



Feeding Bodies. Fueling Minds.™

February 28, 2020

Tina Namian
Chief
School Programs Branch
Policy and Program Development Division
Food and Nutrition Service
1320 Braddock Place, 4th Floor
Alexandria, VA 22314

Dear Ms. Namian:

The School Nutrition Association (SNA) appreciates the opportunity to provide comments on the Federal Register Proposed Rule Notice of January 23, 2020, *Simplifying Meal Service and Monitoring Requirements in the National School Lunch and School Breakfast Programs*. SNA reached out to our members – school nutrition professionals nationwide who serve nutritious meals to students each school day – and gathered their input to develop these comments.

On behalf of our members, SNA has long advocated for the simplification of complex federal child nutrition regulations and burdensome administrative requirements, particularly in the National School Lunch Program (NSLP) and the School Breakfast Program (SBP). We especially appreciate USDA's ongoing efforts to streamline regulations while maintaining sound nutrition standards. These efforts have helped School Food Authorities (SFAs) to not only minimize costs, but provide school nutrition professionals with more time and resources to spend in the cafeteria, interacting with students, hosting taste tests, planning nutrition education initiatives and improving menus and operations.

USDA's 2018 final rule, *Child Nutrition Programs: Flexibilities for Milk, Whole Grains and Sodium Requirements*, helped ease school menu planning challenges while preserving strong nutrition standards to benefit students. Likewise, **this proposed rule would ensure students continue to receive nutritious meals at school**, providing regular access to a healthy variety of fruits, vegetables and whole grains. The proposal protects caps on calories and saturated fat, which ensure school meals do not contribute to obesity, and preserves Target 1 sodium reductions. The proposed rule maintains current mandates that schools offer a wide variety of vegetables, including weekly offerings of dark leafy greens, red/orange vegetables and legumes.

SNA encourages USDA to provide robust training and technical assistance to support smooth implementation of the proposed changes and to ensure a consistent interpretation of the rules across USDA's regional offices, State agencies and SFAs. Any change to the regulations necessitates an adequate transition period to ensure all stakeholders – from USDA regional offices to frontline cafeteria staff – fully understand and are suitably prepared to implement the new requirements.

SNA urges USDA to consider the following specific input when finalizing this proposed rule:

1. *Proposals to Simplify Monitoring*

School nutrition professionals strive to be responsible stewards of federal funds and welcome efforts to ensure their programs comply with regulatory requirements. Like any business or organization, school nutrition programs utilize management tools and procedures to ensure accountability and compliance. **SNA supports the changes proposed in this section**, which would provide relief from burdensome administrative requirements, as well as unnecessary redundancies and complexities, without impacting program integrity. In particular, SNA highlights the following:

Establish 5-year Administrative Review Cycle & Targeted, Follow-up Reviews of High-Risk SFAs:

Both SFAs and State agencies have struggled to manage the increased workloads that have become a consequence of the 3-year Administrative Review (AR) cycle mandated under The Healthy, Hunger-Free Kids Act of 2010. SNA strongly supports transitioning back to a 5-year cycle, with the requirement to conduct targeted, follow-up reviews of high-risk SFAs on a more frequent basis. When identifying high-risk SFAs, State agencies should consider the overall program operations and prior reviews, and the scope of the follow-up review should be focused on specific areas of corrective action to help bring those SFAs into compliance.

On top of separate monthly and annual reporting requirements, including audits and health inspections, the cumbersome AR process requires SFAs to devote several days to compiling data, completing pre-review paperwork and participating in the on-site review process and subsequent follow up. While the AR is valuable in ensuring accountability, more frequent AR mandates divert time and resources away from the mission of serving students. Many school districts feel compelled to table program improvements, such as launching a new breakfast in the classroom or farm to school initiative, until after their “AR year.”

The shorter review cycle also forces thinly stretched State agencies to direct substantial staff time and travel budgets to visit compliant SFAs. This limits valuable training, technical assistance and other support they can make available to non-compliant and/or struggling SFAs.

More than 30 State agencies submitted waiver requests when USDA offered the opportunity to extend their AR cycle as a means to alleviate these and other challenges. SNA has learned that of those State agencies that did *not* request a waiver, many also preferred a 5-year cycle, but were deterred by the constraints of the waiver requirement to reapply each cycle, as well as the uncertainty of waiver approval and the effects of these factors on planning for future ARs.

Under the 5-year cycle, State agencies should have sufficient time to complete full and thorough reviews of all SFAs, as well as more resources to provide high-risk SFAs with needed support, training and technical assistance. The longer cycle also allows school nutrition directors and supervisors to spend less time on administrative paperwork and more time focused on innovative initiatives that promote healthy behaviors, greater access and higher participation among students, as well as other important program goals.

2. Proposals to Simplify Meal Service

SNA appreciates USDA's efforts to provide school menu planners *optional* flexibility to address unique preparation and service challenges, reduce waste, appeal to student tastes and boost program participation, while ensuring all students continue to receive nutritious meals. Schools that choose to adopt these proposed flexibilities would continue offering wholesome and balanced meals that support children's growth, development and academic achievement. Simplifying overly complex rules gives school nutrition professionals more time to focus on serving students.

Facilitate the Service of Vegetable Subgroups in the NSLP

- **Allow all five subgroups in the same minimum weekly amount for all age/grade groups**
SNA supports preserving current daily and weekly total vegetable quantities and weekly requirements to offer students dark leafy greens, red/orange vegetables and legumes. SNA also supports establishing a consistent half-cup weekly minimum across the five vegetable subgroups.

Current subgroup portion requirements place a disproportionate emphasis on red/orange vegetables, the subgroup offering the fewest choices, resulting in the same vegetables being served several times each week. This effectively limits efforts to menu more fresh, seasonal produce (which also helps control costs), take advantage of locally grown foods when available and introduce students to unfamiliar vegetables.

The proposed change will allow schools to offer more vegetables from the "other" category, which is the largest subgroup, featuring a vast array of options that range from student favorites like green beans, sugar snap and snow peas, to vegetables many students haven't been exposed to, such as avocados, squash, beets and radishes. Proposed revisions to the subgroup portions would ensure schools continue to offer a variety of vegetables, while giving them helpful leeway to manage costs and address such challenges as limited local growing seasons and product availability.

- **Allow legumes offered as a meat alternate to count toward weekly legume vegetable requirement**
SNA supports allowing legumes, offered as a meat alternate (such as a vegetarian bean burrito), to simultaneously count toward the weekly mandate to serve legumes. Schools would still be required to offer students a separate vegetable side, ensuring they continue to receive well balanced meals. Training and technical assistance will be critical to ensuring this flexibility is implemented correctly.

SNA does *not* support allowing vegetable flour-based pasta to credit as a vegetable, without requiring an additional vegetable to be served alongside. This change will create more confusion and complexity for both menu planners and frontline staff, who must ensure school meals meet offer vs. serve requirements and nutrition standards. However, SNA appreciates and supports the other cited updates to crediting and meal pattern guidance.

Add Flexibility to Established Age/Grade Groups

SNA supports the proposed flexibility in age/grade groups for small schools and those with unique grade configurations. School nutrition staff are expected to serve varying portion sizes to students in different grades, who, in some instances, come through the same cafeteria at the same time. This proposed

flexibility will help speed service, ease operational challenges and reduce confusion at these select schools, providing an improved cafeteria experience for students.

Increase Flexibility to Offer Meats/Meat Alternates at Breakfast

SNA supports this flexibility, which will allow schools to offer a wider variety of nutritious, protein-rich options with school breakfast. Under current rules, a healthy meal of scrambled eggs served with milk and fruit does not meet federal standards, as schools are required to offer a grain with *every* breakfast. With limited budgets, many SFAs cannot afford to offer protein rich foods in addition to the required grain each school day. By eliminating the minimum grain requirement for breakfast in favor of a protein, the proposed rule will allow schools to offer a greater range of lean protein options, like eggs, yogurt, low-fat cheese and turkey sausage, that will keep students satiated throughout the morning. This change will also allow menu planners to utilize more USDA Foods options at breakfast.

Flexibility in School Breakfast Program (SBP) Fruit Component

SNA supports this optional flexibility to allow school sites that experience excessive food waste the option to serve a half-cup of fruit when breakfast is packaged for service outside of the cafeteria. Currently, schools are required to offer students two servings (a full cup) of fruit with every breakfast. In the cafeteria, students are allowed and often choose to take just one serving. When breakfast is served in convenient grab-and-go breakfast bags from hallway kiosks or in the classroom, however, students are required to take two servings (the full cup). Whether a student wants just a single serving or doesn't have time to eat two servings of fruit, the requirement leads to unnecessary food waste.

Remove Trans Fat Limit as a Dietary Specification

SNA supports this change, as action by the Food and Drug Administration has effectively eliminated synthetic trans fat from the food supply.

Change the Performance-based Reimbursement (7 cents) Quarterly Report to an Annual Report

SNA supports this proposed change and encourages USDA to continue to reduce reporting burdens, including the complexity and redundancy of reporting requirements.

Update Meal Modifications for Disability and Non-Disability Reasons

SNA does not find it too burdensome to require a note from a State licensed healthcare professional for meal modifications that do not meet meal pattern requirements, and the Association does not support broadening the definition of "State licensed healthcare professional." School nutrition professionals work diligently to accommodate students' dietary requests and preferences and to offer a wide variety of menu options that appeal to the range of student needs and tastes. When making a meal modification to address a student's dietary requirements, school nutrition professionals benefit from complete written orders detailing food substitutions as part of a medical prescription.

Expand Potable Water Requirement to Include Calorie-Free, Noncarbonated, Naturally Flavored Water:

SNA supports this proposed change. As school nutrition professionals work to increase the variety of healthy beverage options available in the cafeteria, many have found that offering water infused with fruit, such as lemons, berries or even cucumbers and mint, boosts student water consumption.

3. Proposals to Simplify Competitive Foods

Extend the Entrée Exemption Timeframe

SNA supports extending the entrée exemption timeframe and encourages USDA to modify the *Smart Snacks in School* rule to allow all menu items that are permitted to be served as part of the reimbursable meal to be sold at any time a la carte. Allowing foods that already meet strict nutrition standards for school meals to be sold as daily a la carte choices would help ensure students can choose from a variety of healthy options in the cafeteria, including menu items like chef salads, vegetables paired with dip, deli sandwiches and soups; these options are often prohibited under Smart Snacks standards. The proposed rule would relieve unnecessary menu planning inconsistencies and complexities for school nutrition professionals without undermining nutrition requirements for students.

Expand Flexibility for the Sale of Calorie-Free, Naturally Flavored Waters During the School Day to All Age/Grade Groups

SNA supports this proposed change to increase the variety of healthy beverage options available in the cafeteria.

4. Clarifications, Updates and Technical Corrections

SNA supports all of these proposed clarifications, updates and technical corrections.

5. Seeking Public Input on Specific Items

Substituting Vegetables for Fruits in the SBP

SNA supports offering permanent flexibility to allow schools to offer vegetables in place of fruit at breakfast, without having to meet vegetable subgroup requirements. Fruits will continue to be the popular choice for school breakfast sides, but as schools work to increase variety on breakfast menus, they should have the option to substitute a vegetable on occasion, without having to menu two cups per week of dark leafy greens, red/orange vegetables or legumes. Combined with the proposed flexibility to offer meat/meat alternates at breakfast, this proposed rule will help reduce the overall sugar content of school breakfasts.

Competitive Foods: Definition of Entrée and Expanding Entrée Exemption to All SBP/NSLP Foods

Per our comments above, SNA encourages USDA to modify the *Smart Snacks in School* rule to allow all menu items that are permitted to be served as part of the reimbursable meal to be sold at any time a la carte.

Transparency for Administrative Review Results

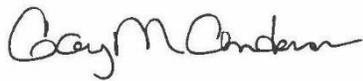
SNA supports the public posting of AR results to ensure full transparency in child nutrition programs. Some State agencies strive to post an SFA's corrective action plan (CAP) alongside the required AR summary to provide the public with a clearer understanding of the findings and how the SFA has resolved, or is working to address, any identified problems. Providing State agencies 90 days to meet the transparency requirement would ensure adequate time to achieve this goal.

Grain-based Desserts in the Child and Adult Care Food Program (CACFP)

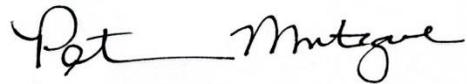
SNA supports allowing up to 2-ounce equivalents of grain-based desserts per week in the CACFP to be consistent with requirements in SBP and NSLP, while meeting all nutrition standards. This proposal would allow menu planning to be more streamlined and aligned with other programs.

SNA greatly appreciates USDA's continued efforts to respond to feedback from school nutrition professionals. Our members work on the frontlines in school cafeterias, implementing child nutrition program regulations and seeing firsthand their positive impact on both the programs and the students served. We are grateful for USDA's commitment to correcting oversights in the regulatory process, addressing unintended challenges and striving to ensure the programs succeed.

Sincerely,



Gay Anderson, SNS
President



Patricia Montague, CAE
Chief Executive Officer