

**Chairman Todd Rokita (R-IN)**

***Q: What are your greatest concerns with the meal pattern rule, the competitive foods rule, and/or the other rules that have been issued as a result of the Healthy, Hunger Free Kids Act? Is it similar to what school districts reported to GAO?***

I supported updating the meal pattern to ensure school meals meet the Dietary Guidelines for Americans. But as we all know, complex regulations can lead to unintended consequences.

School meal programs walk a tightrope between meeting standards, managing costs and maintaining participation. In Manatee County Schools, the cost of meeting new regulatory requirements has surpassed the additional 6 cent reimbursement, and student participation has declined due to changes to the menu. I am hopeful participation will rebound this fall, but new breakfast and competitive food regulations could present similar challenges, threatening the balance. I am attaching our end of the year dashboard which shows a comparison of our programs. Our revenue is the greatest concern. We eliminated 15 staff positions – either vacant or relocated staff.

I was pleased to hear Dr. Janey Thornton, Deputy Under Secretary for Food, Nutrition and Consumer Services, announce during School Nutrition Association's Annual National Conference in July that USDA will permanently eliminate weekly maximums on grains and proteins by the end of the calendar year. I hope Congress and USDA will continue to respond to regulatory challenges as they arise during implementation.

***Q: Are there differences in how the rules impact programs with low percentages of free and reduced-price students and those with higher percentages?***

Every school meal program is unique and faces different challenges. However, as a general rule, students who are not dependent on free or reduced-price school meals are more likely to have the means to bring food from home or seek an alternative venue to purchase their meals if they become dissatisfied with the options in their school cafeteria. As a result, schools with very low free or reduced-price participation can experience more significant fluctuations in participation (and revenue) in response to menu changes. Our schools with low free and reduced are faced with even greater challenges to keep the participation up – looking for creative ways to market and to provide a customized menu selection.

***Q: Do you think the changes occurring in the school lunch and breakfast programs will result in healthier options for your students? Or do you think you could have ensured students had healthy choices without imposing such enormous costs on your program?***

Manatee County Schools has always provided healthy choices for our students. The new meal pattern's requirement to serve more fruits and vegetables is resulting in more students taking fruits and vegetables, but it does pose an additional cost to school meal programs.

**Rep. Marcia Fudge**

***Q. Do you believe USDA's National School Lunch & Breakfast Program regulations, both current and pending, are helping you achieve the goal of providing healthy meals to children in need? If no, what are some of your concerns?***

Updating the meal pattern for the National School Lunch and Breakfast Programs was a critical step to ensure school meals meet the current Dietary Guidelines for Americans. These regulations guarantee all students have access to healthy, well-balanced meals at school.

However, complex regulations can lead to unintended consequences. School meal programs must walk a tightrope between meeting complicated nutrition standards while managing rising costs, and maintaining participation. Manatee County Schools has struggled with the cost of meeting new regulatory requirements, and we have experienced a decline in student participation due to changes to the menu.

We are hopeful that participation will rebound this fall as students adjust to menu changes and as we work to identify new menu items that meet the new requirements and appeal to student tastes. Yet at the same time, I am concerned new breakfast and competitive food regulations could present similar challenges, threatening the balance.

The biggest challenge is not being able to react to the first change before the second change comes along. Food services programs in Manatee County and most districts around the country are businesses. As a business, when a change occurs, you evaluate and adjust. Our challenge is that before we could complete the process of lunch, we are in the midst of a breakfast change.

***Q. I've heard apprehensions about the increased costs associated with implementation of these regulations. Many schools are indicating that their costs go beyond the estimated costs proposed by USDA, and the 6 cent additional funding per meal is not covering the cost. What is the breaking point in terms of how much financial strain schools can handle before your ability to serve children in need becomes threatened?***

Every school meal program faces unique challenges as school cafeteria infrastructure and equipment, food, labor and other costs all vary dramatically from one community to the next.

Schools nationwide have experienced rising costs as a result of the new regulations, often in excess of the additional 6 cent reimbursement provided for meeting the standards. School nutrition professionals are still adjusting menus and operational practices to limit costs and to restore or increase program participation and revenues.

Every school meal program has a different “tipping point,” but with additional breakfast and competitive food standards coming into effect in the next two school years, all programs will face a difficult challenge to maintain financial stability.

***Q. In your testimony, you stated that the weekly limits on grains and proteins served with school meals have restricted some very healthy school menu items that happen to be student favorites. What are some examples of these items and what potential impact could it have on a student’s desire to participate in the school lunch program?***

The weekly restrictions on grains and proteins under the meal pattern presented significant barriers to menu planning, including limiting healthy options like daily sandwiches served on whole grain bread and entrée salads topped with lean meat and low fat cheese. As some of these popular options were removed from the menu or served on only select days, Manatee County Schools experienced a decline in student participation.

I would like to thank you for your leadership in introducing H.R. 1303 with Rep. Stivers to address these concerns and eliminate the weekly grain and protein restrictions. I was pleased to hear Dr. Janey Thornton, Deputy Under Secretary for Food, Nutrition and Consumer Services, announce during School Nutrition Association’s Annual National Conference in July that USDA will permanently eliminate these weekly maximums by the end of the calendar year. I hope Congress and USDA will continue to respond to regulatory challenges as they arise during implementation.

***Q. Some critics of the School Nutrition Flexibility Act believe that a permanent elimination of the protein/grain standards is unnecessary because USDA, when the time comes, could provide a waiver for the 2014-2015 school year. Please explain why it is more prudent to have a permanent solution for this issue rather than a temporary fix.***

From sandwich buns to breakfast cereals, school meal programs depend on our industry partners to provide foods and beverages that meet nutrition standards and student tastes. All of these products go through extensive testing before they are served in a school cafeteria. Our industry partners invest in R&D to identify recipes that meet the whole grain standards and food safety requirements, but still have the look and taste our students expect.

Temporary regulations leave our industry partners guessing. Do they phase out their old product line and invest in developing products to meet new standards? Or will USDA issue another reprieve so that schools will be clamoring for their old product line? By promising to permanently eliminate the weekly grain/protein maximums, USDA is providing industry and school nutrition professionals with clear direction.

***Q. Why should we be concerned about the drop off in participation in the school lunch program for paying students, and what impact does this situation have on students who receive a free lunch?***

Many students who drop out of the National School Lunch and Breakfast Programs end up purchasing their meals from nearby fast food restaurants or other venues that do not offer the healthy, well-balanced meals that school meal programs provide. Declines in student participation also reduce revenue for school meal programs, hampering the program's ability to make further improvements to menus.

School meal programs strive to serve all students, not just those who rely on free or reduced-price meals. When paying students drop out of the National School Lunch and Breakfast Programs, the students who depend on these meals as a key source of nutrition can feel singled out or stigmatized just by entering the cafeteria.