

March 26, 2010

Via Federal eRulemaking Portal at <http://www.regulations.gov>

Bruce Bundick, Director
Office of Executive Secretariat
U.S. Department of Agriculture
1400 Independence Avenue, SW
Room 116-A Whitten Building
Washington, DC 20250

Re: **Task Force on Childhood Obesity: Request for Information (FR Doc. 2010-5719, at 75 Fed. Reg. 12493)**

Dear Mr. Bundick:

The National Women's Law Center submits the following in response to the request for public comments to assist the Task Force on Childhood Obesity in making recommendations on public and private sector steps that can be taken to solve the epidemic of childhood obesity. For over 35 years, the Center has worked to expand possibilities for women and girls in the areas of education and employment, family economic security, and health. The Center is a leader in the struggle to guarantee that schools and other education programs provide equal educational opportunities, including opportunities to participate in athletics and physical activity programs. It has worked throughout its history to enhance the enforcement of Title IX of the Education Amendments of 1972, which has been critical to ensuring that girls and women reap the many benefits of being physically active.

The Center's comments generally address the following questions listed in the Request for Information:

- Question 2: For each of the four objectives, what are the most important actions that Federal, State, and local governments can take? (The Center's comments address objectives 2 and 4—increasing physical activity in schools and communities, and empowering parents with information and tools to make good choices for themselves and their families, respectively.)
- Question 3: Which Federal government actions aimed at combating childhood obesity are especially in need of cross-agency coordination?
- Question 5: For each of the four objectives, what strategies will ensure that efforts taken by all of the entities mentioned above reach across geographic areas and to diverse racial, ethnic, socioeconomic, and geographic groups, including children who are at highest risk of obesity and children with disabilities? (The Center's comments address objectives 2 and 4—increasing physical activity in schools and communities, and empowering parents

with information and tools to make good choices for themselves and their families, respectively.)

- Question 12: Specifically with regard to the objective of empowering parents: How can Federal, State, and local governments, the private sector, and community organizations best communicate information to help parents make healthy choices about food and physical activity?
- Question 15: Specifically with regard to the objective of increasing physical activity: What steps can be taken to improve quality physical education and expand opportunities for physical activity during the school day, in local communities and neighborhoods, and in outdoor activities and other recreational settings?

I. Athletic Participation is Directly Related to a Reduction in Obesity Among Young Women.

Regular physical activity can reduce the risk of obesity for adolescent girls,¹ and girls who play sports engage in regular physical activity. Minority girls, in particular, are more likely to participate in sports through their schools than through private organizations;² therefore, minority girls are even more in need of equal access to school-sponsored athletics to increase the opportunities for them to engage in physical activity and reduce their risk of obesity.

In addition to helping reduce the risk of obesity, there are a multitude of health and other benefits that women and girls reap from playing sports. Sports participation decreases a young woman's chance of developing heart disease, osteoporosis, and other health related problems.³ A recent study shows that women who participate in sports significantly reduce their risk of developing breast cancer.⁴ Increased fitness levels can contribute to better posture, the reduction of back pain and the development of adequate strength and flexibility, qualities which allow girls to participate fully in their daily activities, both vocational and recreational.⁵

Participation in sports also promotes greater academic success, responsible social behaviors, and increased personal skills for all female athletes.⁶ Here, again, Title IX's mandate of equality in sports is especially important for minority women and girls. Minority female athletes experience higher levels of self-esteem, are more likely to be involved in extracurricular

¹ The President's Council on Physical Fitness and Sports Report, Catch the Ball, available at <http://www.fitness.gov/catch.pdf>.

² Women's Sports Foundation, The Wilson Report: Moms, Dads, Daughters and Sports 5 (June 7, 1988).

³ See generally Her Life Depends On It, supra note 16; Dorothy Teegarden, et al., "Previous Physical Activity Relates to Bone Mineral in Young Woman," 28 Medicine and Science in Sports and Exercise 105-13, Vol. 28 (1996).

⁴ Leslie Bernstein et al., "Physical Exercise and Reduced Risk of Breast Cancer in Young Women," Journal of the National Cancer Institute, Vol. 86, No. 18 (Sept. 21, 1994); see also Marilie D. Gamon, et al., "Does Physical Activity Reduce the Risk of Breast Cancer?" Menopause, Vol. 3, No. 3, 172-80 (1996).

⁵ The President's Council on Physical Fitness and Sports Report, Physical Activity & Sports in the Lives of Girls (1997).

⁶ Alex Poinsett, Carnegie Corporation of New York, The Role of Sports in Youth Development 9 (March 1996).

activities, and are more likely to become leaders in their communities than minority women who do not play sports.⁷ Minority female athletes also get better grades than their nonathletic peers⁸ - in particular, black female athletes are 15% more likely to graduate from college.⁹ Hispanic female athletes are more likely to graduate from high school and attend college.¹⁰

By a 3-1 ratio, female athletes “do better in school, do not drop out, and have a better chance to get through college.”¹¹ Young women who play sports are more likely to graduate from high school, have higher grades, and score higher on standardized tests than non-athletes.¹² Female athletes are also more likely to do well in science classes than their classmates who do not play sports.¹³ A number of successful women played organized sports as girls and believed that it prepared them well for the business world; “Of 401 executive businesswomen surveyed, 82 percent reported playing organized sports while growing up, including school teams, intramurals, and recreational leagues.”¹⁴

In addition, the availability of athletic scholarships dramatically increases a young woman’s ability to pursue a college education and to choose from a wider range of colleges and universities. But women still do not receive their fair share of athletic scholarship dollars. In 2004, women received only 45% of the total available athletic scholarship dollars – that difference amounts to an average of over 136 million dollars more per year in athletic scholarships for male athletes than female athletes.¹⁵

Athletes are also more likely to engage in responsible social behaviors. High school athletes are less likely to smoke cigarettes or use drugs¹⁶ than their nonathletic peers. One study found female athletes were 29% less likely to smoke than non-athletes.¹⁷ Adolescent female athletes have lower rates of both sexual activity and pregnancy than their non-athletic peers.¹⁸

⁷ The Women’s Sports Foundation, “Table 8,” Minorities in Sports: The Effect of Varsity Sports Participation on the Social, Educational and Career Mobility of Minority Students 4 (Aug. 15, 1989); see also Sabo, D., Miller, K. E., Melnick, M. J. & Heywood, L., Her Life Depends On It: Sport, Physical Activity, and the Health and Well-Being of American Girls, (East Meadow, NY: Women’s Sports Foundation, 2004) (a comprehensive survey of scientific research on girls’ health, sports participation, and physical activity).

⁸ Id.

⁹ Jerry Crowe, “Graduation Rates Fall for Most Players,” Los Angeles Times, Nov. 21, 2000, at D6.

¹⁰ See Her Life Depends On It, *supra* note 14.

¹¹ NFHS, The Case for High School Activities (2004), available at http://www.nfhs.org/web/2004/01/the_case_for_high_school_activities.aspx.

¹² Id. (A state-wide, three year study by the North Carolina High School Athletic Association found that athletes had higher grade point averages (by almost a full grade point), lower dropout rates, and higher high school graduation rates, than their nonathletic peers).

¹³ Sabo, D., Miller, K. E., Melnick, M. J. & Heywood, L., Her Life Depends On It: Sport, Physical Activity, and the Health and Well-Being of American Girls 31 (East Meadow, NY: Women’s Sports Foundation, 2004).

¹⁴ Oppenheimer/MassMutual Financial Group, Successful Women Business Executives Don’t Just Talk a Good Game — They Play(ed) One (2002).

¹⁵ NCAA, 2003-04 Gender-Equity Report 20, 76 (Sept. 2006).

¹⁶ The Case for High School Activities, *supra* note 14, at 4.

¹⁷ Melnick, M.J., Miller, K.E., Sabo, D., Farrell, M.P., and Barnes, G.M. “Tobacco use among high school athletes and nonathletes: Results of the 1997 Youth Risk Behavior Survey.” *Adolescence*, 36: 727-747 (2001).

¹⁸ See, e.g., T. Dodge and J. Jaccard, Participation in Athletics and Female Sexual Risk Behavior: The Evaluation of Four Causal Structures, 17 *Journal of Adolescent Research* 42 (2002); The Women’s Sports Foundation Report:

This was true for white, African-American, and Latina female athletes.¹⁹

Increased personal skills are another benefit of playing sports. Female athletes develop the ability to work with a team, to perform under pressure, to set goals and to take criticism. In addition, playing sports helps young women develop self-confidence, perseverance, dedication and the “competitive edge.”²⁰ High school athletes are more likely to describe themselves as ‘highly’ popular²¹ and experience higher levels of self-esteem, and are less likely to suffer from depression.²²

II. Federal Agencies Should Increase and Coordinate Enforcement of Title IX to Ensure that Young Women Receive Equal Opportunities to Benefit from Sports and Physical Activity Programs.

Inactivity is more prevalent among young females than males, and particularly among minority females.²³ Thus, to address the obesity problem among young people, it is critical that women and girls be provided equal opportunities to benefit from sports and physical activity programs. The *New York Times* recently highlighted research that found that the “increase in girls’ athletic participation caused by Title IX was associated with a 7 percent lower risk of obesity 20 to 25 years later, when women were in their late 30s and early 40s.” The study notes that while a 7 percent decline in obesity is modest, “no other public health program can claim similar success.”²⁴ Clearly, then, properly enforcing Title IX and increasing children’s physical activity can lower obesity risks even into adulthood.

While Title IX opened the doors for women and girls to participate in athletics, its promise is far from realized. When Congress passed Title IX in 1972, fewer than 32,000 women competed in intercollegiate athletics.²⁵ Women received only 2% of schools’ athletics budgets, and athletic scholarships for women were nonexistent.²⁶ Today, the number of college women participating in competitive athletics is now nearly five times the pre-Title IX rate. In 2005-06, a record number of 170,526 women competed, representing 42% of college athletes nationwide.²⁷

Sport and Teen Pregnancy (1998) at 5-7; accord The President’s Council on Physical Fitness and Sports Report, Physical Activity & Sports in the Lives of Girls (Spring 1997).

¹⁹ D. Sabo, et al., The Women’s Sports Foundation Report: Sport and Teen Pregnancy, 7 (1998).

²⁰ See H.W. Marsh, The Effects of Participation in Sport During the Last Two Years of High School, 10 Soc. Sport J. 18 (1993).

²¹ Women’s Sports Foundation, “Table 2,” Minorities in Sports 23.

²² See, e.g., Don Sabo et al., High School Athletic Participation and Adolescent Suicide: A Nationwide Study, International Review for the Sociology of Sport (2004) (on file with the Women’s Sports Foundation); G. Nicoloff, and T.S. Schwenk, Using Exercise to Ward Off Depression, 9 Physician Sports Med. 23, 44-58 (1995); R.M. Page & L.A. 12 Tucker, Psychosocial Discomfort and Exercise Frequency: An Epidemiological Study of Adolescents, 29 Adolescence, 113, 183-91 (1994) (suggesting that physically active adolescents tend to feel less lonely, shy, and hopeless as compared to their less physically active peers).

²³ U.S. Department of Health and Human Services, A Report of the Surgeon General: Physical Activity and Health – Adolescents and Young Adults, available at <http://fitness.gov/adoles.html>.

²⁴ Tara Parker-Pope, As Girls Become Women, Sports Pay Dividends, N.Y. Times, Feb. 16, 2010, at D5, available at <http://www.nytimes.com/2010/02/16/health/16well.htm>.

²⁵ See Department of Health, Education, and Welfare, Policy Interpretation, 44 Fed. Reg. at 71419 (1979).

²⁶ Remarks of Senator Stevens (R-AL), 130 Cong. Rec. S 4601 (daily ed. April 12, 1984).

²⁷ National Collegiate Athletic Association (NCAA), 1981-82—2005-06 NCAA Sports Sponsorship and Participation Rates Report 76 (May 2007).

Title IX has had a tremendous impact on female athletic opportunities at the high school level as well. In 1972, only 295,000 girls competed in high school sports, a mere 7.4%, compared to 3.67 million boys.²⁸ By the 2008-2009 school year, the number of girls had swelled to 3.1 million, while the number of boys was 4.4 million.²⁹

Despite these significant gains, however, women and girls are still facing pervasive inequalities. Although women are over half of the undergraduates in our colleges and universities, female participation in intercollegiate sports has just now caught up to pre-Title IX male participation: While 170,384 men played college sports in 1971-1972 (Title IX was passed in 1972), only 170,526 women played college sports in 2005-2006.³⁰ Women in Division I colleges, while representing 53% of the student body, receive only 44% of the participation opportunities, 37% of the total money spent on athletics, 45% of the total athletic scholarship dollars, and 32% of recruiting dollars.³¹ At the high school level, although girls comprise 49 percent of the students, they receive only 41 percent of all athletic participation opportunities — 1.3 million fewer participation opportunities than male high school athletes.³² Qualitative analyses and complaints of discrimination at the middle and high school levels suggest that high school girls still lag behind not only in participation opportunities, but also in the allocation of operating and recruitment budgets and in other benefits and services such as equipment, facilities, and publicity.³³

Thus, enforcing Title IX is critical to ensuring that women and girls receive equal opportunities to be physically active in federally funded education programs and activities. The Department of Education's Office for Civil Rights, with its limited resources, has the primary responsibility for enforcing Title IX, but federal regulations make clear that every federal agency that funds education programs or activities must enforce the law, which includes developing Title IX enforcement plans with regulations and procedures for handling complaints.³⁴ In addition, an Executive Order applies Title IX to programs conducted by the federal government, so that the federal government is held to the same principles of nondiscrimination as it applies to recipients.³⁵

Given the positive impact athletics participation has on young women's risk of obesity, the Center was pleased by the Department's announcement that it would conduct additional compliance reviews in the area of athletics this fiscal year. In 2007, it conducted only one³⁶ and many more reviews will be necessary to improve enforcement of Title IX. Other federal agencies that administer any educational sports or physical activity programs should similarly

²⁸ National Federation of State High School Associations (NFHS), 1971 Sports Participation Survey (1971).

²⁹ NFHS, 2008-09 High School Athletics Participation Survey (2009).

³⁰ NCAA, 1981-82—2005-06 Participation Rates Report, 76, 78, 224 supra note 3.

³¹ NCAA, 2003-04 Gender-Equity Report 12, 25 (Sept. 2006).

³² National Federation of State High School Associations (NFHS), 2008-09 High School Athletics Participation Survey (2009).

³³ See National Women's Law Center, "The Battle for Gender Equity in Athletics in Elementary and Secondary Schools," Feb. 2010, available at <http://www.nwlc.org/pdf/Battle%20final.pdf>

³⁴ Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance; Final Common Rule, 65 Fed. Reg. 52857 (Aug. 30, 2000).

³⁵ Executive Order No. 13160, 3 C.F.R. 279 (2000).

³⁶ U.S. Department of Education, Annual Report to Congress of the Office for Civil Rights 2007-08, at 12 (Jan. 2009).

step up enforcement of Title IX to help address the obesity crisis. OCR and other federal agencies should also make every effort to resolve complaints related to athletics and physical activity as expeditiously as possible and expand technical assistance and other guidance to ensure that schools are living up to their obligations under Title IX.

In addition, the Department of Justice should take proactive steps to enhance Title IX enforcement in the area of athletics and physical activity. The Civil Rights Division's Coordination and Review Section has the responsibility for coordinating enforcement by federal agencies of Title IX, among other laws. The Section should take an expanded role in Title IX enforcement by: working collaboratively with OCR and other federal agencies to ensure that the federal government is enforcing Title IX in all of the education programs and activities it funds and in its own programs; initiating compliance reviews; providing technical assistance and training to improve compliance and enforcement programs; developing model policies and procedures; and developing a litigation plan.

III. Congress Should Pass a High School Athletics Data Collection Bill.

Ensuring that schools are providing all of their students with equal athletic participation opportunities would help decrease childhood obesity. Legislation requiring schools to make public how they are allocating athletic opportunities and resources shines a spotlight on any inequities and empowers parents to take action if they believe that their schools are not being fair. Colleges are required to publicly disclose such gender equity in athletics information every year pursuant to the Equity in Athletics Disclosure Act of 1994 (EADA),³⁷ but high schools have no requirement to do so.

Legislation has been introduced in Congress³⁸ that would require high schools to report basic data on the number of female and male students participating in their athletics programs and the expenditures made for their sports teams. Schools already collect the data required under this legislation; however, these data currently are not publicly available. By making this information available to the public, this legislation would significantly expand the ability of schools, students, parents, and the public at large to improve gender equity on our nation's playing fields and to better realize the promise of Title IX of the Education Amendments of 1972, which would in turn lead to an increase in the number of girls who are physically active.

Much of the information required by this legislation is already kept by schools. The high school athletics data collection bills simply make the data available to the public. The National Federation of State High School Associations requires that school administrators submit annual reports of their athletic participation numbers by sport and gender to their state high school athletic associations. Additionally, school bookkeepers already keep records of school expenditures, including those made within the athletic department. The legislation currently before Congress merely requires that schools transfer these existing data into a report that is

³⁷ 20 U.S.C. § 1092.

³⁸ See H.R. 2882, 111th Cong. (2009); S. 471, 111th Cong. (2009).

publicly available, a task that should take an administrator two to six hours maximum to perform, depending on the number of sports offered.³⁹

In addition, state and local governments should consider adopting and enforcing any existing data collection laws. Kentucky, Georgia, and New Mexico have adopted and implemented legislation similar to that which is pending in Congress.⁴⁰ The District of Columbia is also close to enacting such legislation.⁴¹ Administrators of the compliance programs in the Kentucky and Georgia State High School Athletic Associations have said that they have seen significant improvements in the Title IX compliance of their member schools.⁴²

Federal, state and local governments should make this gender equity in athletics data easily accessible so that parents, students and others can hold schools accountable for their distribution of athletic opportunities. The United States Department of Education posts the EADA information on a searchable website,⁴³ and the same should be done for high school athletics data.

IV. The Department of Education's Civil Rights Data Collection Should Be Enhanced in the Area of Athletics.

The Department of Education recently revamped its Civil Rights Data Collection to collect some new data and make all data more accessible. The Center applauds the Department for these changes, but the Department should make further changes to its athletics data to help communities, educators, and policymakers to identify and analyze barriers to equal educational opportunity.

As a preliminary matter, the Department should ultimately strive to collect civil rights data from all schools and local educational agencies (LEAs) nationwide, including charter and privately-run schools that receive federal funding. Moreover, to ensure that the data collected enhance information and transparency in our schools and communities, the Department should collect and maintain CRDC data so that it reveals differences and disparities between subgroups of students and in a format that would enable cross-tabulation of that data by any combination of categories. Such a system would yield the most useful data in the most efficient manner, enhance accountability and enable educators, policymakers, and the public to analyze disparities in outcomes by smaller and more relevant subgroups of students. Finally, given that countless schools and school districts do not have Title IX coordinators or the requisite policies or procedures in place to enforce the law, the Department should add a category to the CRDC collecting data from school districts and schools reporting (1) whether they have Title IX Coordinators in place; (2) whether their Title IX Coordinators receive training on Title IX, and, if so, with what frequency; and (3) how many complaints the Title IX Coordinator has received regarding possible Title IX compliance issues.

³⁹ Conversations between Women's Sports Foundation staff and compliance officers at the Georgia and Kentucky State High School Athletic Associations and high school athletic directors in Missouri, May 2007.

⁴⁰ 702 Kentucky Administrative Regulations 7:065 Sections 2(13)-(14); Georgia Equity in Sports Act, O.C.G.A. Section 20-2-315; School Athletics Equity Act, H.B. 432 (N.M. 2009).

⁴¹ Council of the District of Columbia, The Title IX Athletic Compliance Act of 2009, Legislation No. B18-0552.

⁴² See *supra* note 37.

⁴³ See Office of Postsecondary Education, U.S. Department of Education, [The Equity in Athletics Data Analysis Cutting Tool](http://ope.ed.gov/athletics/), available at <http://ope.ed.gov/athletics/>.

Although the athletics data already included in the CRDC is both important and useful, the Department could enhance its collection by including the additional data outlined below. This more detailed data would provide educators, policymakers, and the public with a fuller picture of gender equity in schools' athletic programs.

A. Information on co-ed teams should be collected.

First, with respect to the Interscholastic Athletics Teams Table, the Department should add co-ed teams to the list of teams for which information is collected and clarify that each participant on a co-ed team should be counted in the participant column that corresponds to his or her gender. The current CRDC categories do not provide a way to capture information about teams in which both males and females participate, and therefore provide an incomplete picture of the number of interscholastic teams and participants.

B. Information on benefits and services received by teams should be collected.

Second, the CRDC should include school-level information about the benefits and services provided for each team (male, female and co-ed) from school and non-school sources (such as booster clubs, donations, and fundraisers). Not surprisingly, inferior treatment of female teams negatively affects female participation. This school-level information should include the following data for each team:

- (1) Expenditures for travel;
- (2) Expenditures for equipment;
- (3) Expenditures for uniforms;
- (4) Expenditures for the construction, renovation, maintenance, repair and use of all team facilities (including practice and competitive facilities, fields, locker rooms, and team rooms);
- (5) Expenditures for training and medical facilities and services;
- (6) Expenditures for publicity (including school-sponsored support or extracurricular activities such as cheerleading, band, and dance teams; press guides; press releases; game programs; and publicity personnel);
- (7) The total number of trainers and medical personnel, and for each trainer or medical personnel an identification of such person's:
 - a. sex;
 - b. employment status (including whether such person is employed full-time or part-time, and whether such person is a head or assistant trainer or medical services provider) and duties other than providing training or medical services; and
 - c. qualifications, including whether the person is a professional or student;
- (8) The total number of coaches, and for each coach an identification of such coach's:
 - a. sex;

- b. employment status (including whether such coach is employed full-time or part-time, and whether such coach is a head or assistant coach) and duties other than coaching; and
 - c. qualifications, including whether the person is a professional or student;
- (9) Total annual revenues generated by the team (including contributions from outside sources such as booster clubs), disaggregated by source;
 - (10) The total number of competitions scheduled, and for each scheduled competition an indication of what day of the week and time the competition was scheduled;
 - (11) The total number of practices scheduled, and for each scheduled practice an indication of what day of the week and time the practice was scheduled
 - (12) The season in which the team competed;
 - (13) Whether such team participated in postseason competition, and the success of such team in any postseason competition;
 - (14) The average annual institutional salary attributable to coaching of the head coaches of men's teams, across all offered sports, and the average annual institutional salary attributable to coaching of the head coaches of women's teams, across all offered sports; and
 - (15) The average annual institutional salary attributable to coaching of the assistant coaches of men's teams, across all offered sports, and the average annual institutional salary attributable to coaching of the assistant coaches of women's teams, across all offered sports.

C. Information on participants' race and ethnicity should be collected.

Third, with respect to the Interscholastic Athletics Team Participants Table, the CRDC should include data not only by sex, but also by race/ethnicity, in a format that may be fully cross-tabulated. Such information is critical to gender equity in athletics for a number of reasons. To begin with, girls and women of color tend to be underrepresented as athletes relative to their share of student bodies. In addition, participation in sports has been shown to help prevent obesity and dropout, both of which are detrimental to girls' health and well-being and disproportionately affect girls of color. Additionally, girls of color are more likely to participate in sports through their schools than through private organizations, so it is important to ensure they have equal access to school-based sports teams. Finally, such information can be useful to schools in determining what opportunities to add to their athletics programs, as it may reveal different patterns of interest among members of certain subgroups.

V. Schools Should Implement Comprehensive School Physical Activity Programs.

Promoting physical activity in school is crucial to encouraging girls to reap the health benefits of regular exercise and to develop good lifelong exercise habits. State and local governments must have policies in place that require or encourage physical activity in schools. The National Association for Sport and Physical Education (NASPE), a leading advocate in this area and Center coalition partner, recommends that schools implement Comprehensive School Physical Activity Programs (CSPAP). Such a program involves physical activity programming before, during, and after the school day, and the following components: quality physical

education; school-based physical activity opportunities; school employee wellness and involvement; and family and community involvement.⁴⁴

With respect to physical education, at the high school level, states should at a minimum require students to take four years of physical education in order to graduate – a policy that only a handful of states meet.⁴⁵ Students should engage in daily physical education for a certain number of minutes per week (NASPE has different standards for elementary and middle/high school students).⁴⁶ The National Governors Association should convene a task force on state physical education standards (similar to the one that led to a compact among states to develop a standard measure for calculating graduation rates) to help states agree on a standard physical education requirement that will best serve the educational and health needs of our nation’s youth. Schools should also provide physical activity opportunities that supplement, not replace, daily physical education. These opportunities can include recess for elementary school students and intramural or interscholastic programs such as sports, self-directed activities, classes and activity clubs.⁴⁷

Family and community involvement can have an enormously positive impact on students’ physical activity levels. Offering physical activities that families can do together and providing parents with information on the importance and benefits of physical activity and sports participation are ways that schools can help their students stay healthy. In addition, schools should consider collaborating with community-based providers of physical activity, as well as using and providing transportation to community facilities to encourage increased physical activity among their students and their families.⁴⁸ Schools must also make sure that any providers with which they collaborate do not discriminate on the basis of sex.

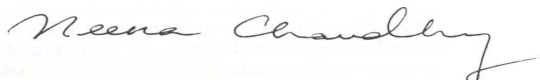
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Thank you for the opportunity to provide input to the Task Force on Childhood Obesity on recommendations to address the obesity crisis among our nation’s youth. We would be happy to discuss our comments further or answer any questions you may have. For additional information, please contact Neena Chaudhry, Senior Counsel for Education and Employment, at 202-588-5180.

Sincerely,



Fatima Goss Graves
Vice President for Education and Employment



Neena Chaudhry
Senior Counsel

⁴⁴ National Association for Sport and Physical Education, Position Statement, Comprehensive School Physical Activity Programs (2008).

⁴⁵ National Women’s Law Center and Oregon Health & Science University, Making the Grade on Women’s Health: A National and State-by-State Report Card (2007), available at <http://hrc.nwlc.org/>.

⁴⁶ See supra note 44.

⁴⁷ Id.

⁴⁸ Id.