



Summary of Regulatory Reform Initiatives

ISSUE	RATIONALE	LAW/ACT CITATION	REGULATORY CITATION	SNA RECOMMENDATION
<p>Codify the Final Rule on Program Meal Pattern Flexibilities</p>	<p>USDA has acknowledged the persistent menu planning challenges experienced by some schools and affirmed its commitment to give schools more control over food service decisions and greater ability to offer wholesome and appealing meals that reflect local preferences. While the final rule addressing flexibilities for whole grains, milk varieties and target sodium levels a more permanent resolve should be considered.</p>	<p>National School Lunch Act in Section 9(a)(4), Nutritional and Other Program Requirement</p>	<p>7 CFR 210.10 7 CFR 215.7a 7 CFR 220.8 7 CFR 226.20</p>	<p><i>SNA recommends:</i> To assure consistency in the program and address the final rule intentions, this rule should be codified in the law.</p>
<p>Paid Lunch Equity (PLE)</p>	<p>The responsibility to administer and operate a local school nutrition program resides with each local board of education or other governing board. These boards are required to ensure the fiscal solvency of the school nutrition programs for which they are accountable. All schools that participate in the Federally assisted School Nutrition programs are required to comply with the non-profit status requirements of 7 CFR 210.14</p> <p>There is a Federal requirement that directs local school districts to gradually increase the cost of meals served to children who pay for their meals. The Federally-mandated price increases for paying students has gradually eliminated students from working poor families from participating in the school meal programs as many children who live in economically distressed households (between 185% and 220% of poverty and above in some areas of the country with a high cost of living) can no longer afford the cost of a school meal.</p> <p>While guidance on maintaining fiscal solvency in the non-profit school nutrition program is appreciated, prescribing the criterion for and process to establish</p>	<p>National School Lunch Act Section 12 (p) PRICE FOR A PAID LUNCH; Consolidated Appropriations Act of 2018; Consolidated Appropriations Act of 2019</p>	<p>National School Lunch Program (NSLP) Regulations at 7 CFR 210.14 (e)</p>	<p><i>SNA recommends:</i> Strike the language referring to Paid Lunch Equity.</p>



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	<p>meal prices for paying students, is overstepping the role of the Food and Nutrition Service. Paid meal prices should be established in a manner that ensures students from food insecure households are not “priced out” of the school nutrition program and that these important programs are accessible to all students.</p>			
<p>Multiple Program Regulations for School Districts Operating Multiple Child Nutrition Programs</p>	<p>The At-Risk After School Meal Program (ARAMP) was recently added to the list of Federal food assistance programs as a component of the Child and Adult Care Food Program (CACFP). This unique program provides access to nutritious meals for students who participate in supplemental education programs after the school day has ended. While the program provides nutritious meals and/or snacks to economically disadvantaged students, the placement of the program in the CACFP, as opposed to the National School Lunch Program (NSLP), has created operational challenges for schools that provide supplemental education programs for students as a means of promoting students’ academic success. The operational idiosyncrasies between the NSLP and the CACFP are such that housing a school-based program in the CACFP, which is intended to support child care providers, has created additional burdens and complexities for schools that actually deter many School Food Authorities (SFAs) from administering the CACFP version of the ARAMP. Despite some leeway granted through USDA policy memoranda, SFAs are asked to duplicate efforts, repeat processes and comply with rules which do not consider the fiscal accountability of a public school system.</p>	<p>National School Lunch Act Sec 17 (r)Program for At-Risk Children; National School Lunch Act Sec 17a Meal Supplements for Children in After School Care</p>	<p>Further, SFAs are required to implement and track the variances between two (2) sets of parallel regulations [7 CFR 210.9 (c) and 7 CFR 226.15, 7 CFR 226.16 and 7 CFR 226.17a].</p>	<p><i>SNA recommends:</i> Implement a seamless program design, like the approach offered through the Seamless Summer Option. This would generate a streamlined approach.</p>



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<p>Impact of Smart Snacks on Fiscal Sustainability</p>	<p>SNA’s members continue to express concern regarding inconsistencies and inefficiencies with certain provisions of the Smart Snacks rule (7 CFR 210.11). For many years, members have been concerned about various entities selling non-nutritious competitive foods on the school campus, in competition with the school meal program, and thus we support the good intentions of Smart Snacks to send a consistent message on the school campus to students about the importance of making healthful food choices. After all, schools can play a critical role in the formation of life-long healthful eating habits among students. Consistent messaging to students is important to achieve this important goal.</p> <p>The NSLP Meal Pattern (7 CFR 210.10) supports providing nutritious food items as part of the reimbursable meal. The Smart Snacks rule reflects an arbitrary set of nutrition standards that are inconsistent with the nutrition standards for reimbursable meals. Currently, the Smart Snacks rules prohibit items approved for a reimbursable meal from being offered as an a la carte item alongside those meals (7 CFR 210.11 (c) (3)).</p>	<p>SEC. 208 of HHFKA. NUTRITION STANDARDS FOR ALL FOODS SOLD IN SCHOOL. Section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) is amended SEC. 10. REGULATIONS.</p>	<p>7 CFR 210.11 7 CFR 210.10 7 CFR 210.11 (c)(3)</p>	<p><i>SNA Recommends:</i> Modify regulations by eliminating the restriction on the frequency with which menu items may be offered on an a la carte basis. This would help to provide students with acceptable nutritious snacks and a la carte items. This would also support the financial stability of school nutrition operations without placing an unnecessary burden on district appropriations. These minimal revisions should be consistent with the intent of the Healthy, Hunger-Free Kids Act.</p>
<p>Flexibility in the Variety of Vegetables Offered</p>	<p>There is a prescribed subcategory of vegetable sub-groups based on the color of the vegetables required as part of the nutrition standards for school meals. While the intent of the regulation was to encourage a variety of vegetables, the mandatory sub-grouping created complexities in menu planning, increased costs and ultimately limited variety given the limited growing season and availability of produce in the</p>	<p>NSLA Sec. 4 (b) (3) (A) REGULATIONS</p>	<p>7 CFR 210.10(e) (2) (iii)</p>	<p><i>SNA Recommends:</i> Minimize the complexities of menu implementation and reduce student plate waste by providing menu planning flexibility for the vegetable component. SNA looks to the USDA to encourage the color-based subcategories, without requiring strict adherence and assessing fiscal sanctions [7 CFR 210.18 (l)] for meals served to students that do not comply with this requirement.</p>



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	<p>school nutrition marketplace. SNA members frequently report the vegetable sub-groups also contribute to student plate waste.</p>			<p>SNA finds such penalties to be purposefully punitive, especially when cost, availability, variety and plate waste issues are such challenges.</p>
<p>Complexity in Reporting and Redundancy</p>	<p>Since the enactment of the National School Lunch Act, decades of amendments to the law and subsequent regulations have significantly added to program reporting requirements. Rather than utilizing existing data collections and reporting requirements to avoid duplication, new directives have, in most cases, required the creation of additional reports. In addition, burdensome reporting requirements are on-going throughout the school and calendar year, which disrupts the ability to effectively manage the program. For example, the attached document outlines the multiple and varied reports expected to be submitted by State Agencies. School nutrition professionals on the local district level are required to complete numerous reports on monthly and annual basis. Many reporting forms are duplicative with a different title that would benefit from a single form or consolidated reporting process.</p>	<p>NSLA Sec.6 Pilot Project for Procurement of Unprocessed Fruits and Vegetables; Section 9 (K) FEASIBILITY STUDY; Section 9 (h) FOOD SAFETY; Section 9 (k) INFORMATION ON THE SCHOOL NUTRITION ENVIRONMENT (1) IN GENERAL AND (2) REQUIREMENTS; Section 11 (xiii) FUNDING (d) (1) and (d)(2); Section 22 COMPLIANCE AND ACCOUNTABILITY (a) UNIFIED ACCOUNTABILITY SYSTEM and (b) FUNCTIONS OF SYSTEM</p>	<ul style="list-style-type: none"> • monthly report for the student enrollment (7 CFR 210.8 and 210.9), • monthly report for meals served [7 CFR 210.9, 210.10(a)(2), and 210.15 (a) (8)], • annual report for food safety [7 CFR 210.13 (b) and 210.15 (a)], • annual report for income verification process that might be revisited more frequently (7 CFR 245.6), • report on free and reduced-price student eligibility [7CFR 210.9 (b)(18) and (19), 210.15 (a)(9) and 7 CFR 245], • reports for Community Eligibility Provision eligibility [7 CFR 245.9 (f) and (h)], • monthly and annual financial reporting on program funds [7 CFR 210.8, 210.9 (a), 210.14 (b) (6) and 210.14 (b) (7)], 	<p><i>SNA Recommends:</i> Review the language in the National School Lunch Act and Child Nutrition Act and consolidate school district special reports into one unified consolidated report due xx months after the end of a school year. Perhaps USDA could also consider a provision that would require a review of current reporting prior to adding any additional burdens on the implementation staff.</p>



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			<ul style="list-style-type: none"> • financial reporting on non-program funds [7 CFR 210.11, 210.14, 210.19 (a), 210.19 (c) and 210.19 (f)], • quarterly equipment reports (if grant recipient), • quarterly certification report on meal pattern (process completed several years ago) [7 CFR 210.10 (h), 210.10 (i)(3), 210.10(j), 210.7(d)(2) and 210.15 (b)(2)], <p>And others maintained at the district level including:</p> <ul style="list-style-type: none"> • monthly menus, • food production records, • invoices and related documentation, • additional meal component certification information that has been added to the food production record, • and non-program information [7 CFR 210.10(2), 210.11(a)(6) and (b) 1-4, 210.10(a)(3)]. 	



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STREAMLINING RECORDKEEPING AND REPORTING-FOOD SAFETY INSPECTION	Due to workload, many local level health departments have been unable to accommodate requests from School Food Authorities (SFAs) to inspect school facilities twice a year. Some of the impacted SFAs have been cited on program reviews for non-compliance, even though SFAs have no jurisdiction for enforcement over the local health department.	NSLA Section 9 (h) FOOD SAFETY	7 CFR 210.13(b)	<i>SNA Recommends:</i> Provide relief to all SFAs nationwide by accepting as compliance, a letter from SFAs to the health department requesting inspections. Some states agencies have already adopted this policy.
STREAMLINING RECORDKEEPING AND REPORTING-PROCUREMENT	Micro-purchase and procurement practice policy guidance is another topic identified by membership as being difficult to get consistent and accurate information has made changes and adjustments that have resulted in more confusion and less clarity on procurement requirements.	NSLA Section 12 (m) PROCUREMENT TRAINING and (n) BUY AMERICAN	The issuance of Part 200—Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (2 CFR 200) regulations Buy American [7 CFR 210.21(d) and 220.16 (d)] provisions	<i>SNA Recommends:</i> USDA should issue clear guidance with consistent interpretation that addresses the school nutrition environment.
STREAMLINING RECORDKEEPING AND REPORTING-ANNUAL PROGRAM APPLICATION PROCESS	There is a permanent agreement in place for local educational authorities operating the National School Lunch Program as well as an agreement that goes across programs for a consolidated permanent agreement. The annual program application process [7 CFR 210.9 (a)] is another area that should be streamlined.	NSLA Section 9 (i) SINGLE PERMANENT AGREEMENT BETWEEN STATE AGENCY AND SCHOOL FOOD AUTHORITY and (k) INFORMATION ON THE SCHOOL NUTRITION ENVIRONMENT (1) IN GENERAL and (2) REQUIREMENTS	7 CFR 210.9 (a)	<i>SNA Recommends:</i> Convene a Task Force of program directors and state directors to review the data collected and determine critical data fields needed as part of an annual program application. One umbrella application for SFAs operating multiple child nutrition programs would also be efficient.
EQUIPMENT GRANTS	USDA Equipment Grants have upgraded many school foodservice preparation and cafeteria service areas in schools where 50 percent or more of the enrolled students are eligible for free or reduced-price meals.	Consolidated Appropriations Act, 2018 Consolidated Appropriations Act, 2019	7 CFR 210.21 2 CFR 200.317-326	<i>SNA Recommends:</i> USDA should allow all SFAs to access these equipment grants by changing the eligibility requirement to focus on SFAs with a critical



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	<p>These grants have supported improved meal quality and efficiency of preparation as well as allayed food safety concerns through modern equipment. The National School Lunch Program serves all children but not all SFAs have had the opportunity to make these improvements.</p>			<p>need for equipment rather than the economic make-up of the student population.</p>
<p>UNPAID MEAL DEBT</p>	<p>SNA members appreciate the USDA’S robust efforts to provide SFAs with guidance and best practice resources to assist with the required development of unpaid meal charge policies. As the issue of unpaid meal charges has gained national media attention, some state legislatures and school districts have required or urged SFAs to implement policies that result in significant increases in unpaid meal debt.</p>	<p>National School Lunch Act Section 12 MISCELLANEOUS PROVISIONS AND DEFINITIONS (p) PRICE FOR A PAID MEAL and (q) NON-PROGRAM FOOD SALES</p>	<p>2 CFR 200 7 CFR 210.9</p>	<p><i>SNA Recommends:</i> USDA must monitor the financial impact of unpaid meal charge policies on SFA budgets and provide guidance on how SFAs can develop policies that maintain fiscal solvency.</p>