

1 Chairman Luick and Members of the Committee:

2 My name is Michelle Wagner, and I serve as the Child Nutrition Program Director  
3 for Bismarck Public Schools and the Legislative Chair for the North Dakota School  
4 Nutrition Association. As a registered dietitian with 13 years of experience in school  
5 nutrition, I am providing testimony in opposition to HB 1132.

6 This bill, which proposes allowing 2% or whole milk in school meal programs,  
7 presents significant challenges. Here are a few key reasons for my opposition:

### 8 **Compliance with Dietary Guidelines for Americans**

9 School breakfast and lunch programs are required to design menus that adhere to  
10 specific ranges for calories, fat, saturated fat, and sodium, as outlined by the  
11 Dietary Guidelines for Americans. Offering higher-fat milk would make it difficult  
12 to meet these requirements.

### 13 **Federal Regulations and Reimbursement**

14 The National School Lunch Program (NSLP) and School Breakfast Program (SBP)  
15 permit only fat-free (skim) or low-fat (1%) milk as part of a reimbursable meal (7  
16 CFR 210.10(d)). Whole and 2% milk are not creditable for reimbursement,  
17 meaning they cannot be counted toward the required food components for a  
18 reimbursable meal.

### 19 **Ethical Concerns**

20 To serve higher-fat milk, schools might exploit a “loophole” by having students  
21 claim a reimbursable meal with three components, pass the point of sale, and then  
22 retrieve whole or 2% milk separately. This practice could undermine the integrity

1 of school meal programs and sends the wrong message to students about  
2 circumventing established guidelines.

### 3 **Operational Challenges**

4 Many schools have moved away from bulk milk dispensers due to issues with  
5 excessive spillage and sanitation concerns. Additionally, school nutrition staff—  
6 many of whom are older workers—would need to lift 25-40 lb. milk bags up into  
7 the milk machines, increasing the risk of workplace injuries.

### 8 **Increased Costs**

9 Since whole and 2% milk are not reimbursable, offering them would increase costs  
10 for schools. These additional expenses could strain already tight budgets and  
11 detract from other essential program needs.

### 12 **Nutritional Impact**

13 While some organizations support offering whole milk in schools, leading health  
14 authorities—including the American Heart Association, American Academy of  
15 Pediatrics, and the Academy of Nutrition and Dietetics, which rely on scientific  
16 research—recommend low-fat (1%) or fat-free (skim) milk for long-term health.

17 For these reasons, I respectfully urge the committee to oppose HB 1132. Our school  
18 meal programs are designed to meet federal nutrition standards, support student  
19 health, and operate efficiently. Allowing whole or 2% milk would undermine these  
20 goals.

21 Sincerely,

22 Michelle Wagner, RD, SNS

- 1 Child Nutrition Program Director, Bismarck Public Schools
- 2 Legislative Chair, North Dakota School Nutrition Association