



Child Nutrition Reauthorization 2021

ISSUE	RATIONALE	LAW/ACT CITATION	REGULATORY CITATION(S)	SNA RECOMMENDATION	NOTES
<p>1. Student Access to Healthy School Meals-Universal School Meals</p>	<p>Research shows school meals contribute to the health, attentiveness, behavior, and academic success of students. Throughout the current health emergency (COVID-19) school meal programs have been operating under waivers and serving meals to children across the country at no charge. Providing school meals at no charge removes long-standing barriers, including the cumbersome free and reduced-price meal application process and the persistent stigma that many students associate with receiving meal assistance. Allowing all students to receive free meals will level the playing field, making the cafeteria an extension of the classroom.</p>	<p>National School Lunch Act Section 2</p>	<p>7 CFR 210.9 7 CFR 220.7 7 CFR 245.9</p>	<p>1a. To ensure student access to healthy school meals, provide school breakfast and lunch to all students at no charge, reimbursing all meals at the free rate.</p>	
<p>2. Student Access to Healthy School Meals- Expanding Free Meal Eligibility</p>	<p>Currently, students whose families earn between 130 and 185 percent of the federal poverty level qualify to receive reduced-price meals and families whose income even slightly exceed this threshold must pay full price. Many of these students go hungry during the school day or accumulate unpaid meal debt because their families struggle to afford school meals. Allowing more children from low-income to receive free school meals will ensure consistent access to the nutrition they need to succeed, while reducing growing unpaid student meal debt and easing administrative burdens.</p>	<p>National School Lunch Act Section 2</p>	<p>7 CFR 210.9 7 CFR 220.7 7 CFR 245.9</p>	<p>2a. Eliminate the reduced-price meal category and expand access to healthy school meals to more low-income families by allowing students from families that earn less than or equal to 200 percent of the federal poverty level to receive free meals.</p> <p>2b. Direct the U.S. Department of Agriculture (USDA) to explore and report on more efficient methods for determining income eligibility.</p>	



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<p>3. Student Access to Healthy School Meals-Community Eligibility Provision (CEP) Expansion</p>	<p>CEP has guaranteed access to healthy school meals for students in eligible high-poverty schools, streamlined meal service and reduced paperwork for families and school nutrition staff. Unfortunately, many CEP-eligible schools do not participate in the program because the Identified Student Percentage (ISP) 1.6 multiplier does not allow their program to claim all school meals at the free rate, making CEP financially untenable. Other eligible schools are hesitant to participate for fear of having to resume traditional counting and claiming procedures at the end of the CEP 4-year cycle. Increasing the multiplier and lengthening the CEP election cycle would expand the number of high-poverty schools participating in CEP.</p>	<p>National School Lunch Act Section 2 and Section 11</p>	<p>7 CFR 245.9</p>	<p>3a. Adjust the ISP multiplier to allow more schools to participate in CEP, thereby improving access to meals.</p> <p>3b. Increase the current 4-year CEP election cycle to 10 years, providing stability for programs and families.</p>	
<p>4. Student Access to Healthy School Meals- Expand Direct Certification</p>	<p>Direct certification eliminates the school meal application requirement for needy families, reduces paperwork and processing for schools, improves certification efficiency and accuracy and decreases unpaid meal debt.</p>	<p>National School Lunch Act Section 2 & Section 9</p>	<p>7 CFR 245</p>	<p>4a. Allow all states to use Medicaid data to automatically certify eligible students for free and reduced-price meals.</p> <p>4b. Given that various states administer programs with differing income criteria, yet parallel free and reduced-price meal eligibility, direct USDA to review and report on additional programs that could be used for direct certification purposes.</p>	



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<p>5. Student Access to Healthy School Meals- Pilot/Study</p>	<p>Throughout the pandemic, as schools have had the opportunity to serve free meals to all children, we have witnessed many benefits for students, families, and schools. These benefits should be documented to inform Congress' discussions on the need to implement a universal meal program permanently.</p>	<p>National School Lunch Act: Section 2</p>	<p>7 CFR 210.9 7 CFR 220.7 7 CFR 245.9</p>	<p>5a. Direct USDA, the Departments of Health and Human Services (HHS) and Education Department (ED) and the Centers for Disease Control and Prevention (CDC) to develop a pilot study to test a universal meal program and examine its impact on meal program operations and finances, student meal participation and outcomes. Study participants should include, but will not be limited to, school districts of varying size and free and reduced-price eligibility and geographic location. Outcomes and recommendations will be reported to Congress.</p>	
<p>6. Increase Reimbursement Rates/Food Distribution Support (Prior Issue but relates to items discussed in subcommittees)</p>	<p>Across the country, school nutrition directors and school administrators have been challenged with maintaining adequate funds to operate the National School Lunch Program and School Breakfast Program. The USDA FNS Nutrition Meal Cost Study found that revenue, including federal reimbursements, state and local funds, and student payments, does not cover the expenses to operate lunch and breakfast programs.</p>	<p>National School Lunch Act: Section 4 APPORTIONMENTS TO STATES</p>	<p>7 CFR 210.4 7 CFR 220.9</p>	<p>6a. Increase the reimbursement rate calculation to accurately reflect the true cost of serving school meals and additional value to USDA Foods.</p>	



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<p>7. Paid Lunch Equity (PLE)</p>	<p>PLE requires local school districts to gradually increase the cost of meals served to children who pay full price for their meals. These Federally mandated price increases have gradually prevented students from working poor families from benefiting from school meals, as many children from economically distressed households (between 185% and 200% 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 meal prices for paying students is overstepping the role of USDA. 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 healthy school meals are accessible to all students.</p>	<p>National School Lunch Act: Section 12 (p) PRICE FOR A PAID LUNCH</p> <p>Consolidated Appropriations Act of 2018: Section 776</p> <p>Consolidated Appropriations Act of 2019: Section 760</p>	<p>7 CFR 210.14 (e)</p>	<p>7a. Modify Section 12 (p) to apply only to School Food Authorities (SFAs) that had a year-end negative operating balance in the nonprofit school food service account, as was done in section 776 of the Consolidated Appropriations Act, 2018 (Public Law 115-141) and in section 760 of the Consolidated Appropriations Act of 2019. Direct USDA to reconsider the annual PLE reporting timeline to better align with school district activities, including deadlines for school boards to approve meal price changes.</p>	



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<p>8. Uniform Program Application and Design</p>	<p>SFAs that serve meals and snacks through the National School Lunch Program (NSLP), the School Breakfast Program (SBP), the Child and Adult Care Food Program (CACFP) and the Summer Food Service Program (SFSP) must complete detailed, redundant, and time-consuming annual applications to participate in each of these separate programs. Each program has different criteria with nuances on eligibility, monitoring, meal patterns and reporting.</p>	<p>National School Lunch Act: Sec 17 (r) Program for At-Risk Children</p> <p>Sec 17a Meal Supplements for Children in After School Care</p>	<p>SFAs are required to implement and track the variances between two sets of parallel regulations:</p> <p>7 CFR 210.9 (c) 7 CFR 226.15</p> <p>7 CFR 226.16 7 CFR 226.17a]</p>	<p>8a. Direct USDA to implement a seamless program design that meets the needs of SFAs operating multiple programs.</p> <p>8b. Establish a multi-program application designed to address the SFAs with multiple Child Nutrition Programs (CNPs). This would generate a streamlined approach, eliminate redundancy, and reduce burden while maintaining program integrity and accountability.</p> <p>8c. Convene a Task Force of program directors and state directors to review the data collected and determine critical data fields needed as part of the uniform program application.</p>	



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<p>9. Smart Snacks in School</p>	<p>The NSLP and SBP Meal Patterns (7 CFR 210.10 and 7 CFR 220.8) ensure foods offered with reimbursable meals are healthy choices for students, and research shows these meals have improved children’s diets. Currently, the Smart Snacks in School rules limit items, approved as an entrée for service as a reimbursable meal, from being offered as daily a la carte choices. These inconsistent rules unnecessarily limit choices for students, increasing the appeal of foods and beverages sold off-campus, which fail to meet any nutrition standards. School nutrition programs also compete with frequent on-campus food and beverage fundraisers that have been granted exemptions from nutrition standards. Allowing school nutrition programs to sell school meal entrees and sides as daily a la carte choices will ensure students can choose from a variety of healthy options in the cafeteria and send consistent message to students about the importance of nutritious choices.</p>	<p>Healthy, Hunger-Free Kids Act (HHFKA): SEC. 208 NUTRITION STANDARDS FOR ALL FOODS SOLD IN SCHOOL.</p> <p>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>9a. Modify regulations by eliminating the restriction on the frequency with which reimbursable menu items may be offered a la carte. 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 and encourage students to eat foods and beverages that meet NSLP/SBP nutrition standards. These minimal revisions are consistent with the intent of the Healthy, Hunger-Free Kids Act.</p>	
<p>10. Emergency Waiver Authority</p>	<p>Throughout the pandemic, the waiver provisions authorized by Congress and implemented by USDA Food and Nutrition Services (FNS) were critical to ensuring student access to nutritious school meals and combatting child hunger. The delay in implementing and extending waivers demonstrated the need to address long-term provisions and protocols for operating school nutrition programs in the incidence of a natural disaster or other emergency.</p>	<p>Families First Coronavirus Response Act (P.L. 116-127): Section 2202</p> <p>Continuing Appropriations Act, 2021</p> <p>Other Extensions Act (P. L. 116-159)</p>	<p>7 CFR 210.9</p>	<p>10a. Provide USDA emergency disaster authority that can be activated as needed, without delay, to ensure seamless program operations and consistent access to school meals.</p>	



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<p>11. NSLP/SBP Meal Pattern Requirements</p>	<p>SNA strongly supports maintaining robust federal nutrition standards to benefit students, including limits on calories and fats, Target 1 sodium reductions, and mandates to offer a wide variety of fruits, vegetables, and whole grains with school meals.</p> <p>The 2018 final rule on Flexibilities for Milk, Whole Grains and Sodium Requirements maintained these strict nutrition standards, preserving the progress schools have achieved in improving students’ diets. Schools rely on these rules to help them plan nutritious school meals that appeal to students in their communities.</p> <p>The 2020 proposed rule, Simplifying Meal Service and Monitoring Requirements in the National School Lunch and School Breakfast Program, would ensure schools continue to serve nutritious meals while minimizing the complexity of meal pattern requirements.</p>	<p>National School Lunch Act: Sec. 4 (b) (3) (A) REGULATIONS</p>	<p>7 CFR 210.10(e) (2) (iii)</p> <p>7 CFR 210.10(b) and (c), 220.8(b)</p>	<p>11a. Preserve Target 1 Sodium reductions, delay implementation of Target 2 limits until July 1, 2024 and eliminate Target 3.</p> <p>11b. Restore the 2012 requirement that at least half of all grains offered with school meals be whole grain rich.</p> <p>11c. Allow schools to serve 1% flavored milk options.</p> <p>11d. Further minimize the complexities of NSLP/SBP meal patterns by providing menu planning and operational flexibility in line with SNA’s attached comments on proposals to simplify meal service.</p>	
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<p>12. 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 ongoing 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 a monthly and annual basis. Many reporting forms are duplicative and would benefit from a single form or consolidated reporting process.</p>	<p>National School Lunch Act: Sec.6 Pilot Project for Procurement of Unprocessed Fruits and Vegetables</p> <p>Section 9 (K) FEASIBILITY STUDY; Section 9 (h) FOOD SAFETY</p> <p>Section 9 (k) INFORMATION ON THE SCHOOL NUTRITION ENVIRONMENT (1) IN GENERAL AND (2) REQUIREMENTS</p> <p>Section 11 (xiii) FUNDING (d) (1) and (d)(2)</p> <p>Section 22 COMPLIANCE AND ACCOUNTABILITY (a) UNIFIED ACCOUNTABILITY SYSTEM and (b) FUNCTIONS OF SYSTEM</p>	<p>Report for the student enrollment: 7 CFR 210.8 and 210.9</p> <p>Report for meals served: 7 CFR 210.9, 210.10(a)(2), and 210.15 (a) (8)</p> <p>Annual report for food safety: 7 CFR 210.13 (b) and 210.15 (a)</p> <p>Annual report for income verification process that might be revisited more frequently: 7 CFR 245.6</p> <p>Report on free and reduced-price student eligibility: 7CFR 210.9 (b)(18) and (19), 210.15 (a)(9) and 7 CFR 245</p>	<p>12a. Review the language in the National School Lunch Act and Child Nutrition Act and consolidate school district special reports into one, unified consolidated report.</p> <p>12b. Direct USDA to implement the recommendations of the Child Nutrition Reporting Burden Analysis Study. USDA should review current reporting requirements prior to adding additional burdens on the SFA staff.</p>	
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<p>12. Complexity in Reporting and Redundancy <i>(Continued)</i></p>			<p>Reports for Community Eligibility Provision eligibility [7 CFR 245.9 (f) and (h)]</p> <p>Annual financial reporting on program funds [7 CFR 210.8, 210.9 (a), 210.14 (b) (6) and 210.14 (b) (7)]</p> <p>Financial reporting on non-program funds [7 CFR 210.11, 210.14, 210.19 (a), 210.19 (c) and 210.19 (f)]</p> <p>Quarterly equipment reports (if grant recipient)</p> <p>Quarterly certification report on meal pattern (process completed several years ago) [7 CFR 210.10 (h), 210.10 (i)(3), 210.10(j),</p>		
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<p>12. Complexity in Reporting and Redundancy <i>(Continued)</i></p>			<p>210.7(d)(2) and 210.15 (b)(2)], 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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<p>13. Streamlining Recordkeeping and Reporting- Food Safety Inspection (Parking Lot)</p>	<p>Due to workload, many local level health departments have been unable to accommodate requests from 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.</p>	<p>National School Lunch Act: Section 9 (h) FOOD SAFETY</p>	<p>7 CFR 210.13(b)</p>	<p>13a. Provide relief to all SFAs nationwide by accepting as compliance, a letter from SFAs to the health department requesting inspections. Some State agencies have already adopted this policy.</p>	
<p>14. Streamlining Recordkeeping and Reporting- Procurement (Parking Lot)</p>	<p>FNS has not provided sufficient guidance on micro-purchase and procurement practice policy, and as a result, interpretation of the rules is inconsistent nationwide. In addition, the separate Procurement Review conducted by State agencies is duplicative of portions of the Administrative Review. A consolidation that eliminates duplication would reduce burden to SFAs.</p>	<p>National School Lunch Act: Section 12 (m) PROCUREMENT TRAINING and (n) BUY AMERICAN</p>	<p>The issuance of Part 200— Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (2 CFR 200) regulations</p> <p>Buy American [7 CFR 210.21(d) and 220.16 (d)] provisions</p>	<p>14a. Direct USDA to issue clear guidance with consistent interpretation and related technical assistance. The procurement review needs to be coordinated with the Administrative Review and eliminate redundancy and duplication.</p>	



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<p>15. Meal Service Environment- Food Waste and Time to Eat</p>	<p>Short lunch periods are a concern – especially for millions of food-insecure children who depend on school meals. To increase consumption of fruits and vegetables, which take longer to consume, and to minimize food waste, schools must provide students adequate “seat time” in the cafeteria.</p>	<p>National School Lunch Act: 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</p>	<p>7 CFR 210.9 7 CFR 210.10 (l) (1) and (2)</p>	<p>15a. Direct USDA and ED, in collaboration with SFAs, to develop guidance on ensuring students have adequate time to eat healthy school meals.</p>	
<p>16. Equipment Grants (Parking Lot item)</p>	<p>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. These grants have supported improved meal quality and efficiency of preparation as well as allayed food safety concerns through modern equipment. NSLP serves all children, but not all SFAs have had the opportunity to make these improvements.</p>	<p>Consolidated Appropriations Act, 2018 Consolidated Appropriations Act, 2019</p>	<p>7 CFR 210.21 2 CFR 200.317-326</p>	<p>16a. USDA should allow all SFAs to access equipment grants by changing the eligibility requirement to focus on SFAs with a critical need for equipment, rather than the % of free/reduced meals of the student population.</p>	



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<p>17. 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>2 CFR 200 2 CFR 210.9</p>	<p>17a. Direct USDA to establish a <i>National Advisory Committee on Child Nutrition Programs</i> to serve as a resource and expert panel to address program issues, including to 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. The Committee should collaborate with ED as well as related professional associations (CCSSO, ASBO, AASA and others) to evaluate and assess the concerns and issue recommendations.</p>	
<p>18. Declining Participation in NSLP (Parking Lot Issue)</p>	<p>Research demonstrates that school meal programs play an important role in supporting obesity prevention, overall student health and academic achievement by improving children’s diets and combatting hunger. Declining student participation in NSLP is concerning in light of these many benefits and it represents a lost opportunity to positively impact the dietary choices of millions of children. NSLP participation has declined by more 2 million students per day.</p>	<p>National School Lunch Act: Section 2 DECLARATION OF POLICY</p>	<p>7 CFR 210.1</p>	<p>18a. Direct USDA to conduct a study to identify factors contributing to the decline in participation in NSLP and identify best practices for maintaining participation. Study participants should include, but should not be limited to, school districts of varying size and free and reduced-price eligibility and geographic location.</p>	



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<p>19. USDA Foods</p>	<p>USDA Foods provides considerable support to school nutrition programs but is mired by a procurement, ordering and delivery process that is overly complex and cumbersome. SFAs are challenged by the procurement timeline and the program fails to deliver consistency in terms of product availability and quality. USDA Foods should be a model for the Buy American initiative. To better serve farmers and school children, the program requires a comprehensive review.</p>	<p>National School Lunch Act: Section 14</p>	<p>7 CFR 250 7 CFR 252</p>	<p>19a. Direct USDA to conduct an independent comprehensive review of all aspects of USDA Foods with recommendations for improving efficiencies in the program.</p>	
<p>20. State Administrative Expense (SAE) Funds</p>	<p>State Agencies that administer child nutrition programs have statewide initiatives that could provide additional support to the overall programs in the state by utilizing State Administrative Expense funds. The allowable use of State Administrative Expense funds is currently broadly defined in legislation.</p>	<p>National School Lunch Act: Section 4 APPORTIONMENT TO STATES (b) (3)(F) ADMINISTRATIVE COSTS</p>	<p>7 CFR 235</p>	<p>20a. Provide additional language that specifies administrative and related costs for statewide systems as an allowable use of State Administrative Expense funds. Specifically, allow the use of SAE funds for statewide point of sale and eligibility software programs, menu planning and recipe systems, and statewide purchasing systems.</p>	



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<p>21. Financial Management- Indirect Costs and Non-profit Level Limitation</p>	<p>Across the FNS regions and states, the process to assess and determine indirect costs is inconsistent. While FNS issued a manual, the application of the content and that of 2 CFR 200 is not consistent. Some districts are confused on the categorization of costs as well as the determination of direct and indirect costs.</p> <p>While guidance on maintaining fiscal solvency in the non-profit school nutrition program is recognized, prescribing the criteria for limiting cash balances to no more than three months operating costs limits a school district in operations, planning and investing back into the school nutrition program. Had SFAs been permitted to maintain larger cash balances, many would have been better equipped to manage pandemic related losses.</p>	<p>National School Lunch Act: Section 22</p>	<p>2 CFR 200 Subpart E 7 CFR 210.14 7 CFR 220.13 (i)</p>	<p>21a. Direct USDA to convene a working group of key stakeholders and develop further training resources, including computer training modules to further instruct school finance operators and school nutrition directors on the appropriate designation of costs and application of the program and administrative rules. USDA should review and update the March 2014 FNS report, School Foodservice Indirect Cost Study.</p> <p>21b. Reevaluate and revise the limit on school nutrition program operating fund balances.</p>	



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<p>22. Food Procurement- Locally Purchased/Grown Foods and Buy American (Parking Lot Issue)</p>	<p>Farm-to-School initiatives have helped school nutrition programs increase fresh, locally grown menu options for students, while supporting farmers and nutrition education efforts at the same time. Clearer guidance from FNS on local procurement practices would help SFAs increase local purchases.</p> <p>SFAs' first preference is always to Buy American and support their local farmers. On occasion, product availability and pricing prohibit SFAs from achieving that goal. Reasonable exemptions to Buy American requirements are necessary to ensure students continue to have consistent access to a wide range of produce with school meals.</p>	<p>National School Lunch Act: Section (9) (j)</p>	<p>7 CFR 210.21 7 CFR 220.16 7 CFR 215.14a 7 CFR 225.17</p>	<p>22a. Direct USDA to review the language of geographic preference to determine full flexibility for locally purchased foods and provide clear guidance.</p> <p>22b. Congress must also ensure any revisions to Buy American requirements preserve exceptions for foods not produced in the U.S. and when the cost of a domestic good is significantly higher.</p>	
<p>23. Nutrition Education</p>	<p>While NSLP/SB are modeled after the Dietary Guidelines for Americans (DGA's) to promote the development of healthy, lifelong eating habits, there is no infrastructure for nutrition education to ensure the success of these programs. Other federal nutrition programs like SNAP and WIC have nutrition education components as part of their programs and funds to support the activity.</p>	<p>National School Lunch Act: Section 2 & Section 5</p>	<p>7 CFR 227</p>	<p>23a. Authorize funds for nutrition education curriculum development for the purposes of supporting the connection between the cafeteria and classroom, to promote consumption of healthy school meals and the development of lifelong eating habits.</p>	



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<p>24. Administrative Reviews</p>	<p>The HHFKA directed USDA to establish an administrative review oversight process identifying the frequency of reviews as well as the content. However, additional components have been added to the review process that are redundant and as cumbersome for SFAs as well as State agencies. Most states have applied for waivers on the frequency of reviews. The multiple review formats as well as the overlapping time schedules of administrative and procurement reviews have disrupted valuable technical assistance of quality and quantity.</p>	<p>Healthy, Hunger-Free Kids Act (P.L. 111-296): Section 207</p> <p>National School Lunch Act: Section 22</p>	<p>7 CFR 210.18</p>	<p>24a. Direct USDA to conduct an independent study to evaluate the Administrative Review process and develop a streamlined, consolidated process that reduces burdens on SFAs. Risk indicators could be variables in the selection and scheduling processes. Findings of The Child Nutrition Reporting Burden Analysis Study should inform the effort to establish an improved administrative review process.</p>	