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September 14, 2009

Dr. Mary Jones
Interim Superintendent of Schools
Wyandanch Union Free School District
1445 Dr. Martin Luther King Jr. Boulevard
Wyandanch, New York 11798

Report Number: S9-9-39

Dear Dr. Jones and Members of the Board of Education:

A top priority of the Office of the State Comptroller is to help school district officials manage their districts efficiently and effectively and, by so doing, provide accountability for tax dollars spent to support district operations. The Comptroller oversees the fiscal affairs of districts statewide, as well as districts' compliance with relevant statutes and observance of good business practices. This fiscal oversight is accomplished through our audits, which identify opportunities for improving district operations and Board of Education governance. Audits also can identify strategies to reduce district costs and to strengthen controls intended to safeguard district assets.

In accordance with these goals, we conducted an audit of 20 school districts throughout New York State to determine whether school districts are ensuring that all food available to students during the school day and at school activities meets established nutritional guidelines to promote healthy eating habits and proper nutritional goals. We included the Wyandanch Union Free School District (District) in our audit. The audit period was from September 1, 2007 to December 31, 2008.

This report of examination letter contains our audit results specific to the District. We discussed the findings and recommendations with District officials and considered their comments, which appear in Appendix A, in preparing this report. District officials generally agreed with our findings and recommendations and indicated they would initiate corrective action. At the completion of our audit of the 20 school districts, we prepared a global report that summarizes the significant issues identified at the districts audited.

Summary of Findings

While District officials have taken some steps to ensure that students may purchase healthy food and beverages items, the District still offers beverages that do not meet established nutritional

guidelines and compete with the healthier choices offered. The District has adopted a wellness policy, established a child nutrition advisory committee, and the most recent State Education Department (SED) review, in 2006, found that the school lunch program complied with Federal guidelines. In addition, no foods or beverages are sold in the school store, and interviews of District personnel that conduct school events indicate that they are aware of the District's wellness policy.

We found that the District could improve its efforts to promote healthy eating habits. District officials told us they use comprehensive nutritional standards (i.e., Choose Sensibly) to guide food and beverage choices for students, except for in-class activities.

There are no prescribed standards in the State regarding competitive foods available in school districts. Based on the lack of guidance, the Comptroller's Office met with various health professionals from NYSHEPA, American Cancer Society, American Heart Association, New York State Nutrition Association and Department of Health. After these meetings, we decided to compare district offerings to the Institute of Medicine (IOM) guidelines. Currently, school districts are not required to follow these guidelines, which were used during our audit for comparison purposes.

An IOM report,¹ conducted with the Centers for Disease Control and Prevention at the direction of Congress, concluded that federally reimbursable school nutrition programs should be the main source of nutrition at schools, and that opportunities during the school day for competitive foods (e.g., snacks and beverages) should be limited. The policy lacks detailed guidance for snacks allowed for in-class activities. Positively, the District provides its students with no vending options and limited snacks and beverages in its à la carte choices. However, many of the District's à la carte beverage choices do not comply with nutritional standards. Specifically, all 10 of the items we tested did not comply with the District's own standards. Further, none of the 10 items would have met the IOM guidelines.

Finally, District officials adequately prevented students from accessing prohibited foods and beverages before the end of the last scheduled meal period, as required by Education Law and SED guidelines. However, foods and beverages restricted per IOM standards were available for purchase during lunch periods. Items made available include a variety of fruit flavored beverages and teas, which contain less than 10 percent fruit juice and teas. By making such products available to students, District officials are limiting the impact of their efforts to encourage healthy food choices.

Background and Methodology

The District is located in Suffolk County. There are four schools in operation within the District, with approximately 2,100 students attending during 2008-09. The District's budgeted expenditures for 2008-09 are approximately \$54.5 million for the general fund and \$1.2 million for the cafeteria fund. During 2007-08, 74 percent of the District's students qualified for Free and Reduced Meals and the District had a 100 percent minority student population.

¹ A 2007 report entitled, "Nutrition Standards for Healthy Schools: Leading the Way Toward Healthier Youth" authored by the IOM and the Food and Nutrition Board organizations

The New York State Department of Health (DOH) has declared childhood obesity a major health problem. The DOH estimates that one in four New Yorkers under the age of 18, or approximately 1.1 million young people, are obese. Over the past 30 years, the obesity rate has nearly tripled for children ages 2 to 5 and youth ages 12 to 19, and it has quadrupled for children ages 6 to 11. According to the United States Centers for Disease Control and Prevention, 28 percent of New York high school students are overweight or at risk of becoming overweight. Further, New York ranks second in the United States in adult obesity medical expenditures, with annual spending estimates at nearly \$6.1 billion. The childhood obesity crisis is fueling a health care cost crisis. Estimated annual health care costs attributed to obese children total \$242 million, which is putting an even greater strain on the New York State budget.

District officials have the responsibility to provide a safe and healthy learning environment for children. That responsibility requires District officials to ensure that all food available to students during the school day and at school activities meets established nutritional guidelines to promote healthy eating habits and proper nutritional goals.

The District has an Interim School Nutrition Coordinator who oversees the food service program, which includes 20 employees working in three buildings. There are two elementary schools (sharing the same building), a middle school and a high school:

- The two elementary schools are located in the same building with one composed of students in grades K through 2 and the other students in grades 3 through 5. Lunch periods run in 20 to 25 minutes blocks starting as early as 10:48 am and ending as late as 1:30 pm.
- The middle school is composed of students in grades 6 through 8. Lunch periods run for 45 minutes starting at 10:26 am and ending at 12:47 pm.
- The High School is composed of students in grades 9 through 12. Lunch periods run for 30 minutes starting at 11:36 am and ending at 12:54 pm.

The District has four cafeterias for student use, which serve approximately 975 lunches per day. The lunch options are different depending on which school the student attends. The elementary schools offer students an option of one of two different entrees, hot or cold vegetables, canned or fresh fruits and milk. The high school students are offered choices based on a four-week schedule. A student has a choice of one, two or three different prepared entrees that day, with hot or cold vegetables, canned or fresh fruit and milk or a choice of what is on the food bar on the menu that day. The food bar theme could be a salad, hero, burger, pizza or pasta bar depending on what is named in the menu. An example of the salad bar includes a selection of vegetables, meats and breads. Then every Friday, the high school student picks from cultural themed menu options that include a choice of one of two entrees, with hot or cold vegetables, canned or fresh fruit and milk. There is no choice of a bar selection on Friday.

The District has no vending machines for student use located throughout the District and has a limited selection of à la carte items available for sale to students.

We interviewed District officials to determine if the District had adopted a local school wellness policy and had established a child nutrition committee. We reviewed the District's most recent School Meals Initiative report from the State Education Department, compared the wellness policy to the school's chosen external guidelines and/or other standards, and assessed whether the food and beverage choices available to students complied with the District's policies and SED requirements, where applicable.

We conducted this performance audit in accordance with generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

Audit Results

Local School Wellness Policy

The Child Nutrition and WIC Reauthorization Act of 2004 (Reauthorization Act of 2004) provides that not later than the first day of the school year beginning after June 30, 2006, each school district participating in a National School Lunch Program (NSLP) must establish a local school wellness policy that, at a minimum:

- Includes goals for nutrition education, physical activity and other school-based activities that are designed to promote student wellness in a manner that the local educational agency determines is appropriate
- Includes nutrition guidelines selected by the local educational agency for all foods available on each school campus under the local educational agency during the school day with the objectives of promoting student health and reducing childhood obesity
- Provides assurance that nutrition guidelines for the NSLP are met
- Establishes a plan for measuring implementation of the policy
- Involves parents, students, and representatives of the school food authority, school board, and school administrators in the development of the policy.²

The District has adopted a local school wellness policy. The policy outlines guidelines for all foods and beverages sold individually which includes foods sold outside of reimbursable meals, such as through vending machines, cafeteria à la carte, fundraisers and school stores. The policy references the Choose Sensibly Guidelines as well as places additional restrictions on caffeine products and portion sizes. In addition, the policy provides guidance on fundraising activities, snacks served during the school day, school sponsored events and discourages the use of food as

² Section 204 of Public Law 108-265—June 30, 2004 Child Nutrition and WIC Reauthorization Act of 2004

reward for academic or good behavior. However, the policy could be further enhanced by placing additional restrictions on calories as well as trans-fats. The current policy allows juice drinks containing at least 25 percent real fruit juice as well as beverages with no more than 10 mg of caffeine as allowable beverages at the elementary school while the policy allows high school students to have juice drinks containing at least 25 percent real fruit juice as well as beverages containing up to 30 grams of sugar, per serving. In addition, for snacks served during the school day the policy indicates that these snacks served “will make a positive contribution to children’s diets and health,” however does not specify guidelines. In addition, while we recognize that the Reauthorization Act of 2004 does not establish nutritional standards for District officials to use when adopting their policy,³ we believe that the more stringent guidelines promoted by the IOM should be considered by District officials to promote healthier eating habits.

The lack of a comprehensive local school wellness policy increases the risk that the food and beverages available to students will not meet established nutritional guidelines to promote healthy eating habits and proper nutritional goals.

Child Nutrition Advisory Committee

Every school district is authorized and encouraged to establish a child nutrition advisory committee.⁴ Committee members, who represent all aspects of school nutrition, are encouraged to meet at least quarterly to review topics that relate to the current nutritional policies of the district. The law encourages parents of students to be notified of the committee’s existence, ability to participate, and scheduled meeting dates. Lastly, the committee is encouraged to formally update the Board of Education once a year to give the status of the district’s programs to improve students’ nutritional awareness and to promote healthy diets.

The District has established a District-wide child nutrition advisory committee in July 2008 as well as has committees at the building level. The building level committee is composed of District administrators, faculty, student and parent advocates and the food service coordinator; these members will also attend the District-wide committee meetings. The District-wide committee has only met recently as it is newly established, however the building level committee meets monthly to discuss nutrition related topics. This includes reviewing and updating menus and issues and/or concerns that are raised by students, parents, and/or food service providers.

School Lunch Program

Schools that participate in the NSLP must meet Federal nutrition guidelines as outlined in the Department of Health and Human Services’ “Dietary Guidelines for Americans.”⁵ In March 2008, the State Education Department (SED) issued a memo “Incorporating the 2005 Dietary Guidelines for Americans into School Meals,” which instructs school districts to implement the

³ Section 204 of Public Law 108-265—June 30, 2004 Child Nutrition and WIC Reauthorization Act of 2004

⁴ Section 918 of NYS Education Law Article 19, Section 918 – School District Nutrition Advisory Committee

⁵ For example, the guidelines recommend that no more than 30 percent of calories come from fat, with less than 10 percent from saturated fats. In addition, school lunches should provide one-third of the recommended dietary allowances of protein, vitamins A and C, iron, calcium and calories.

2005 guidelines within the current meal pattern requirements and nutritional standards. The memo further outlines the promotion of “increased consumption of whole grains, fruits and vegetables, fat free or low fat milk, and dairy products.”

The SED conducts School Meals Initiative (SMI) reviews for each school district on a five-year rotating basis to determine if the lunch program complies with Federal nutrition guidelines. For these reviews, SED conducts a nutrient analysis test, for at least five menu days, using supporting documentation including menus, production reports, standard recipes and nutritional labels. In addition, an on-site observation is performed to confirm that the reported ingredients and recipes are used, and tests are conducted using nutrition analysis software to compare food products to requirements.

The last SMI review was conducted for the Wyandanch UFSD/LF Hardiman Elementary School (Grades K through 2) for the period March 20 through 24, 2006. The review findings, dated November 27, 2006, are summarized into two areas — “Menus, production records and standardized recipes are used” and Nutritional Analysis. The report states: “The Child Nutrition Program of Wyandanch UFSD is currently meeting the nutritional requirements of the Child Nutrition Program’s School Meals Initiative.”

Vending

In addition to the foods and beverages provided by the School Lunch Program, “competitive foods”⁶ (snacks and beverages) are available to students during the school day from à la carte items in the cafeteria. While such foods and beverages are allowed by the District’s wellness policy, IOM guidance would suggest that federally reimbursable school nutrition programs should be the main source of nutrition at schools, and that opportunities for competitive foods be limited.⁷

Competitive foods are not included in the basic school lunch program and there are no Federal nutrition guidelines for these items. However, in New York State, a District may not serve soda or candy before the last lunch period ends. Education Law, Article 19, Section 915 provides that “from the beginning of the school day until the end of the last scheduled meal period; no sweetened soda water, no chewing gum, no candy including hard candy, jellies, gums, marshmallow candies, fondant, licorice, spun candy and candy coated popcorn, and no water ices except those which contain fruit or fruit juices, shall be sold in any public school within the state.” SED guidelines also provide that beverages labeled as “aerated” or that bubble and fizz for several minutes after opening are to be categorized as “Soda Water.” However, other than this clarification, the SED has not published or endorsed criteria for competitive foods. An SED official told us “we do not provide an approved listing because it would be too extensive and would change every day as new products come on to the market.”

⁶ Child Nutrition and WIC Reauthorization Act of 2004 section 210.11

⁷ A 2007 report entitled, “Nutrition Standards for Healthy Schools: Leading the Way Toward Healthier Youth” authored by the IOM and the Food and Nutrition Board organizations

The New York State School Nutrition Association has created the “Choose Sensibly” guidelines for snacks and beverages. According to the guidelines, sensible snack choices should have no more than:

- 7 grams of fat
- 2 grams of saturated fat
- 360 milligrams of sodium
- 15 grams of sugar.

Beverage choices include low fat milk and low fat flavored milk, juice with 25 percent or more fruit juice, water or flavored water with no added sugar, artificial sweeteners or caffeine, and beverages with 10 milligrams or less of caffeine per serving.

Based on the lack of competitive food guidance in New York State, the Comptroller’s Office met with various health professionals from NYSHEPA, American Cancer Society, American Heart Association, New York State Nutrition Association and Department of Health. After these meetings, we decided to compare district offerings to the Institute of Medicine (IOM) guidelines. The IOM standards were not required to be adopted and followed by school districts as part of our audit. The IOM report entitled “Nutritional Standards for Foods in Schools” also establishes standards for nutritive food components. The report concludes that if competitive foods are made available, they should consist of nutritious fruits, vegetables, whole grains and combination products⁸ and non-fat or low fat milk and dairy products. It also recommends imposing restrictions on the sale of foods and beverages with high fat, saturated fat, sodium, etc.

According to the report, snack choices should have no more than 200 calories, and no more than 35 percent of the calories should be from fat while no more than 10 percent of the calories should be from saturated fat. Further, snack choices should have no more than 200 mg of sodium or 480 milligrams of sodium if served à la carte as an entrée portion. They also should be trans-fat free, and have no more than 35 percent of total calories from sugars. Acceptable beverage choices include water without flavoring, additives or carbonation; low fat and non-fat milk; portion sized 100 percent fruit juice; and beverages that are caffeine free with the exception of trace amounts of naturally occurring caffeine substances. Sports drinks should not be available except when provided for student athletes participating in sports programs that involve vigorous activity of more than one-hour’s duration.

Compliance with Policy and IOM Standards

District policy indicated that vending and à la carte items were subject to the “Choose Sensibly” guidelines in addition to additional guidance as outlined in the District wellness policy. The District has no vending machines available for student use and à la carte items were limited to water, fruit juices and teas in the cafeterias.

⁸ Combination products must contain a total of one or more servings as packaged of fruit, vegetables or whole grain products per portion.

We judgmentally selected 10 snack/beverage items to test for compliance with the District’s own nutritional standards and compared to the more stringent IOM standards. We found that all 10 items (the District only offers beverage products in varying flavors) did not meet the District’s own standards in regards to juice beverages containing at least 25 percent real fruit juice. Further, had the District adopted the IOM standards, none of the items tested met the IOM standards, as detailed in the following table:

VENDING AND À LA CARTE ITEMS		
Snack Item	Meets District Standards	Meets IOM Standards
Fruit Punch Beverage	No	No
Grape Beverage	No	No
Pink Lemonade Beverage	No	No
Raspberry Peach Beverage	No	No
Apple Beverage	No	No
Mango Beverage	No	No
Peach Tea Beverage	No	No
Strawberry Kiwi Beverage	No	No
Lemon Tea Beverage	No	No
Diet Peach Tea Beverage	No	No

Compliance with Education Law and SED Guidelines

We also found that District officials adequately limited access to prohibited food and beverages until the end of the last lunch period as required by Education Law and SED guidelines. Specifically:

- À La Carte Items — The District offers students a limited selection of à la carte items in the high school. À la carte items are not sold in the District during lunch periods, however items are limited to bottled water, a variety of fruit flavored beverages and teas.
- Vending Machines — The District had no vending machines available for student use.

The District offers beverage choices that provide minimal nutritional value and compete with healthy school meal options. For example, during lunch period, students can purchase a variety of fruit flavored beverages and teas at each of its schools cafeterias which contain less than 10 percent fruit juice. Further, these items generally do not comply with the District’s local school wellness policy, the “Choose Sensibly” guidelines, or the IOM guidelines.

District officials indicated that in prior years competitive foods were offered that provided minimal nutritional value and, based on the minimal revenue derived from those sales, the District decided to discontinue all vending snacks.

School Stores and Events

District personnel that sell or serve food and beverages on school grounds or at school events must be aware of, and comply with, the District's local school wellness policy to ensure that students are offered nutritious food and beverage choices.

The District has a store located in the high school, however the store was not open for business during our site visit. Through observation and discussion with District officials, we observed that the store was locked and not stocked. District officials stated that the District had issues with what the store was selling and restricted sales to the end of the school day which resulted in decreased sales and eventually closure of the store.

In addition, the District conducted school events, such as in-class activities and fundraisers. We judgmentally selected and interviewed two teachers and two principals to determine awareness of, and compliance with, the local school wellness policy. Each individual stated that he or she was aware of the policy and that they believed that positive choices were offered and encouraged for school events. Although outside foods are generally not allowed into the classroom, the elementary schools do allow birthday celebrations at the end of the day where outside food is allowed if the items, such as cupcakes and beverages, are pre-packaged. Both the elementary and high school principals acknowledged that fundraising activities are not allowed in the schools during the school day. The District policy adds that "to support children's health and school nutrition-education efforts, school fundraising activities will discourage the use of food or will use only foods that meet the above nutrition and portion size standards for foods and beverages sold individually. Schools will encourage fundraising activities that promote physical activity."

While such items would generally comply with the District's wellness policy, they would not always comply with the more stringent IOM guidelines. By making such products available to students, District officials are limiting the impact of their efforts to encourage healthy food choices.

Recommendations

1. District officials should consider adopting the IOM standards for the local school wellness policy.
2. District officials should ensure that all foods and beverages that are served to students are authorized by the local school wellness policy.
3. District officials should develop nutrition standards and guidelines for snacks provided for in-class activities.

The Board has the responsibility to initiate corrective action. Pursuant to Section 35 of the GML, Section 2116-a (3)(c) of the Education Law and Section 170.12 of the Regulations of the Commissioner of Education, a written corrective action plan (CAP) that addresses the findings and recommendations in this report must be prepared and provided to our office within 90 days, with a copy forwarded to the Commissioner of Education. To the extent practicable,

implementation of the CAP must begin by the end of the next fiscal year. For more information on preparing and filing your CAP, please refer to our brochure, *Responding to an OSC Audit Report*, which you received with the draft audit report. The Board should make the CAP available for public review in the District Clerk's office.

Sincerely,

Steven J. Hancox
Deputy Comptroller
Office of the State Comptroller
Division of Local Government and
School Accountability

APPENDIX A

RESPONSE FROM DISTRICT OFFICIALS

The District officials' response to this audit can be found on the following pages.

WYANDANCH UNION FREE SCHOOL DISTRICT

Central Administration Building
1445 Dr. Martin L. King, Jr., Boulevard
Wyandanch, New York 11798-3997

BOARD OF EDUCATION

Mrs. Denise Baines, President
Nancy Holliday, Vice President
Mrs. Shirley Baker, Trustee
Mrs. Yvonne Robinson, Trustee
Minister Barry Sexton, Trustee
Elder Thomas F. Tolliver, Trustee
Mr. Barry White, Trustee

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Mr. Calvin Wilson
Director of Finance
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Mr. Kester Hodge, Principal
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Fax 631 870-0459

Milton L. Olive Middle School
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Mrs. Gina Talbert, Principal
631 870-0525
Fax 631 870-0533

Martin L. King Jr. Elementary School
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Dr. Darlene White, Principal
631 870-0555
Fax 631 870-0564

LaFrancis Hardiman Elementary School
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Mrs. Delores Jenkins, Principal
631 870-0580
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June 17, 2009

[REDACTED]
Principal Examiner
Local Government and School Accountability
State of New York
Office of the State Comptroller
State Office Building, Room 1702
44 Hawley Street
Binghamton, New York 13901

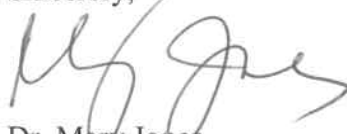
Dear [REDACTED]:

Attached is our response to the preliminary draft findings for the Nutrition Audit Report.

Please contact me with any questions or concerns that you may have.

Thank you.

Sincerely,



Dr. Mary Jones
Superintendent of Schools

Attached

C: Board of Education
Maxine Morgenbesser

**WYANDANCH UNION FREE SCHOOL DISTRICT
CORRECTIVE ACTION PLAN
CHILD NUTRITION PROGRAMS**

Audit Recommendation	Implementation Plan of Action(s)	Implementation Date	Person Responsible
<p>1. District officials should consider adopting the Institute of Medicine (IOM) standards for the local school wellness policy.</p>	<p>Incorporate the Institute of Medicine standards into the District's Wellness Policy, and apply them to define nutritive value of food component.</p> <p>Purchase and serve foods that contain:</p> <ul style="list-style-type: none"> • No trans fat, additives, preservatives, or artificial color. • Contain fewer than 200 mg of Sodium in snack any single serving. • Contain fewer than 450 mg of Sodium in any a-la-carte item. • Contain fewer than 15 grams of sugar per ½ cup serving; or goods that have fewer than 35 percent of total calories from sugar (except from unsweetened dried fruits). • No high fructose corn sweeteners. • Less than 35% of calories from fat. • Less than 10% of calories from saturated fats. <p>Investigate for incorporation into the District's Wellness Policy, the Mediterranean diet.</p> <p>Provide appropriate professional developments to nutrition committee, food service workers, students, staff and the community.</p>	<p>September 1, 2009 – ongoing</p>	<p>Dr. Mary Jones, Interim Superintendent Calvin Wilson, Director of Finance Pamela Usher, Nutrition Coordinator Bettie Clapp, Consulting Dietitian Members of the Nutrition Committee Kester Hodge, Principal Dr. Darlene White, Principal Gina Talbert, Principal Delores Jenkins, Principal</p>
		<p>To Be Determined</p>	

	Audit Recommendation	Implementation Plan of Action(s)	Implementation Date	Person Responsible
2.	District officials should ensure that all foods and beverages that are served to students are authorized by the local school wellness policy.	Eliminate the sale of Snapple beverages from all menus which do not meet IOM standards. Research and develop a list of substitute beverages that meet the IOM standards for recommendation to the District's Nutrition Standard Committee. Purchase and serve beverages which include appropriate serving sizes – i.e. Pure fruit juices not to exceed 8 ounces for high school students, and 4 ounces of Elementary and Middle school students. Provide appropriate professional developments to nutrition committee, food service workers, students, staff and the community.	September 1, 2009 – ongoing	Dr. Mary Jones, Interim Superintendent Calvin Wilson, Director of Finance Pamela Usher, Nutrition Coordinator Bettie Clapp, Consulting Dietitian Members of the Nutrition Committee Kester Hodge, Principal Dr. Darlene White, Principal Gina Talbert, Principal Delores Jenkins, Principal
3.	District officials should develop nutrition standards and guidelines for snacks provided for in-class activities.	Develop in accordance with IOM standards for snacks provided for in-class activities, nutrition guidelines that will for example encourage fresh fruit snacks, raw vegetables with a low fat dip, unsweetened whole grain fiber snacks. Provide training and support on the IOM standards and their implementation to the food service workers (cooks), parents and community. Provide appropriate professional development to nutrition committee, food service workers, students, staff and the community.	September 1, 2009 – on going	Dr. Mary Jones, Interim Superintendent Calvin Wilson, Director of Finance Pamela Usher, Nutrition Coordinator Bettie Clapp, Consulting Dietitian Members of the Nutrition Committee Kester Hodge, Principal Dr. Darlene White, Principal Gina Talbert, Principal Delores Jenkins, Principal