

CHILD NUTRITION REAUTHORIZATION

School districts and each of our nation's schools are on the front lines of serving lunch and breakfast to 30 million children daily. Some districts have struggled to meet new standards and other requirements since 2010, when the *Healthy, Hunger-Free Kids Act* (Public Law 111-296) was enacted. This law expanded federal regulation far beyond federal school meal programs to school district operations throughout the campus and school day. PL 111 - 296 expired on September 30, 2015; however, school children will continue to receive school meals as long as federal funds are available.

NSBA leads efforts to reauthorize the Child Nutrition Act through congressional testimony before the House Education and the Workforce Committee, a national pulse poll, and support for legislation such as the Healthy School Meals Flexibility Act (S.1146/H.R. 2508) and the Reducing Federal Mandates on School Lunch Act (H.R. 1504).

NSBA also expressed support for both comprehensive child nutrition reauthorization bills pending in Congress:

- Senate Bill: Improving Child Nutrition Integrity and Access Act (no bill number) – approved by the Senate Agriculture Committee in January 2016.
- House Bill: Improving Child Nutrition and Education Act of 2016 (H.R. 5003) – approved by the Education & the Workforce Committee in May 2016.

Both bills take steps to 1) increase flexibility for school districts, 2) meaningfully increase stakeholder engagement (including school boards), and 3) enhance program integrity provisions.

Flexibility: Both bills 1) provide relief for whole grain content and sodium reduction targets, 2) reduce or eliminate the paid meal price mandate that resulted in unnecessary price increases for some students, 3) provide more flexibility for a la carte foods, and 4) restore the five year administrative review cycle.

Local school board engagement: Both bills increase stakeholder engagement – including school boards – in policy and implementation by the U.S. Department of Agriculture. For example, both the House and Senate bills would establish a School Nutrition Advisory Committee (SNAC) to advise the Secretary, and the Committee would include a school board representative. The House bill includes an additional provision for triennial review of national standards, and a requirement to consult with school boards as part of the process. Further, the House bill supports state and local governance with

an ESSA-like provision prohibiting the Secretary from establishing regulations or requirements not explicitly authorized by statute.

While NSBA supports both bills, there are some differences and provisions that are controversial, most notably changes to 1) verification requirements and 2) community eligibility.

Verification: Additional program integrity requirements – such as verification – appear in both bills and have bipartisan support in Congress. While not identical, both bills increase the percentage of applications that school food authorities would verify for eligibility, from the current 3% to as much as 10% based on school performance and other factors. However, both bills also include a number of options to minimize the increase in verifications (called “drop downs”) to reduce the burden on schools and families. School districts may therefore be required to verify the same or potentially fewer applications than they do currently. In addition to appearing in both bills, increased program integrity has support from the Administration. The Secretary of Agriculture acknowledged the need to reduce errors in eligibility determinations based on reports by the Government Accountability Office and the Inspector General.

Community Eligibility Provision (CEP): CEP allows schools and local educational agencies with high poverty rates (40% or more) to provide free breakfast and lunch to all students. CEP eliminates collecting household applications to determine eligibility for school meals, relying instead on information from other means-tested programs such as the Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF).

A provision that has generated questions, found in the House bill (H.R. 5003), would increase the poverty threshold for CEP from 40% to 60%. There are mitigating factors for the change, including a two-year transition period for schools and districts that do not meet the 60% threshold. In addition, H.R. 5003 would direct savings from the CEP change to a much-needed reimbursement increase for the School Breakfast program.

NSBA therefore calls for careful and compassionate consideration of the impact of CEP provisions in H.R. 5003.

Overall, both the House and Senate bills increase flexibility for school districts and incorporate the school board perspective in meaningful ways. NSBA is actively engaged in the legislative process to ensure that local school board perspectives inform the administration of child nutrition programs – perspectives that ensure children can access both healthy nutrition and a world class education so vital to student success.

NSBA POSITION

NSBA supports both the House and Senate bills, consistent with Resolution No. 8 approved by the Delegate Assembly on Childhood Nutrition: “NSBA urges Congress and the U.S. Department of Agriculture to grant flexibility and relief for school districts to successfully administer school meal programs by 1) increasing reimbursement levels and other federal funds to cover the cost of compliance and/or 2) authorizing local school districts to make implementation feasible within available federal

resources. In addition, NSBA urges the U.S. Department of Agriculture and other federal and state agencies responsible for food safety to improve and coordinate inspection, notification, and other protocols to ensure the nutritional value and safety of foods served in school lunch, breakfast, and snack programs.”

TALKING POINTS:

- School districts are critical partners in the effort to assure a healthy and positive learning environment for children to achieve their full potential. The Child Nutrition Act reauthorization is an opportunity to affirm local leadership.
- Congress should incorporate flexibility in whole grain content and sodium reduction targets in the reauthorization to ameliorate financial and operational barriers to compliance.
- Congress and the U.S. Department of Agriculture should provide meaningful and ongoing opportunities for local school boards to inform implementation of a new law.
- Implementation of the child nutrition act by the executive branch should not result in redirecting state and local funds from instruction to the school food authority or impose additional costs on school districts.

BACKGROUND:

The most recent reauthorization of the Child Nutrition Act – the *Healthy, Hunger-Free Kids Act* - was signed by President Obama in December, 2010 and became Public Law 111-296. It reauthorized six major nutrition programs—including school breakfast and lunch—for five years, and expired on September 30, 2015.

Since 2010, the U.S. Department of Agriculture has issued or proposed numerous policies to implement PL 111-296. Five provisions of the bill already in effect include: 1) national standards for school meals, 2) Indirect Cost Guidance to schools and school food authorities (SFA), 3) paid meal pricing requirements, 4) competitive foods standards, and professional standards for education and training for all school food service personnel. Proposed/pending regulations from the Department include new requirements for implementing local school wellness policies, including restrictions on food marketing in schools.

NSBA conducted a pulse poll of school leaders in September 2014. Nearly 650 responses from at least 36 states provide a snapshot of the current law’s impact: 83.7 percent of school districts experienced an increase in plate waste, 81.8 percent had an increase in cost, and 76.5 percent saw a decrease in meal participation by students since the law went into effect.

The two top strategies identified by respondents to the Pulse Poll to help school districts provide healthy nutrition without negative impact on the school food authority or the district as a whole are: 1) increased federal funding (75%) and 2) flexibility for school districts (60%).

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