

Sunset Public Hearing Questions for  
**Advisory Council on Child Nutrition and Wellness**  
Created by Section 68-1-2303, *Tennessee Code Annotated*  
(Sunset termination June 2013)

1. Provide a brief introduction to the Advisory Council on Child Nutrition and Wellness, including information about its purpose, statutory duties, staff, and administrative attachment. Also describe the Office of Child Nutrition and Wellness, its major activities, and its staffing.

**The Child Nutrition and Wellness Act of 2006 was “....enacted for the purpose of educating the public concerning child nutrition and wellness issues and for advocating initiatives to improve the nutrition and wellness of children.”**

**Statutory duties of the Advisory Council are as follows:**

- **To advocate for the wellness of children and to recommend appropriate forums, programs, and initiatives to educate the public regarding child nutrition and wellness;**
- **To develop nutrition and physical activity standards for children;**
- **To gather relevant data on child nutrition and wellness and to recommend surveys and other means to gather additional data, if deemed necessary; and**
- **To develop a comprehensive long-term strategy, including funding and evaluation mechanisms, to promote child nutrition and wellness in various settings, included but not limited to schools, child care centers, health care facilities, and community facilities such as churches, shopping centers, health clubs, and other areas frequented by children.**

**According to statute, the advisory council shall meet without compensation and shall meet at least quarterly.**

**Statutory duties of the Office of Child Nutrition & Wellness are as follows:**

- **Assist the Commissioner of the Department of Health in identifying and establishing priorities for programs, services, and resources to promote better child nutrition and wellness;**
- **Serve as a clearinghouse for information on child nutrition and wellness;**
- **Identify and recommend sources of funding for promotion of child nutrition and wellness and seek funding from such sources;**
- **Make recommendations to the commissioner of the Department of Health regarding programs that address child nutrition and wellness for inclusion into the department’s budget; and**
- **Conduct public educational forums to raise public awareness about child nutrition & wellness issues.**

The Council is administratively tied to the Office of Child Nutrition & Wellness. The Office is organized within the Division of Family Health and Wellness within the Department of Health.

Staff within the Office of Child Nutrition & Wellness work with and facilitate the advisory council. This consists of one Nutritionist 4 and one Administrative Assistant 3 (ASA 3). Functional job descriptions for these positions follow.

*Nutritionist 4*

- ❖ Secure funding (grant writing)
- ❖ Act as the liaison between the Council and the Department
- ❖ Assist Commissioner in identifying and establishing priorities for programs, services and resources and inclusion of such into the budget
- ❖ Assess written materials, studies and other literature for inclusion in the clearinghouse
- ❖ Conduct public education forums across the state to educate the public on child nutrition and wellness
- ❖ Other related duties as determined

*ASA 3*

- ❖ General support of the Office of Child Nutrition and Wellness and the council
- ❖ Contact person for the Council; field questions and inquiries on behalf of the Council and other interested parties
- ❖ Coordinate Advisory Council meetings
- ❖ Investigate and arrange for public education forums
- ❖ Review upcoming legislation impacting child nutrition and wellness
- ❖ Research pertinent issues as assigned
- ❖ Editing of written documents for the council
- ❖ Other administrative duties as assigned

2. Provide a list of current members of the council. For each member please indicate who appointed the member, how the member's presence on the council complies with Section 68-1-2303, *Tennessee Code Annotated*, and the member's county of principal residence. Please indicate each member's race and gender and which members, if any, are 60 years of age or older.

**Response:** Nine individuals were originally appointed to the advisory council on Child Nutrition & Wellness by the Commissioner of the Department of Health from recommendations received by the Tennessee Healthy Weight Network, as required by TCA 68-1-2303, in 2006. The last list of appointments follows. As of 2009, the Tennessee Healthy Weight Network is no longer in existence to make recommendations.

<i>Individual</i>	<i>Representative</i>	<i>Home</i>	<i>Organization</i>	<i>Profession</i>	<i>Race/Gender</i>
	<i>Field</i>	<i>County</i>	<i>Affiliation</i>		

Janie Burney, PhD, RD	Tennessee Healthy Weight Network	Knox	University of Tennessee Extension	Associate Professor, Nutrition Specialist	W/F
Bettina Beech, DrPH, MPH	Behavioral Health	Davidson	Vanderbilt	Associate Professor, Division of General Internal Medicine and Public Health	B/F
Gregory Heath, PhD	Higher Education - Physical Activity	Hamilton	University of Tennessee, Chattanooga	Guerry Professor and Head, Department of Health and Human Performance	W/M
Kathy Clark, MEd	K-12 Education	Williamson	Franklin Special School District	Physical Education Specialist - Teacher	W/F
Tom Cook, PhD, RN, FNP	Childhood Obesity	Davidson	Vanderbilt	Assistant Professor of Nursing, School Health Director	W/M
Teresa White, MD, FAAP	American Academy of Pediatrics	Williamson	Spring Hill Pediatrics	Pediatrician	W/F
Mary Graham	Community non-profit	Davidson	United Way	President	W/F
Bob Duncan	Hospital	Shelby	LeBonheur Children's Hospital	Vice President of Policy/Public Policy	W/M
Randolph F. Wykoff, MD, MPH & TM	Higher Education	Washington	East Tennessee State University	Dean, College of Allied and Public Health	W/M

\*No members are known to the Office to be aged 60 or over.

3. How many times did the council meet in fiscal years 2011 and 2012, and how many members were present at each meeting?

**Response: The council did not officially meet in 2011 or 2012. However, members were encouraged to attend the Tennessee Obesity Task Force as its purpose is similar to the Office of Child Nutrition and Wellness.**

4. What per diem or travel reimbursement do members of the council receive? How much was paid to council members during fiscal years 2011 and 2012?

**Response: Council members receive travel reimbursement in accordance with comprehensive travel regulations as promulgated by the Department of Finance and Administration. Members will be reimbursed for costs related to meeting expenses.**

**The council did not meet in 2011 or 2012; no per diem or travel reimbursement was paid.**

5. What were the council's revenues (by source) and expenditures (by object) for fiscal years 2011 and 2012? What were the revenues and expenditures for the same period for the Office of Child Nutrition and Wellness? Does the council or the office carry a fund balance and, if so, what is the total of that fund balance? If expenditures exceeded revenues, and the council or the office does not carry a fund balance, what was the source of the revenue for the excess expenditures?

**Response: No funds were received by, or expended on, the Council during fiscal years 2011 and 2012.**

**The Office of Child Nutrition and Wellness is 100% state funded and no revenue has been received. Expenditures of the Office of Child Nutrition and Wellness are listed below by major object/category.**

Major Object	Expenditure FY 2011	Expenditure FY 2012
Personnel Services & Employee Benefits	\$48,386.48	48,553.36
Supplies		1,200.55
Professional Services from other State Agencies	\$1,243.73	330.56
<i>Total Expenditures</i>	\$49,621.21	\$50,084.47

6. Is the council subject to Sunshine law requirements (Section 8-44-101 et seq., *Tennessee Code Annotated*) for public notice of meetings, prompt and full recording of minutes, and public access to minutes? What procedures does the

council have for informing the public of its meetings and making its minutes available to the public?

**Response: Yes, the council is subject to such requirements. Sunshine notices are published in accordance with departmental processes. This website includes such public records and documents pertaining to meetings as well as meeting notification.**

7. Describe the nature and extent of the council's activities and any major accomplishments of the past two years and how those activities and accomplishments help the Office of Child Nutrition and Wellness carry out its mission.

**Response: The council has been inactive since 2010. However, the Office of Child Nutrition and Wellness has accomplished many activities and major accomplishments. The Tennessee Obesity Taskforce, representing over 800 individual members, includes the Office on Child Nutrition and Wellness in both the early childhood and school action teams. Through the Tennessee Obesity Taskforce, the Office is a partner in the early childhood education group which works closely with the Comprehensive Cancer Control Program in implementing the ABC, 123 healthy living curriculum across the state in licensed child care facilities. This curriculum is promoted as a part of the Gold Sneaker initiative.**

**The Gold Sneaker initiative began out of the Office of Child Nutrition and Wellness, through a grant sought and received by the Office staff. Gold Sneaker seeks to change policies in child care facilities to promote a healthier environment for nutrition, physical activity and tobacco. There are 260 Gold Sneaker facilities statewide, and the Office of Child Nutrition and Wellness administers the program, trains child care providers and provides support.**

**Through work with Coordinated School Health, the Office has become involved in the promotion of physically active afterschool programs. To ensure that children are being physically active in after school programs, the Office works closely with State Parks, local fitness groups and provides technical support to schools, community groups, and other partners. The partnership with State Parks has grown considerably, and the Office promotes, supports, and provides technical assistance to the Junior Ranger program, which encourages healthy living and outdoor play.**

**The Office supports breastfeeding efforts across the state. Staff work very closely with the Tennessee Breastfeeding Coalition. Staff expertise is included on breastfeeding projects within state government for technical assistance and support. Office staff directly oversees and implement the "Breastfeeding Welcomed Here" program which is a pledge business owners can take stating that they will observe, promote and protect a woman's right to breastfeed. Once**

**the pledge is signed, businesses receive a sticker to place on their business for recognition. So far, over 150 businesses have taken the pledge.**

8. How does the council ensure that its members and staff are operating in an impartial manner and that there are no conflicts of interest? If the council operates under a formal conflict of interest policy, please attach a copy of that policy.

**Response: The Office of Child Nutrition and Wellness follows all departmental guidelines and policies as related to conflict of interest. There is not a formal conflict of interest policy. However, there are no contracts, and have not been any contracted services, associated with the Office.**

9. Describe any items related to the council that need legislative attention and your proposed legislative changes.

**Response: Obesity and obesity prevention require long-term intervention. The focus of the Office of Child Nutrition and Wellness should remain intact, as a coordinating unit for childhood obesity and chronic disease prevention through the Department of Health.**

10. Should the council be continued? To what extent and in what ways would the absence of the council affect the public health, safety, or welfare?

**Response: The council should not be continued. The Council is no longer active, however the Office of Child Nutrition and Wellness continues to advocate and implement initiatives on childhood obesity prevention. The council has been nonexistent since 2010, and the public has not been impacted. With the assistance of the Tennessee Obesity Taskforce, which is an organization comprised of over 800 volunteer professionals, the Office has been successful in assuring the statutory duties are completed.**

**Statutory duties of the council and progress of each are as follows:**

- **To advocate for the wellness of children and to recommend appropriate forums, programs, and initiatives to educate the public regarding child nutrition and wellness – This has been completed through the Tennessee Obesity Taskforce. Advocacy has been the main focus of the Tennessee Obesity Taskforce. The taskforce has sought and obtained private foundation dollars to sponsor advocacy and a “day on the hill” annually, for the past several consecutive years.**
- **To develop nutrition and physical activity standards for children – Nutrition and physical activity standards are available, and are based on national norms and standards. The council did not develop new standards, as acceptable ones are in place for a variety of settings.**

- To gather relevant data on child nutrition and wellness and to recommend surveys and other means to gather additional data, if deemed necessary – Data through the Coordinated School Health program is tracked and monitored to identify trends and improvements in childhood health behaviors and statistics. The data from Coordinated School Health is now being analyzed by the Department of Health and the Department of Education and will be shared publically once the analysis is complete.
- To develop a comprehensive long-term strategy, including funding and evaluation mechanisms, to promote child nutrition and wellness in various settings, included but not limited to schools, child care centers, health care facilities, and community facilities such as churches, shopping centers, health clubs, and other areas frequented by children – The “Eat Well, Play More Tennessee” state plan for obesity and chronic disease prevention was produced in 2010 by the Tennessee Obesity Taskforce. The plan includes strategies for reducing obesity and therefore chronic disease in settings such as communities, homes, learning environments and faith communities. Special emphasis is placed on those vulnerable members of the health care population which may have special needs or developmental disabilities.

However, it is important that the Office for Child Nutrition and Wellness remains intact. As evident above, the office has continued to fulfill the needs outlined by the statutory duties. The Office is able to provide administrative support throughout the chronic disease programs, ensuring coordination of resources for maximum impact.

Statutory duties of the Office of Child Nutrition & Wellness, which are being worked on continuously, are as follows:

- Assist the commissioner of the Department of Health in identifying and establishing priorities for programs, services, and resources to promote better child nutrition and wellness –Serve as a clearinghouse for information on child nutrition and wellness – The Office handles all requests which are related to obesity and chronic disease, including promotional items, handouts, brochures, or professional speakers
- Identify and recommend sources of funding for promotion of child nutrition and wellness and seek funding from such sources –The Office was successful in bringing the first Nutrition, Physical Activity and Obesity grant to Tennessee from the Centers for Disease Control and Prevention. The Office has received funding in the past from the National Governors Association for the creation of the Gold Sneaker program, a program focused on early childhood learning environments and changing policies to be more conducive to health and wellness. Additionally, the Office was instrumental in obtaining breastfeeding dollars for the state through the Tennessee Breastfeeding Coalition.

- **Make recommendations to the commissioner of the Department of Health regarding programs that address child nutrition and wellness for inclusion into the department's budget – The Office makes frequent recommendations for funding through the Project Diabetes program, a state funded initiative which awards grant dollars to community organizations for the prevention of obesity. Coordination of projects is strived for, in an effort to maximize impact across program areas within the Department.**
- **Conduct public educational forums to raise public awareness about child nutrition & wellness issues – Staff throughout the chronic disease programs have continued to fulfill this role. Through Nutrition, Physical Activity and Obesity speaking engagements, staff has presented information to many parent groups, as well as child care providers, professionals, and school groups. As a part of health promotion, this is a frequent activity of the office.**

**Due to the fact that all statutory duties have been, or are being, completed without the Advisory Council, supports the discontinuation of this Council. The Council duties are repetitive of duties already being completed by the Department, or by the Tennessee Obesity Taskforce. Additionally, the Council appointments cannot be made as statutorily defined, as the Tennessee Healthy Weight Network is no longer in place to recommend appointments to the council.**

13. Please list all council programs or activities that receive federal financial assistance and, therefore are required to comply with Title VI of the Civil Rights Act of 1964. Include the amount of federal funding received by program/activity.

[Federal financial assistance includes:

- (1) Grants and loans of Federal funds,
- (2) The grant or donation of Federal Property and interests in property,
- (3) The detail of Federal personnel,
- (4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and
- (5) Any federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

*28 C.F.R. Sec. 42.102(c)*

[The term recipient means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in any State, to whom

Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

28 C.F.R. Sec. 42.102(f)]

*If the council does receive federal assistance, please answer questions 14 through 21. If the council does not receive federal assistance, proceed directly to question 20.*

**Response: The council does not receive any federal assistance.**

14. Does your council prepare a Title VI plan? If yes, please provide a copy of the most recent plan.

**Response: N/A**

15. Does your council have a Title VI coordinator? If yes, please provide the Title VI coordinator's name and phone number and a brief description of his/her duties. If not, provide the name and phone number of the person responsible for dealing with Title VI issues.

**Response: N/A**

16. To which state or federal agency (if any) does your council report concerning Title VI? Please describe the information your council submits to the state or federal government and/or provide a copy of the most recent report submitted.

**Response: N/A**

17. Describe your council's actions to ensure that council staff and clients/program participants understand the requirements of Title VI.

**Response: N/A**

18. Describe your council's actions to ensure it is meeting Title VI requirements. Specifically, describe any council monitoring or tracking activities related to Title VI, and how frequently these activities occur.

**Response: N/A**

19. Please describe the council's procedures for handling Title VI complaints. Has your council received any Title VI-related complaints during the past two years? If yes, please describe each complaint, how each complaint was investigated, and how each complaint was resolved (or, if not yet resolved, the complaint's current status).

**Response: N/A**

20. Please provide a breakdown of current council staff by title, ethnicity, and gender.

**Response: The Council does not have any staff.**

21. Please list all council contracts, detailing each contractor, the services provided, the amount of the contract, and the ethnicity of the contractor/business owner.

**Response: There are no contracts in place within either the Office of Child Nutrition & Wellness or within the Advisory Council.**