. The Nevada Afterschool Network supports S.B. 230 (R1).

Amber Joiner, Director of Governmental Relations, Nevada State Medical Association:

We are in strong support of this measure. The science is clear: trans fats are dangerous and increase the risk of heart disease. From the questioning I have heard from the Committee members, it does seem that is in dispute. We are happy to hear that school districts have set guidelines against trans fats, in their own food programs, as well as the federal government.

There is a need for this bill; there are gaps in the current food provision that are happening for our students, especially in vending machines and after-school programs. Those gaps are not currently addressing the trans fat issue. If our

kids are being exposed to trans fats in any of those areas, we need a provision such as this bill to solve that.

It is a great educational tool to have a vending machine suddenly substitute another snack and have the kids say, "What happened to my snack?" The other key educational component that is in this bill and we think is great is in section 1, subsection 1(c): the guidelines for parents. A cookie with trans fat and a cookie without trans fat are largely indistinguishable. These guidelines can be an educational tool to send home with kids to tell parents about alternative options of oils and butters when baking for their children. This is a great way to educate people on trans fat and it is not happening in our school districts currently.

Assemblyman Munford:

Is there a difference in young people who might be more inclined to be obese in terms of socioeconomic level and family income? Is trans fat food less expensive than some other foods? As a rule, health food stores are usually more expensive when you try to get something that is healthy. What is your opinion?

Jennifer Stoll-Hadayia:

The data that I am most familiar with is Washoe County specific data on school-aged children and their overweight and obesity trends. When those data are collected, they are analyzed according to several demographic characteristics, but not economic characteristics because we are gathering data from children who may or may not know their household income or the average annual household income of their census tract. We do however analyze those data by sex, age, race, and ethnicity in elementary, middle, and high school. There are differences. I can provide our full analysis of our overweight and obesity data to the Committee. If I remember correctly, we see higher rates of overweight and obesity in male children versus female children. We also see a higher rate in elementary school students, and that tends to go down in middle and high school. We believe that it is associated with more physical activity in the school day. We see some differences by race and ethnicity; higher rates tend to be in minority groups: Native Americans, African Americans, and Hispanics. We do not have data on Washoe County schoolchildren by economics because we simply cannot ask that of children as we are gathering data from them.

In answer to the second question, it is my understanding that artificially, industrially produced trans fats were a cheaper alternative, and that is why they became more widely used. As more and more food manufacturers and retailers adopt this policy of reducing or eliminating trans fats—Wal-Mart has a

nationwide policy—it does not tend to be as much of an economic issue to access those alternative products.

Chair Bobzien:

Are there any additional questions? [There were none.] I would like to have the school districts come and share their perspectives.

Dotty Merrill, Executive Director, Nevada Association of School Boards:

I had not intended to testify on this bill, but I may be able to respond to concerns that have been raised. We appreciate the opportunity to work with Senator Denis on this bill, as well as Mr. Roller from the American Heart Association. We believe that there is an opportunity for the Nevada Association of School Boards to work with the American Heart Association and others to develop a model template policy that could be provided to all of our school boards focusing on this issue so that we are not all reinventing the same wheel, and so that we can accomplish the important intention that Senator Denis has included in this bill.

In response to Mr. Kirner's question, by doing that, we will pretty much eliminate all cost with policy development, et cetera. There may still be costs when items are removed from vending machines. I was taken aback in the previous hearing when Mr. Mangino announced that Cheez-Its were going to be removed from the vending machine at his high school because of their trans fat content. [Laughter.]

With this bill, there is an opportunity for the Nevada Association of School Boards to work together with other interested parties. School boards will certainly move ahead upon the passage of this bill.

Bart Mangino, Legislative Representative, Community and Government Relations, Clark County School District:

I would like to recognize one of our board members, Trustee Erin Cranor. We also have one of our former board members, Sheila Moulton, in the audience today. Clark County School District would also like to recognize Senator Denis and Mr. Roller and other proponents of S.B. 230 (R1). We have worked closely with them as this bill has transpired. We appreciate their support and the amendments they have put forth, particularly as it relates to the school district as far as parents and easing the monitoring from the standpoint of not knowing exactly what parents want in their involvement. We want to educate and assist them in providing healthier alternatives for their children.

Clark County School District participates in the federal school breakfast and lunch programs. As you heard in earlier testimony, we can be assured that the

foods are trans fat free. When this was presented on the Senate side, I did a quick survey of our student store and there were three items containing trans fat that were quickly removed from our shelf. We will require minor modifications as far as our wellness policy, but we feel that it is very workable.

Craig Hulse, Director, Department of Government Affairs, Washoe County School District:

We appreciate the efforts brought forth from the Chair of the Senate Committee on Education. We were also part of the conversations with Mr. Roller working through the amendments and the development of this bill. As you heard earlier in the testimony, ARAMARK is our food provider and we currently do not provide any trans fats.

As stated from my colleague in Clark County, this would not be a major shift from our board policy. It would be a revision to our current policy and it is something we do not oppose.

Assemblywoman Mastroluca:

I wanted to ask Mr. Hulse and Mr. Mangino if it would be possible for you to provide a copy of your food policy to the Committee. There was a policy written that specified the size of food and amount of fat calories sold. So many districts across the country were doing this that the companies changed the size of a lot of their products to make them fit within the means. If nobody has had the opportunity to work in a student store, you will be surprised by the things that actually fit within the guidelines that can be sold. I would like to see how trans fats would fit within that policy if possible. The Chair encouraged me to ask you to reassure us that you are not selling old food to children. [Laughter.]

Bart Mangino:

I can assure you that we have nothing but the freshest food available. The turnover is so rapid that our vendors actually deliver three times a week.

Assemblyman Hansen:

Last month, there was a school in Chicago that banned parents from sending their children to school with homemade school lunches. This bill says, " . . . the policy adopted pursuant to subsection 1 applies with respect to all food and beverages that are . . . Served to pupils of a charter school or school district" I want to make sure that this would not apply to parents sending their children to school with a lunch they made.

Bart Mangino:

My interpretation is that it would not. That was one of our concerns, and we are not in business of monitoring student lunches and food parents are sending with their children.

Assemblyman Hansen:

Do you already have a policy dealing with trans fats in your school districts right now?

Bart Mangino:

We have a wellness policy; there would have to be some minor adjustments to the current policy to include trans fat-free foods. The food service, because we participate in the federal lunch and breakfast programs, does not serve foods with trans fat.

Craig Hulse:

The Washoe County School District policy currently requires that anything served or sold have ten percent or less of calories containing trans fat. This bill would be an easy update to that policy.

Assemblyman Kirner:

Following Mr. Stewart's comment earlier about sports events and fundraisers, would your policy cover sports games and fundraisers?

Craig Hulse:

I believe it does. I will get back to you. Through my research of this bill, I was very surprised what little trans fat still exists as testified by Mr. Roller. The bill covers things that the school district can control in terms of what is being sold and consumed.

Assemblyman Kirner:

Would this bill create any unfunded liabilities?

Bart Mangino:

I do not see one at this time, but nothing is 100 percent guaranteed.

Craig Hulse:

No, I do not believe it does.

Dotty Merrill:

I do not know. We have a school board member who is an attorney and I can follow up with her to provide you with more information.

Assemblyman Anderson:

My question revolves around outside contracts. For example, if the school district contracts with someone, or say you have a fair or something else or you do anything else extracurricular, would you read this bill as applying to contracts?

Craig Hulse:

I believe it does, and that is the intent of the legislation.

Assemblywoman Mastroluca:

Would that apply to summer school?

Bart Mangino:

I believe it would.

Assemblywoman Mastroluca:

Can you find out for sure?

Bart Mangino:

Yes, along with the wellness policy.

Chair Bobzien:

Can you comment about whether or not other rural school districts have been involved in this conversation?

Dotty Merrill:

Our directors and executive committee members have looked at this bill in various iterations and are supportive of the bill in its final form.

Mary Pierczynski, representing Nevada Association of School Superintendents:

The Nevada Association of School Superintendents has registered itself neutral on this bill because our members feel that we are already doing a lot of nutritional things in the school district according to our nutrition policies. We understand that our school boards will have to go back and add some additional information to the policies, and that is not a problem. We feel that we are well on the way to fulfilling what is being asked in this bill.

Dotty Merrill:

Mr. Roller mentioned having some user friendly language that could be provided for parents or families regarding some recommendations or things of that nature. In our 15 rural school districts we think that those would be very helpful. We will look forward to getting that from him and circulating those to our board members.

Chair Bobzien:

Are there any further questions? [There were none.] Senator Denis, do you have any closing remarks?

Senator Denis:

There is one thing I did notice in the testimony. It was the intent that this act would become effective July 1, 2012. The bill still reads July 1, 2011, so that would need to be amended. This would give the school districts more time.

Chair Bobzien:

On the scope of the bill and what it applies to, does it also apply to summer school?

Senator Denis:

If it is school or district sponsored, yes, it would. It is an extension of the regular school year.

Chair Bobzien:

Thank you. I will close the hearing on S.B. 230 (R1). Please include information provided by Partners for a Healthy Nevada ([Exhibit I](#)), The Washoe County Chronic Disease Coalition ([Exhibit J](#)), submitted by Trabor Griswold, and the data graph ([Exhibit K](#)) submitted by Christopher Roller. Meeting is adjourned [at 4:44 p.m.].

RESPECTFULLY SUBMITTED:

Janel Davis
Committee Secretary

APPROVED BY:

Assemblyman David P. Bobzien, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: May 16, 2011

Time of Meeting: 3:31 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 230 (R1)	C	Christopher Roller	Written Testimony
S.B. 230 (R1)	D	Christopher Roller	Trans-Fats: The Bad Fats
S.B. 230 (R1)	E	Christopher Roller	Fact Sheet
S.B. 230 (R1)	F	Nicole Bungum	Written Testimony
S.B. 230 (R1)	G	Keith Ahrens	Written Testimony
S.B. 230 (R1)	H	Jennifer Stoll-Hadayia	Written Testimony
S.B. 230 (R1)	I	Partners for a Healthy Nevada	Testimony in support
S.B. 230 (R1)	J	Trabor Griswold	Written Testimony
S.B. 230 (R1)	K	Christopher Roller	Data Graph