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HOUSE COMMITTEE ON HEALTH & HOMELESSNESS

The Honorable Della Au Belatti, Chair The Honorable Jenna Takenouchi, Vice Chair

H.B. NO. 249, RELATING TO THE HAWAII CHILD NUTRITION PROGRAM

Hearing: Wednesday, February 15, 2023, 9:30 a.m.

The Office of the Auditor offers the following comments on H.B. No. 249 establishing the Hawai'i child nutrition programs agency within the Office of the Auditor for administrative purposes.

The bill establishes three full-time positions including a farm to school coordinator to execute, administer, and award grants to develop farm to school programs to, among other things, purchase local goods for consumption in school food programs, purchase cafeteria equipment and provide facilities upgrades, train school cafeteria staff, and develop school garden cafeteria curriculum; a child nutrition program accountant; and a support position. The bill additionally seeks a general fund appropriation to fund grants to be administered by the Hawai'i child nutrition programs agency for the 2023-2024 school year.

Section 23-4, Hawai'i Revised Statutes, states the Office of the Auditor's duty is to conduct audits of state departments, offices, and agencies of the State and its political subdivisions. Our work primarily is performance audits, meaning we evaluate a department or program's operations against appropriate criteria, such as relevant statutes, administrative rules, policies, procedures, and best practices, to assist the Legislature and the departments with improving program performance, reducing costs, and facilitating greater efficiency in state government. As a legislative service agency, the Office of the Auditor's administration of an executive branch program would be inappropriate and, furthermore, would impede the Office's ability to conduct independent audits of the agency to be established.

We strongly recommend an entity other than the Auditor be appointed to administer the agency the bill proposes.

Thank you for considering our testimony related to H.B. No. 249.



STATE OF HAWAI'I DEPARTMENT OF EDUCATION KA 'OIHANA HO'ONA'AUAO

P.O. BOX 2360 HONOLULU, HAWAI'I 96804

Date: 02/15/2023 **Time:** 09:30 AM

Location: 329 VIA VIDEOCONFERENCE

Committee: House Health &

Homelessness

Department: Hawaii Child Nutrition Programs

Testifier: Sharlene Wong, SNS, Program Administrator,

Hawaii Child Nutrition Programs

Title of Bill: HB 0249 RELATING TO THE HAWAII CHILD NUTRITION

PROGRAM.

Purpose of Bill: Establishes the Hawaii child nutrition programs agency in the office

of the auditor. Establishes a grant program to support the funding of certain initiatives for the State's public schools. Establishes three permanent full-time equivalent positions (3.0 FTE). Appropriates

funds.

Hawaii Child Nutrition Programs' Position:

The Hawaii Child Nutrition Programs (HCNP) aka State Agency (SA) supports HB 249 and appreciates the Legislature's consideration to move the office to another state department. The role of the SA is to audit, provide oversight, and technical assistance to the School Food Authorities (SFA) and Sponsors of Community Programs, including the Hawaii Department of Education (HIDOE) School Food Services Branch (SFSB).

This move will allow HCNP to carry out its responsibilities as the agent for the United States Department of Agriculture (USDA) concerning Child Nutrition Programs within the state. As stated in the proposed bill, "it is critical from an ethical standpoint for HCNP to be independent of the HIDOE SFSB to prevent its preferential treatment." For this reason, across the country state agencies are not under the same jurisdiction as the SFA.

HCNP also supports the creation and housing of the proposed Farm to School and Accountant positions. Other State Agencies across the country perform similar functions that include Farm to School initiatives and grants that are proven to be successful within their jurisdiction.

HCNP encompasses several federal nutrition programs in the State and its purpose is not solely for Farm to School. The State Agency proposes the following amendment to the wording in the existing bill on page 3 line 14. This should read, "The Farm to School division within the Hawaii Child Nutrition Programs shall be headed by a coordinator who shall execute, administer...". The existing wording in the bill is inaccurate as HCNP is headed by a Program Administrator per USDA requirements.

In addition, HCNP requests the following amendment be inserted into the bill in consideration of all current and incoming HCNP staff:

"All incumbent officers and incumbent employees whose functions are transferred by this part shall be transferred with their functions and shall continue to perform their regular duties upon their transfer, subject to the state personnel laws and this Act. To be consistent with the language presented in Section 4 of this bill regarding the addition of the three permanent full-time equivalent (FTE) positions proposed in this bill, all current HCNP staff shall be made permanent FTE employees of the State of Hawaii. As a point of information, without HCNP, USDA reimbursement/funds would not be distributed to the participating sponsors throughout the state.

No incumbent officers or incumbent employees of HCNP shall suffer any loss of salary, classification, step movement, seniority, prior service credit, vacation leave, sick leave, compensatory time, and any other existing employee benefit or privilege as a consequence of this part, and such officer or employee maybe transferred or appointed to a civil service position without the necessity of examination; provided that the officer or employee possesses the minimum qualifications for the position to which transferred or appointed; and provided that subsequent status changes may be made according to applicable civil service and compensation laws.

An officer or employee of the State who may be transferred and or newly hired to HCNP shall not suffer any loss of salary, classification, step movement, seniority, prior service credit, vacation leave, sick leave, compensatory time, and any other existing employee benefit or privilege as a consequence of this part, and such officer or employee maybe transferred or newly hired to a civil service position without the necessity of examination; provided that the officer or employee possesses the minimum qualifications for the position to which transferred or newly hired; and provided that subsequent status changes may be made according to applicable civil service and compensation laws.

If HCNP or position held by an incumbent officer or incumbent employee is abolished, the officer or employee shall not thereby be separated from public employment, but shall remain in the employment of the State with the same pay and classification and shall be transferred to some other office or position for which the officer or employee is eligible under personnel laws of the State as determined by the head of the department or the governor, and shall not suffer any loss of salary, classification, step movement, seniority, prior service credit, vacation leave, sick leave, compensatory time, and any other existing employee benefit or privilege as a consequence of this part, and such officer or employee may be transferred or appointed to a civil service

position without the necessity of examination; provided that the officer or employee possesses the minimum qualifications for the position to which transferred or appointed; and provided that subsequent status changes may be made according to applicable civil service and compensation laws."

The addition of these proposed amendments will allow HCNP to continue to expand and provide services to Child Nutrition Programs in Hawaii with integrity and ethics.

Mahalo for the opportunity to testify on HB 249.



STATE OF HAWAI'I DEPARTMENT OF EDUCATION KA 'OIHANA HO'ONA'AUAO

P.O. BOX 2360 HONOLULU, HAWAI'I 96804

Date: 02/15/2023 **Time:** 09:30 AM

Location: 329 VIA VIDEOCONFERENCE

Committee: House Health &

Homelessness

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Title of Bill: HB 0249 RELATING TO THE HAWAII CHILD NUTRITION

PROGRAM.

Purpose of Bill: Establishes the Hawaii child nutrition programs agency in the

office of the auditor. Establishes a grant program to support the

funding of certain initiatives for the State's public schools. Establishes three permanent full-time equivalent positions (3.0

FTE). Appropriates funds.

Department's Position:

The Hawaii State Department of Education (Department) provides comments on HB 249. The Department appreciates the intent of HB 249, which focuses on finding the best placement of the Hawaii Child Nutrition Program (HCNP) within the State government and restructuring the program, while presumably also ensuring a system of program accountability and enhancing the HCNP's ability to:

- 1. Fulfill its federal United States Department of Agriculture mandates;
- 2. Support statewide policy objectives; and
- 3. Maintain program independence.

The Department has strong concerns with transferring the HCNP to a legislative branch and does not support the increasing of full time equivalent positions.

1. Placement of this program into the legislative branch rather than the executive branch of State government appears problematic. An alternative option is to reorganize the Department to place HCNP within a compliance area, apart from the Office of Facilities

and Operations or the Office of Fiscal Services (where the HCNP is currently located).

2. The Department opposes allowing the HCNP to be headed by a farm-to-school coordinator. This measure appears to overlook the HCNP's current scope of responsibility and federal obligations. The existing HCNP supports more than just the farm-to-school programs. If the HCNP were to be restructured, it is unclear at this time how the program's federal obligations would be impacted.

Thank you for the opportunity to provide comments on this measure.



HIPHI Board

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HIPHI Initiatives

Coalition for a Tobacco-Free Hawaiʻi

Community Health Worker Initiative

COVID-19 Response

Hawai'i Drug & Alcohol Free Coalitions

Hawai'i Farm to School Hui

Hawai'i Oral Health Coalition

Hawai'i Public Health Training Hui

Healthy Eating + Active Living

Kūpuna Collective

Date: February 14, 2023

To: Representative Della Au Belatti, Chair

Representative Jenna Takenouchi, Vice Chair

Re: Strong Support for HB 249 Relating to Hawaii Child Nutrition

Program

Hrg: Wednesday, February 15, 2023, at 9:30 AM, Conf Rm 329

Hawai'i Public Health Institute (HIPHI) works to advance policy and systems change to reduce disparities and improve the health of Hawai'i residents. HIPHI is home to and testifies here on behalf of the Obesity Prevention Task Forceⁱ and The Hawai'i Farm to School Hui, which collectively represent over 60 organizations from across the islands.

Hawai'i Public Health Institute appreciates the opportunity to provide STRONG SUPPORT for HB 249, which establishes the Hawai'i Child Nutrition Programs (HCNP), currently located in the Department of Education (HIDOE), in the office of the auditor. It also establishes a grant program to support the funding of certain initiatives for the State's public schools, as well as creating three permanent full-time equivalent positions (3.0 FTE) within the HCNP. The bill also appropriates funds.

The role of the HCNP is to audit, provide oversight, and technical assistance to the School Food Authorities (SFA) and Sponsors of Community Programs, including the Hawaii Department of Education (HIDOE) School Food Services Branch (SFSB).

The creation and housing of 3 proposed Farm to School and Accountant positions will increase access of locally grown and raised foods for consumption by our keiki, which will positively impact their health while also supporting the development of Hawai'i sustainable food systems.. State Agencies like the HCNP perform similar functions that include Farm to School initiatives and grants that have proven to be successful in other states.

This change will better support HCNP carrying out its responsibilities as the agent for the United States Department of Agriculture (USDA) concerning Child Nutrition Programs within the state. As stated in the proposed bill, "it is critical from an ethical standpoint for HCNP to be

independent of the HIDOE SFSB to prevent its preferential treatment." For this reason, state agencies acting as USDA agents in other states are not under the same jurisdiction as the SFA.

Act 175 requires that the Department of Education procure 30% of the food it serves from local sources by the year 2030. Currently, local procurement is at 6.2%.ⁱⁱⁱ This measure helps to support reaching that 30% goal, which HIDOE cannot do alone. These goals need statewide collaboration to deliver the appropriate volume of locally sourced foods in order to serve the 100,000 plus meals that the HIDOE prepares daily.

Mahalo for considering this measure and for the opportunity to testify in STRONG SUPPORT of HB249.

Mahalo,

Dennis Chase

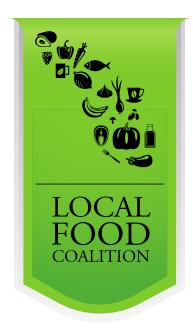
Hawai'i Farm to School Hui Program Manager

Hawai'i Public Health Institute

ⁱ Created by the legislature in 2012, the **Obesity Prevention Task Force** is composed of over 40 statewide organizations, and it works to make recommendations to reshape Hawaii's school, work, community, and healthcare environments, making healthier lifestyles obtainable for all Hawai'i residents.

ii Founded in 2010, the **Hawai'i Farm to School Hui** is a statewide network comprising five island-level networks, community organizations, schools, state agencies, and other food systems stakeholders with a collective mission to strengthen Hawaii's farm to school movement. The three pillars of successful farm to school programs are 1) school gardens and on-campus farms, 2) education, and 3) school food improvements through local procurement.

iii https://www.hawaiipublicschools.org/Reports/DOE_REPORT2023_FarmtoSchoolMeals.pdf



Hawai'i Aquaculture & Aquaponics Association

Hawai'i Cattlemen's Council

Hawai'i Farm Bureau Federation

Hawai'i Farmers' Union United

Hawai'i Food Industry Association

Hawai'i Food Manufacturers Association

Kohala Center

Land Use Research Foundation of Hawai'i

Maui Farm to School Network (Maui F2SN)

Ulupono Initiative

College of Tropical Agriculture and Human Resources - University of Hawai'i at Manoa HOUSE COMMITTEE ON HEALTH & HOMELESSNESS February 15, 2023 – 9:30 a.m. – Conference Room 329 & Via Videoconference

HB 249 – RELATING TO THE HAWAII CHILD NUTRITION PROGRAM- IN SUPPORT

Aloha Chair Belatti, Vice Chair Takenouchi and Members of the Committee:

The Local Food Coalition **SUPPORTS** HB 249, which establishes the Hawaii Child Nutrition Programs (HCNP) agency within the Office of the Auditor, establishes a grant program to support the funding of certain initiatives for the state's public schools, and establishes three permanent full-time equivalent positions.

The mission of the HCNP, which is currently attached to the Hawaii Department of Education (DOE), is to promote the importance of nutrition through federal compliance, education, and partnership with schools and childcare centers across the state.

Moving HCNP to the Office of the Auditor will make it independent of the DOE's School Food Services Branch and prevent its preferential treatment.

The grant program, which will be administered through the HCNP, will help the DOE reach its mandate established under Act 175, SLH 2021, which require 30% of food served in public schools to consist of locally sourced products by 2030.

Finally, the funding for the three positions will provide support and technical assistance so more farmers, ranchers and producers will be able to sell its products to the DOE and help the state reach its goal of doubling local food production.

The Local Food Coalition is an organization comprised of farmers, ranchers, livestock producers, investors and other organizations working to provide Hawaii's food supply.

We respectfully request your support of HB 249. Thank you for the opportunity to submit testimony.

Kendall Matsuyoshi 808-544-8345 kmatsuyoshi@wik.com



February 13, 2023

To: Chair Belatti, Vice Chair Takenouchi and the House Committee on Health and Homelessness

Subject: HB249, RELATING TO THE HAWAII CHILD NUTRITION PROGRAM

Aloha mai kākou,

My name is Kahealani Acosta, and I advocate in **SUPPORT** of **HB249**, which *Establishes the Hawai'i child nutrition programs agency in the office of the auditor, and a grant program to support the funding of certain initiatives for the State's public schools.*

HB249 provides funding through a grant program for the purchase of local foods, equipment to prepare local foods, professional development to educate students about nutrition and farm to school connections, and technical assistance to increase participation in federal child nutrition programs. HB249 also addresses a structural problem unique to Hawai'i, the only state with one statewide school district, requiring a review of cafeteria supervisor compensation to reflect the additional responsibility of taking on farm to school goals at the complex area level.. It moves the Hawai'i Child Nutrition Programs (HCNP), the agency that administers USDA food and nutrition funding, from the Hawai'i Department of Education to the Office of the Auditor. Currently, HCNP is located within the HIDOE, alongside the School Food Services Branch, making it difficult for HCNP to do its job as a grantor. (*related article*).

Farm to school procurement can affect Hawai'i's economy and agricultural sector on a large scale, but its greater purpose is something we should all be able to agree on: feeding and educating future generations. As people of Hawai'i, we can perpetuate the health and vitality of future generations via the smart plan put forward in HB249.

Mahalo to the House Committee on Health and Homelessness for your consideration, Kahealani Acosta & the Food+Policy Team #fixourfoodsystem

The Food+ Policy internship develops student advocates who learn work skills while increasing civic engagement to become emerging leaders. We focus on good food systems policy because we see the importance and potential of the food system in combating climate change and increasing the health, equity, and resiliency of Hawai'i communities.

In 2023, the cohort of interns are undergraduate and graduate students from throughout the UH System. They are a mix of traditional and nontraditional students, including parents and veterans, who have backgrounds in education, farming, public health, nutrition, and Hawaiian culture.



Testimony of the Hawai'i Appleseed Center for Law and Economic Justice H.B. 249 – Relating to the Hawai'i Child Nutrition Program House Committee on Health and Homelessness Wednesday, February 15, 2023, at 9:30AM

Aloha Chair Belatti, Vice Chair Takenouchi, and members of the Committee:

Thank you for the opportunity to provide testimony in **support (with amendments)** for **H.B. 249**, which would relocate the Hawai'i Child Nutrition Program (HCNP) office from the of the Hawai'i Department of Education (HIDOE) to the office of the auditor, and establish a grant program and positions to support schools wishing to improve their food service operations.

HCNP is the federally-supported state agency responsible for the administration and oversight of all USDA child nutrition programs. This includes the National School Lunch and School Breakfast programs, the Child and Adult Care Food Program, the Summer Food Service Program, and others.

This "state agency" can be housed in any department or office that the governor appoints. In Hawai'i, it is administratively attached to HIDOE. However, it is relevant to note that Hawai'i is the *only state in the nation* with a statewide, state-run school district that operates its own school food authority—the School Food Services Branch (SFSB). See the attached diagram for context.

Since the same entity—HIDOE—operates both SFSB and HCNP, it has been historically challenging for HCNP to implement and enforce federal rules. The structure means the two offices often compete for funds, and HCNP has little authority to enforce federal program requirements for SFSB. In addition, it gives SFSB an unfair advantage over charter and independent schools, which have to operate their own school food programs without the same level of support from the state.

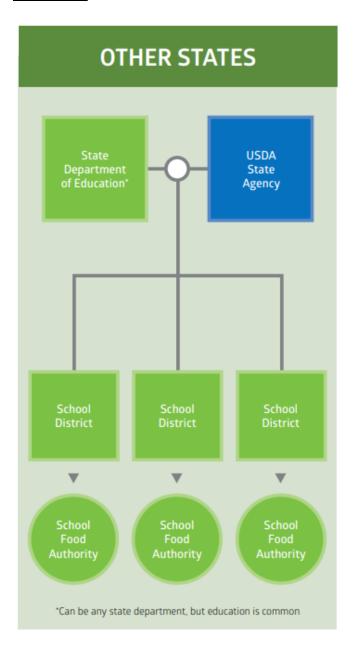
We are also supportive of the bill's intent to provide grant funding and administrative capacity to help schools improve their food service programs. That said, we would like to encourage the committee to consider the following amendments to ensure that the policy has the greatest impact:

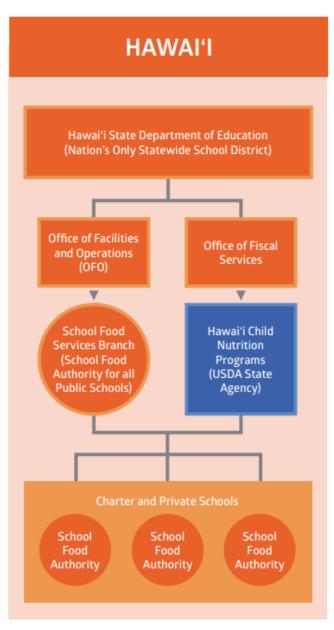
- Page 3 (line 14) should read "Agency shall employ" (rather than "Agency shall be headed by"). As stated previously, HCNP operates all child nutrition programs in the state, not just farm to school. The USDA requires that the agency is headed by a program administrator that would be responsible for oversight of all the agency's programs.
- Page 3 (line 13), page 5 (line 2), and the bill description should be amended to read "all Hawai'i schools participating in the USDA child nutrition programs" rather than "the State's public schools." This will ensure that the grant program being established by the bill will support charter and independent schools as well.

Thank you for considering these comments in your deliberation of H.B. 249. Hawai'i Appleseed is one of several organizations that has been working with HCNP for over a decade on a wide variety of initiatives to improve food access for Hawai'i's children. With this experience, it is our belief that relocating HCNP to another state agency will provide clarity and improve the ability of HCNP to

effectively monitor and administer all school food authorities equally. Our child nutrition programs are one of the best safety nets available to ensure Hawai'i children have access to the nutrition they need in order to learn and grow. We sincerely believe that this legislation will help us achieve this outcome.

FIGURE 1¹





¹ Figure taken from <u>"Feed Our Keiki; Support Our Schools; Help Our Farmers: The missed opportunity of federal child nutrition programs in Hawai'i."</u> Hawai'i Appleseed Center for Law and Economic Justice, Ulupono Initiative, Hawai'i Children's Action Network, and Hawai'i Afterschool Alliance. May 2022.

Submitted on: 2/14/2023 11:36:43 AM

Testimony for HLT on 2/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Ming Wei Koh	Center for Getting Things Started	Support	Written Testimony Only

Comments:

As Executive Director of Center for Getting Things Started, I support HB 249 for the following reasons:

- 1. The role of the HCNP is to audit, provide oversight, and technical assistance to the School Food Authorities (SFA) and Sponsors of Community Programs, including the Hawaii Department of Education (HIDOE) School Food Services Branch (SFSB).
- 2. The creation and housing of 3 proposed Farm to School and Accountant positions will increase access of locally grown and raised foods for consumption by our keiki, which will positively impact their health while also supporting the development of Hawai'i sustainable food systems.
- 3. This change will better support HCNP carrying out its responsibilities as the agent for the United States Department of Agriculture (USDA) concerning Child Nutrition Programs within the state. As stated in the proposed bill, "it is critical from an ethical standpoint for HCNP to be independent of the HIDOE SFSB to prevent its preferential treatment." For this reason, state agencies acting as USDA agents in other states are not under the same jurisdiction as the SFA.

Mahalo for your consideration.

Koh Ming Wei, PhD.

12-7106 Puna Kai St.

Pahoa HI 96778

mingwei@c4gts.org

Submitted on: 2/13/2023 7:41:36 PM

Testimony for HLT on 2/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Hunter Heaivilin	Individual	Support	Written Testimony Only

Comments:

I strongly support the passage of HB249, which would establish the Hawai'i Child Nutrition Programs Agency in the Office of the Auditor. This legislation would provide crucial support to our state's public schools and ensure that our children have access to healthy and nutritious meals. By establishing a grant program to fund certain initiatives for public schools, this bill would help to address the issue of food insecurity among our most vulnerable children, providing them with the sustenance they need to succeed in school and in life.

Furthermore, the establishment of three permanent full-time equivalent positions would ensure that the Hawai'i Child Nutrition Programs Agency has the resources it needs to carry out its vital mission. By appropriating funds for this program, we can take an important step towards improving the lives of our children and ensuring that they have access to the food they need to grow, learn, and thrive. I urge lawmakers to support HB249 and to prioritize the health and wellbeing of our state's children.

Submitted on: 2/14/2023 8:49:49 AM

Testimony for HLT on 2/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Havilah Mills	Individual	Support	Written Testimony Only

Comments:

The creation and housing of 3 proposed Farm to School and Accountant positions will increase access of locally grown and raised foods for consumption by our keiki, which will positively impact their health while also supporting the development of Hawai'i sustainable food systems. This change will better support HCNP carrying out its responsibilities as the agent for the United States Department of Agriculture (USDA) concerning Child Nutrition Programs within the state. As stated in the proposed bill, "it is critical from an ethical standpoint for HCNP to be independent of the HIDOE SFSB to prevent its preferential treatment." For this reason, state agencies acting as USDA agents in other states are not under the same jurisdiction as the SFA.

Submitted on: 2/14/2023 11:13:26 AM

Testimony for HLT on 2/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Erika Kuhr	Individual	Support	Written Testimony Only

Comments:

- 1. The role of the HCNP is to audit, provide oversight, and technical assistance to the School Food Authorities (SFA) and Sponsors of Community Programs, including the Hawaii Department of Education (HIDOE) School Food Services Branch (SFSB).
- 2. The creation and housing of 3 proposed Farm to School and Accountant positions will increase access of locally grown and raised foods for consumption by our keiki, which will positively impact their health while also supporting the development of Hawai'i sustainable food systems.
- 3. This change will better support HCNP carrying out its responsibilities as the agent for the United States Department of Agriculture (USDA) concerning Child Nutrition Programs within the state. As stated in the proposed bill, "it is critical from an ethical standpoint for HCNP to be independent of the HIDOE SFSB to prevent its preferential treatment." For this reason, state agencies acting as USDA agents in other states are not under the same jurisdiction as the SFA.

2/14/23 HB249

To Chair Belatti, Vice Chair Takenouchi and members of Health and Homelessness,

I am Kurt Isaac Ferrer, currently a student at campbell highschool and I strongly support HB249

During my time in attending school, most of the time I grab school lunch, I noticed that the food was mostly processed, stale, and had an odd aftertaste to it that would irritate my stomach until I went home to "alleviate" that irritation. So, at first, I thought nothing of the situation until I realized the health concerning the development of my future child if I were to try for one. Ever since that thought came to mind, I started realizing how students complain about what today's lunch is, for example, repetition of the same lunches for days, weeks, and even months or complaints about how stale or concerns whether the food is expired or not. Which comes to the reason why I support HB249. I would like to see a change where healthier foods are being prepared for students as it may help encourage them to eat in school, which would lead to students focusing much better on their education, as well as reducing risks of going to the health room due to avoiding lunch for a consecutive amount of days.

Overall, I wouldn't want my future child to experience the same issues as my generation is currently facing, so I hope that by putting this act into effect, the development of children would be much more healthier than processed foods, and perhaps help students being place their focuses on education rather than devoting their time into sourcing foods from other places.

Submitted on: 2/15/2023 3:32:06 AM

Testimony for HLT on 2/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Ruth Love	Individual	Oppose	Written Testimony Only

Comments:

Why would a nutrition program be under an auditor? Wouldn't this be a department of public health function?