



Warren Petryk

State Representative • 93rd Assembly District

Date: March 4, 2015

To: Members of the Committee on State Affairs and Government Operations

From: Representative Petryk

Re: Testimony regarding Assembly Bill 37, School Food Safety

Good Morning Mr. Chairman and members of the Committee. Thank you for taking the time to listen to my testimony regarding the importance of Assembly Bill 37, the School Food Safety bill. This legislation is good, bipartisan, public policy that will keep our children safe while they attend school.

Nearly 720,000 meals are served to our students in Wisconsin on a daily basis which equates to approximately 125 million meals each school year. This is a staggering number of meals being served making the potential for foodborne illness a very real possibility. This legislation will help to ensure that our school lunches are safe and pose minimal health risks to our students.

Currently, state law requires all licensed restaurants to have an individual on staff that holds a food protection certificate issued by the Department of Health Services. Assembly Bill 37 would extend this current state law to school nutrition programs participating in the National School Lunch Program, which according to the Department of Public Instruction is approximately 97 percent of Wisconsin public schools and 38 percent of private schools.

Not only is this legislation important for the safety of our state's students but it's affordable for the school districts. The certificate from the Department is \$10 and is good for 5 years. The test is administered by 4 vendors and on average the cost is around \$100. So for 10 hours of training and a \$100 cost for 5 years, we can be more confident that school meals are safe and free of foodborne illnesses.

I ask for your support for Assembly Bill 37 as it is common sense legislation that promotes safety in our school lunch programs to benefit the health and welfare of our state's school children. Thank you, Mr. Chair, and members of the committee for listening and I would be happy to answer any questions at this time.

**Assembly Committee on State Affairs and Government Operations
March 4, 2015**

**Wisconsin Department of Public Instruction
Testimony on Assembly Bill 37**

Good morning, Representative Swearingen. Thank you for holding a public hearing on Assembly Bill 37 (AB 37) relating to food safety practice in schools. My name is Dee Pettack, and I am the Legislative Liaison at the Department of Public Instruction (DPI). I am joined today by Jessica Sharkus, from our School Nutrition Team at DPI. We are here to testify for information on Assembly Bill 37 (AB 37).

Assembly Bill 37 extends the requirement to obtain a Food Protection Practice Certificate to school food programs that participate in the National School Lunch Program. The bill would require that school food service programs have at least one member on staff who holds a valid certificate of food protection practices issued by the Department of Health Services.

This addition is in line with current practice at 75% of all schools participating in the program. Currently 2059 out of the 2740 school sites report that they have a food service employee at the site that is ServSafe certified or the equivalent.

Under current law, if a school contracts with a third party vendor or a licensed vendor to do their school lunch program, those programs must have at least one member holding the certificate of food protection practices. Wisconsin currently has 89 public and private school districts that contract for their school lunch program.

Assembly Bill 37 would not apply to approximately 23 schools in our state that do not participate in the National School Lunch Program. Given the importance this bill raises - protecting children in our schools from food borne illness - it is unclear why this bill would limit the certificate requirement only to schools participating in the National School Lunch Program and not all schools.

The Department is committed to the utmost food safety standards in our schools. Food borne illnesses put children at risk for serious illness and could lead to a loss of learning time in the classroom and could create potential liability costs for schools. DPI concurs with the authors of Assembly Bill 37; it provides a simple approach to promoting food safety and ensuring the safe storage, preparation, and serving of school meals.

Thank you Chairman Swearingen and committee members for your time today, we are happy to answer any questions you may have.



SCHOOL FOOD SAFETY BILL (*AB 37 / SB 34*)

MAIN MESSAGE:

School nutrition professionals across Wisconsin are committed to the long-term health of the students and schools they serve. While food borne illness outbreaks in Wisconsin schools are rare, the risk of an outbreak is very real. The Legislature should support the ***School Food Safety Bill*** – a simple, yet important proposal that would equip school nutrition professionals with the necessary education to enhance food safety and reduce the risk of food borne illness in Wisconsin schools.

BACKGROUND:

Current law requires all licensed restaurants in Wisconsin to be operated by an individual who holds a certificate of food protection practices issued by the Department of Health Services. Additionally, school nutrition programs that contract with a third-party vendor to provide food service must also be operated by an individual with a valid certificate. The ***School Food Safety Bill*** would simply extend the requirement to school nutrition programs that provide direct food service.

More specifically, AB 37 / SB 34 would ensure that school nutrition programs have at least one employee on staff who holds a valid food protection practices certificate. The bill would apply to schools that participate in the National School Lunch Program.

KEY POINTS:

- During the 2012-2013 school year, over 120 million meals were served in Wisconsin schools, which amounts to more than 700,000 student meals every school day.
- According to the CDC, 23,000 food borne illnesses were caused by food served in U.S. schools between 1998 and 2007.
- Food borne disease outbreaks put children at risk for serious illness, lead to lost classroom and learning time, and create potential liability and litigation costs for schools. The *School Food Safety Bill* will help prevent these outbreaks in Wisconsin.
- While the bill would improve overall school food safety, it's important to note that it would have no state fiscal impact and would have an insignificant – if not non-existent – financial impact on local school nutrition programs and school districts.

LEGISLATIVE REQUEST:

SNA-WI asks the Legislature to support the ***School Food Safety Bill*** (AB 37 / SB 34), key legislation that provides an easy, yet proven approach to promoting school food safety and ensuring the safe storage, preparation and serving of student meals.



Testimony on *Assembly Bill 37* before the
ASSEMBLY COMMITTEE ON STATE AFFAIRS AND GOVERNMENT OPERATIONS
March 4, 2015

Karen Brummer, RD, CD – *SNA-WI member*
Elizabeth Farah, RD, CD – *SNA-WI member*

Good morning Chairman Swearingen and members of the Committee. Thank you for the opportunity to testify today in favor of Assembly Bill 37.

My name is Betsy Farrah. I am a Registered Dietitian and currently serve as the child nutrition coordinator for the Ashwaubenon School District. Along with Karen Brummer, who is seated next to me, I am testifying today on behalf of the School Nutrition Association of Wisconsin in support of AB 37

The School Nutrition Association of Wisconsin is a chapter of the national School Nutrition Association and represents nearly 1,300 school nutrition professionals who provide high-quality, low-cost meals to students across Wisconsin. We are committed to developing the full potential of all children through quality nutrition. We are also dedicated to creating healthy school environments, including a safe food supply for students.

Assembly Bill 37 is a simple, straightforward proposal that would help equip school nutrition professionals with the necessary training and knowledge to enhance food safety and reduce the risk of food borne illness in Wisconsin schools.

Under current law, all licensed restaurants in Wisconsin must be operated by an individual who holds a certificate of food protection practices issued by the Department of Health Services. Additionally, school nutrition programs that contract with a third-party vendor to provide food service must be operated by an individual with a valid certificate. Assembly Bill 37 would simply extend the current law provision to school nutrition programs that provide direct food service to students – and address what many believe is an oversight in state law.

Under the bill, each school district or school site participating in the National School Lunch Program would be asked to have at least one person on staff that holds a certificate of food protection practices issued by DHS. The certificate holder, most likely the director or manager, could oversee several school lunchrooms and would not be required to be on site at all times when food is being handled.

I would now like to turn it over to Karen, who currently serves as the School Nutrition Supervisor for the New Richmond School District.

While food borne illness outbreaks in Wisconsin schools are rare, when they do occur, they put children at risk for serious illness... lead to lost classroom time... and create potential litigation costs for schools. Every year, nearly 50 million Americans contract a food borne illness, resulting in 128,000 hospitalizations and 3,000 deaths. Vulnerable populations, including children are at greater risk for food borne illness.

Industry professionals and most food safety researchers agree that education is the key to reducing incidents of food borne illness. Assembly Bill 37 certainly recognizes that fact and would help strengthen school food safety policy in Wisconsin through proper education and training.

While AB 37 would certainly strengthen school food safety across the state, it would have a minimal, if not non-existent fiscal impact. The bill would not create any additional state costs, and the only potential expense for a local school nutrition program would be the cost of obtaining the certificate – which is roughly \$100 and is valid for five years. In other words, the fiscal impact of this bill for school districts that don't already have a certified employee on staff would be about \$20 per year... a very small price to pay to protect students from food borne illness.

It's also important to point out that the legislation would not create a training burden for school nutrition staff, as the time commitment needed to study and test for an initial food safety certificate is small – only about 10 hours. Furthermore, the bill would help Wisconsin schools meet the new federal continuing education requirements for school nutrition professionals.

In closing, I would like to offer SNA-WI's strong support for AB 37 and its common-sense approach to strengthening school food safety standards and preventing food borne illness in our schools. I would also like to request your support for this simple, yet effective legislation.

Both Betsy and I appreciate the opportunity to testify and would be more than happy to answer any questions.

TO: Members, Assembly Committee on State Affairs and Gov't Operations
FROM: Sharon L. Schmeling, Executive Director 
DATE: March 4, 2015
RE: AB 37 — food protection certification; registering for information only

The Wisconsin Council of Religious and Independent Schools (WCRIS) represents 600 schools and 100,000 students across the state. About a third of our member schools participate in the National School Lunch Program, and are subject to the regulations of that program. In addition, private school kitchens are subject to inspection and regulation by local and county health departments, who review our food handling safety practices on a regular basis.

This system appears to be functioning well. As the proponents of this bill have noted, 700,000 meals are served daily in Wisconsin schools. They note there were 23,000 foodborne illnesses in U.S. schools from 1998-2008 – a ten-year period. That equates to 2,300 illnesses per year in the entire United States. Assuming Wisconsin bears 1/50th of the burden of these illnesses, that would amount to 46 illnesses per year in Wisconsin. Since Wisconsin is just under the median for US population, the burden of illnesses is likely lower.

In measuring the need for a new law, legislators will be weighing the proposed regulation's burden and impact against other equally good ends. One of those is having children receive a hot and nutritious lunch, which aids in overall health and facilitates good brain development and concentration.

The National School Lunch Program is heavily regulated and many of our schools are opting out the program because of the increased paperwork associated with those regulations.

Additional regulation of the school lunch program from the state threatens to push more private schools out of the hot lunch business.

While the \$10 fee is not unreasonable for a five-year certificate, the burden is greater than simply paying the fee. Prospective licensees must find and pay for a course in food preparation, which is more difficult in rural areas where many of our schools are located. Taking classes involves time out of the school, which is difficult because our schools operate with *minimal non-instructional staff* and many of the courses appear to take most of a day. The tests are separate and appear to take a couple of hours. While there are online classes and exams, online exams must be taken at a third party testing center, which will likely involve more travel. While prospective licensees can also hire individual proctors to administer the exam, this involves additional expense.

There is no reimbursement for any of the costs in this process. Hence the incentive for schools to opt out offering hot lunches and return to cold lunches, which are often packed by the children themselves and are not as nutritious as what the school would have offered.

Archdiocese of Milwaukee

Association of
Christian Schools
International

Christian Schools
International

Diocese of Green Bay

Diocese of LaCrosse

Diocese of Madison

Diocese of Superior

Lutheran Church
Missouri Synod
North Wisconsin District

Lutheran Church
Missouri Synod
South Wisconsin District

Wisconsin Association
of Independent Schools

Wisconsin Conference of
Seventh Day Adventists

Wisconsin Evangelical
Lutheran Synod
Northern Wisconsin District

Wisconsin Evangelical
Lutheran Synod
Western Wisconsin District

Wisconsin Evangelical
Lutheran Synod
Southeastern Wisconsin
District

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Who we are:

Founded in 1974, the Wisconsin Council of Religious and Independent Schools (WCRIS) is a nonprofit, nonpartisan government relations organization representing 100,000 K-12 students in 600 Catholic, Lutheran, Christian, Seventh Day Adventist and independent schools across the state.

What we do:

- + seek equitable access to educational opportunities;
- + ensure that public policies advance fairness and justice;
- + work with our school parents, principals, teachers and students to facilitate communication and collaboration among schools, their leaders and the communities we serve.

Our accomplishments:

- + amending the state constitution to provide equitable busing for private school children;
- + gaining inclusion for private schools in the federal e-rate and state TEACH educational technology programs;
- + amending the Milwaukee Parental Choice Program to include religious schools, and expanding choice to Racine and the State of Wisconsin;
- + protecting private school students' access to federal special education services;
- + providing professional development and support for private school administrators;
- + creating a Wisconsin tax deduction for tuition expenses, saving private school parents an estimated \$30 million annually.

Fast facts:

- + 12% or 122,949 Wisconsin K-12 students attend private schools;
- + WCRIS schools enroll 83% of all private K-12 students in Wisconsin;
- + WCRIS schools employ more than 6,000 teachers;
- + If there were no private schools, Wisconsin state and local taxes would have to rise more than \$1 billion to pay for the students' education in public schools.