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POLICY UPDATE



8.07.2019 National School Lunch, Special Milk, and School Breakfast Programs, National Average Payments/Maximum Reimbursement Rates

The USDA, Food and Nutrition Service (FNS) [announced](#) its SY2019-20 adjustments to the national [average payments and reimbursement rates](#) for the National School Lunch Program (NSLP), School Breakfast Program (SBP), Special Milk Program (SMP) and Child and Adult Care Food Program (CACFP). Overall, the reimbursement rates for the NSLP, SBP and SMP either increased or remained the same compared to last year. The performance-based reimbursement for lunches certified as meeting the meal pattern increased from 6 cents to 7 cents. These rates are effective from July 1, 2019, through June 30, 2020.

8.12.2019 Food Distribution Program: Value of Donated Foods

The Food and Nutrition Service (FNS) published a [notice](#) announcing the value of donated foods, explicitly the national average value of donated foods for those states and schools participating in the NSLP and CACFP. The [new rates for donated foods](#) apply to SY2019-20 and are effective July 1, 2019, through June 30, 2020.

8.14.2019 Final Rule: Inadmissibility on Public Charge Grounds

The Department of Homeland Security (DHS) published [a Final Rule](#) titled “Inadmissibility on Public Charge Grounds.” This change to U.S. immigration policies impacts applications for a green card or visa for those deemed likely to depend on government aid. Under the new rule, benefits provided under the National School Lunch and Breakfast Programs, Seamless Summer Option, Afterschool Meal Supplement, Special Milk Program, Child and Adult Care Food Program, Summer Food Service Program, and the Fresh Fruit and Vegetable Program “would not be considered public benefits under the public charge inadmissibility determination.”

8.16.2019 Best Practices to Minimize Food Waste

In this [policy memo](#) FNS provided program operators with best practices to minimize food waste for privately donated foods. This memo offers USDA methods and procedures for all food waste activities, donated food storage, USDA commodities, distribution and product dating. These planning methods are meant for all nutrition programs but are a crucial resource, especially for The Emergency Food Assistance Program (TEFAP), state agencies and other emergency feeding organizations

8.19.2019 Updated Template: Local Agency Procurement Review Tool SY 2019-2020

This [policy memo](#) provides updates to the Local Agency Procurement Review Tool for SY2019-20. The procurement review tool is intended to provide State agencies and program operators with technical assistance to ensure that a school district’s procurement procedures comply with federal regulations. The original concepts of the tool remain the same but are now designed to reduce burdens, consolidate questions, clarify instructions and improve functionality for school food authorities (SFAs) and state agencies.

8.28.2019 Submission for OMB Review; Comment Request

Questions or comments?

Send them to SNA’s Government Affairs and Media Relations Coordinator, Hailey Frye, at hfrye@schoolnutrition.org

FNS announced a [Comment Request](#) regarding State Administrative Expense (SAE) Funds. FNS issues regulations and prescribes methods for administering expense funds to State agencies. These expense funds are for supervision and technical assistance in child nutrition programs. USDA requested comments concerning whether this collection is necessary for the agency to perform its proper functions and practical ways to enhance the quality and clarity of the information collected.

8.28.2019 Summer Food Service Program, Submission for OMB Review; Comment Request

FNS published a [Federal Register](#) notice seeking comments on a routine record collection for Summer Food Service Programs (SFSP) concerning whether this collection is necessary for the agency to perform its proper functions and practical ways to enhance the quality and clarity of the information collected. FNS uses this information to monitor program performance for compliance and reimbursement purposes and to determine an organization's eligibility.

9.03.2019 Final Rule: Food Distribution Program on Indian Reservations: Revisions to the Administrative Match Requirement

FNS is requesting comments on a [Final Rule](#) regarding several revisions to the administrative match requirements for the Food Distribution Program on Indian Reservations (FDPIR). First, there are changes to the minimum federal share of the FDPIR administrative costs for mandatory match requirements for State agencies/Indian Tribal Organization (ITO). There are also changes to the conditions that allow State agencies and ITOs to qualify for administrative match waivers. Additionally, this Final Rule permits supplemental federal funds if the purpose of these funds is consistent with other Federal and FDPIR administrative costs. This rule is effective as of September 3, 2019. All comments for this Final Rule must be received by November 4, 2019.

9.10.2019 Completion of Interim Rules and Withdrawal of Certain Proposed Rules

USDA issued two separate Federal Register notices, both in response to USDA's Agenda of Regulatory and Deregulatory Actions. The first notice announced the [Completion of Interim Rules](#), including the [Direct Certification and Certification of Homeless, Migrant and Runaway Children Interim Rule](#). The second notice is the subsequent [Withdrawal of Certain Proposed Rules](#), removing prior proposals concerning "inactive" regulatory actions that were under review but decidedly not included in the unified agenda. This action is part of USDA's effort to reduce its regulatory backlog and focus its resources on higher priorities. These notices took effect on September 10, 2019.

9.13.2019 Notice Announcing Availability of Funds and Application Deadline for the 2019 Immediate Aid to Restart School Operations Program; Disaster Recovery Assistance for Education

The Department of Education (DOE) published a [Federal Register Notice](#) announcing the availability of funds and the application deadline for the 2019 Immediate Aid to Restart School Operations program. Under this program, the DOE will award grants to eligible State education agencies (SEAs) to assist local education agencies (LEAs) and non-public schools with expenses related to the restart of schools affected by Hurricane Florence and Michael, Typhoon Mangkhut, Super Typhoon Yutu, and wildfires, earthquakes, and volcanic eruptions occurring in calendar year 2018 and tornadoes and floods occurring in 2019 in areas in which a major disaster or emergency has been declared. The deadline for applications is October 23, 2019.

9.23.2019 Information Collection; Improving Customer Experience

USDA [announced](#) it is seeking comments on methods and practices for improving the customer experience. The [2016 American Consumer Satisfaction Index](#) illustrated that government services on average, lagged nine percentage points behind that of the private sector. Therefore, this collection request is in part an effort by USDA to improve customer service by collecting qualitative and quantitative comments directly from its consumers. Comments may be obtained by a variety of means such as electronic or social media, direct or indirect observation, interviews, questionnaires, surveys

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and focus groups. The results of this comment collection will be used to improve Federal services and programs. All comments must be submitted by November 22, 2019.

9.25.2019 Final Rule: Delayed Implementation of Grains Ounce Equivalents in the CACFP

This [Final Rule](#) delays the implementation of the "ounce equivalents" requirement for crediting grains served through the CACFP until October 1, 2021. The delay of implementation allows FNS to develop additional materials and technical assistance to help operators meet requirements. It provides State agencies with the opportunity to offer more training to assist meal planners and ensure compliance. This regulatory action is consistent with FNS' efforts to improve customer service and work with allied partners in the CACFP. This rule is in effect starting October 1, 2019.

9.25.2019 Information Collections, Submission for OMB Review; Comment Request

USDA posted [three information collections](#) to the Federal Register for public comment.

- *National School Lunch Program; Submission for OMB Review* is an ongoing record collection required to administer and operate the NSLP.
- *Generic Clearance for the Development of Nutrition Education Messages and Products for the General Public* will allow USDA's Center for Nutrition Policy and Promotion (CNPP) to collect information to develop nutrition and physical activity guidance.
- *Generic Clearance to Conduct Formative Research* information collection will facilitate research in support of USDA's Food and Nutrition Services' goal of delivering science-based nutrition education to targeted audiences.

Comments in response to these three notices are due October 25, 2019.

9.26.2019 Updated School Meal Guidance

USDA has published a collection of policy memoranda to provide administrators and operators with [updated guidance for Child Nutrition Programs](#) (CNP). This guidance, which is being distributed by State Agencies, covers programs such as the National School Lunch Program (NSLP), School Breakfast Program (SBP), Special Milk Program (SMP), Child and Adult Care Food Program (CACFP) and Summer Food Service Program (SFSP). Updates to this guidance include [questions and answers documents](#) pertaining to school meal flexibility and [meal pattern requirements](#); [clarification on milk and water requirements](#); and updates to guidance on [smoothies](#) and [salad bars](#) in schools.

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