

Off the Map: Extracurricular School Food *School Stores, Concessions, and Fundraising*

BY JASON A. SMITH, MTS, JD

PUBLIC HEALTH ADVOCACY INSTITUTE

OVERVIEW OF THE ISSUE

This short brief provides an overview of school stores, concessions, and fundraising activities as part of the school food environment. It is an elaboration of the framework presented in *Mapping School Food*. Read *Mapping School Food* first to provide a context and framework to integrate the issues in this brief. Just like *Mapping School Food*, it does not tell you what to do but instead discusses some key issues and provides resources to help you make decisions and choices that are best for your school district and community.

Copies of *Mapping School Food* can be obtained on the Public Health Advocacy Institute website at: www.phaionline.org/schoolfood. For more on competitive foods and their relation to the National School Lunch Program, see *Mapping School Food, Appendix: Federal School Meal Programs and its Legal Practitioner's Point*.

Food distributed by school stores, concessions, and through fundraising activities can be classed as competitive foods. School stores are usually found in high schools and sell a variety of goods—including unhealthy foods—to support student activities. Fundraising sources can include school stores but also include events and programs to raise money—bake sales, candy sales, car washes, etc. Finally, concessions refer to foods sold during sporting and cultural events—football games, basketball games, concerts, plays, etc. These concessions are usually run by parent organizations or outside booster clubs. Fundraisers, concessions, vending, and à la carte sales are found in high schools more than in elementary schools.

The availability of these foods outside of the school meal program is associated with a decrease in consumption of healthy foods and an increase in the

consumption of some low-nutrient and energy-dense foods. Restricting access to unhealthy foods in stores, concessions, and fundraising events may decrease the consumption of products that are associated with poor health outcomes. While some school policies address concerns about these foods, you may find that they are not enforced. You may also find that when your school's wellness policies were written, these foods were not included.

When school personnel were asked what would be required to improve food at concessions, school stores, and fundraisers, it was clear that parental and student support, along with a policy that doesn't impact the budget, were critical. In an informal survey of school personnel primarily comprised of food service directors, it was clear that general budget pressures for the school and in food service superseded concerns over health and nutrition. Respondents felt that foods and beverages available in stores, concessions, and fundraisers were mostly unhealthy and indicated that candy remains the number one fundraising food item. One respondent indicated that even if there is a fundraising policy in place larger sports teams or those run by parents often disregard the policies, as parents do not feel it applies to them. Parents and students were often the source of resistance to attempts to improve the school food environment. Lack of leadership and enforcement of policies when they do exist is an additional issue. Conflicting compliance pressures and financial constraints are key limits to implementing policies.

KEY BARRIERS TO BETTER FOODS

1. Parental Resistance
2. Money
3. No Enforcement

The legal system regulates schools and education in a complex and decentralized fashion. This approach delegates significant legal authority to localities and assigns ultimate supervision to the state. This framework makes schools and school officials particularly sensitive to local pressures and economic constraints. Most decisions made about competitive foods, including fundraisers, concessions, and other foods, are made at the local level. The school boards, superintendents, and local governments that make these decisions are particularly sensitive to local political pressures. For more information, see the *Legal Notes* for this issue brief. Problems enforcing or writing standards are greater when there is no community involvement or support for the measure.

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LEGAL AND POLICY APPROACHES TO IMPROVE ENFORCEMENT AND EVALUATION OF WELLNESS POLICIES AND SCHOOL REGULATIONS

Federal law requires schools to have wellness policies in place. While many schools have these policies in place, some do not. Often fundraising, concessions, and school stores are not included in wellness policies or wellness policy requirements are ignored. These policies often are not enforced or are not written to include concessions, fundraisers, and stores because of the strong budgetary and political pressures on schools.

Given the financial constraints on schools, and without support from the principal and superintendent, it seems unlikely that wellness policy requirements will be enforced against fundraisers, school stores, and concessions. Legal and policy approaches designed to improve the implementation and enforcement of wellness policies are best pursued at the state level where enforcement mechanisms can be put into place. For further discussion, see the *Legal Notes* for this issue brief.

“Wellness should be a system wide approach. It has to come from the community and the school system. People have to feel a commitment to a healthier environment otherwise there is no follow through on the policies.”

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—> FOOD SERVICE DIRECTOR, MASSACHUSETTS

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ADDITIONAL LEGAL APPROACHES FOR SCHOOLS

Schools and administrators have the authority to regulate fundraisers, concessions, and school stores and there are numerous resources available to help with this process. The failure to improve food in the school may stem from an exceedingly narrow view of what constitutes school food. Reframing school food to include fundraisers, concessions, and school stores is a critical first step in the process of improving them. Schools are part of a much larger dietary picture.

Schools should invite parents, local businesses, and others to consider the role of the school in community and family dietary habits and food availability. Overcoming these political barriers is imperative to truly transforming the school food environment.

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LEGAL AND POLICY APPROACHES FOR CITY OFFICIALS, LEGISLATORS, AND COMMUNITY ORGANIZATIONS

City officials and state legislators have the legal authority to improve school food environments and to regulate concessions, school stores, and fundraisers. Regulating unhealthy school foods is a political rather than legal problem. Community organizations must build political and community support to use the available legal tools to improve school food environments. School administrators will be responsive if these issues are given as much weight as academic achievement. Tying the two issues together may be a path to success.

Additionally, the state has the ability to implement school policy for all schools under its control. Building support and seeking a solution at the state level may be easier than a purely local initiative, as state officials are likely to be under less political pressure than the local school board. Improving food in concessions, fundraising, and school stores can be made possible by identifying the key barriers, e.g., budgets, and building a consensus among parents and the community. Community and parental support, coupled with suggestions for replacing any lost funding, are the essential first steps in improving food in these venues.



REFERENCES

- Karen Weber Cullen & Issa Zakeri, *Fruits, Vegetables, Milk, and Sweetened Beverages Consumption and Access to A La Carte/Snack Bar Meals at School*, 94 AM. J. PUB. HEALTH 463 (2004).
- Daniel M. Finkelstein, Elaine L. Hill & Robert C. Whitaker, *School Food Environments and Policies in US Public Schools*, 122 PEDIATRICS e251 (2008).
- Sheila Fleischhacker, *Food Fight: The Battle Over Redefining Competitive Foods*, 77 J. SCHOOL HEALTH 147 (2007).
- Simone A. French, Mary Story & Jayne A. Fulkerson, *School Food Policies and Practices: A State-Wide Survey of Secondary School Principals*, 102 J. AM. DIETETIC ASS'N 1785 (2002).
- Anne R. Gordon, Mary Kay Crepinsek, Ronette R. Briefel, Melissa A. Clark & Mary Kay Fox, *The Third School Nutrition Dietary Assessment Study: Summary and Implications*, 109 J. AM. DIETETIC ASS'N S129 (Supp. 2009).
- Samia Hamdan, Mary Story, Simone A. French, Jayne A. Fulkerson & Helen Nelson, *Perceptions of Adolescents Involved in Promoting Lower-Fat Foods in Schools: Associations with Level of Involvement*, 105 J. AM. DIETETIC ASS'N 247 (2005).
- Active Living by Design, *Lessons from the Field: Promoting Healthy Eating in Schools* (2008), available at http://www.activelivingbydesign.org/sites/default/files/HEbD_CS_School.pdf.
- Inst. of Med., *Community Perspectives on Obesity Prevention in Children: Summary of a Workshop* (2008).
- Martha Y. Kubik, Leslie A. Lytle, Peter J. Hannan, Cheryl L. Perry & Mary Story, *The Association of the School Food Environment with Dietary Behaviors of Young Adolescents*, 93 J. AM. DIETETIC ASS'N 1168 (2003).
- Martha Y. Kubik, Leslie A. Lytle & Mary Story, *Soft Drinks, Candy, and Fast Food: What Parents and Teachers Think about the Middle School Food Environment*, 105 J. AM. DIETETIC ASS'N 233 (2005).
- , *A Practical, Theory-Based Approach to Establishing School Nutrition Advisory Councils*, 101 J. AM. DIETETIC ASS'N 223 (2001).
- Jeffrey Levi, Serena Vinter, Rebecca St. Laurent & Laura M. Segal, *Trust for America's Health, F as in Fat: How Obesity Policies Are Failing in America* (2008).
- Carol Heard Longley & Jamie Sneed, *Effects of Federal Legislation on Wellness Policy Formation in School Districts in the United States*, 109 J. AM. DIETETIC ASS'N 95 (2009).
- Elaine McDonnell, Claudia Probart, J. Elaine Weirich, Terryl Hartman & Lisa Bailey-Davis, *School Competitive Food Policies: Perceptions of Pennsylvania Public High School Foodservice Directors and Principals*, 106 J. AM. DIETETIC ASS'N 271 (2006).
- Dianne Neumark-Sztainer, Simone A. French, Peter J. Hannan, Mary Story & Jayne A. Fulkerson, *School Lunch and Snacking Patterns among High School Students: Associations with School Food Environment and Policies*, 2 INT'L J. BEHAV. NUTRITION & PHYSICAL ACTIVITY 14 (2005).
- Claudia Probart, Elaine McDonnell, J. Elaine Weirich, Terryl Hartman, Lisa Bailey-Davis & Vaheedha Prabhakher, *Competitive Foods Available in Pennsylvania Public High Schools*, 105 J. AM. DIETETIC ASS'N 1243 (2005).
- Mary Story, *The Third Nutrition Dietary Assessment Study: Findings and Policy Implications for Improving the Health of US Children*, 109 J. AM. DIETETIC ASS'N S7 (Supp. 2009).
- Mary Story, Karen M. Kaphingst, Ramona Robinson-O'Brien & Karen Glanz, *Creating Healthy Food and Eating Environments: Policy and Environmental Approaches*, 29 ANN. REV. PUB. HEALTH 253 (2008).
- Wendy L. Wrieden, Annie S. Anderson, Pat J. Longbottom, Karen Valentine, Martine Stead, Martin Caraher, Tim Lang, Bill Gray & Elizabeth Dowler, *The Impact of a Community-Based Food Skills Intervention on Cooking Confidence, Food Preparation Methods and Dietary Choices—An Exploratory Trial*, 10 PUB. HEALTH NUTRITION 203 (2007).

PHAI The Public Health
Advocacy Institute

102 The Fenway, Suite CU117

Boston, MA 02115

617.373.2026

www.phaionline.org

Contact: marlomiura@phaionline.org

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Jason A. Smith, MTS, JD, is an Assistant Professor,
Division of Medical Humanities, Health Law, and
Ethics, University of Connecticut Health Center.
He may be contacted at: jasmith@uchc.edu.

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