

CHILD NUTRITION REAUTHORIZATION (CNR)

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.

The U.S. Department of Agriculture promulgated numerous policies to implement PL 111-296. Four provisions of the bill already in effect include: 1) national standards for school meals, 2) paid meal pricing requirements, 3) competitive foods standards, and 4) professional standards for education and training for all school food service personnel.

Bills to reauthorize the CNR were considered in both the House and Senate last year. Both bills take steps to 1) increase flexibility for whole grain content and sodium reduction targets, 2) increase stakeholder engagement (including school boards) and 3) reduce fraud, waste and abuse. For these reasons, NSBA supported both bills and continues support for such priorities in the next reauthorization effort, which also may include a provision to increase the poverty threshold for school districts to participate in Community Eligibility for school meals and to provide universal meal service, as well as a provision for a pilot program allowing a limited number of states to operate school meal programs free of federal regulation, which has sparked concern among some advocates.

NSBA Priority: NSBA urges Congress and the new Administration to enact a bipartisan child nutrition programs reauthorization that grants 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.

During the last Congress, NSBA led 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).

Based on school nutrition legislation considered by the Senate Agriculture Committee and the House Education and the Workforce Committee during the last Congress, the following outline describes key areas for reauthorization.

Flexibility: 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: Increase stakeholder engagement – including school boards - in policy and implementation by the U.S. Department of Agriculture. For example, both bills considered in the House and Senate during the last Congress proposed the establishment of a School Nutrition Advisory Committee (SNAC) to advise the Secretary; and, the Committee would include a school board representative. An additional provision for triennial review of national standards, and a requirement to consult with school boards as part of the process was considered by the Education and the Workforce Committee. Further, provisions are needed to support state and local governance similar to those found in the Every Student Succeeds Act prohibiting the Secretary from establishing regulations or requirements not explicitly authorized by statute.

While NSBA supported the House and Senate legislation last year, there were some differences and provisions of concern, most notably changes to 1) verification requirements, 2) community eligibility and 3) a proposed pilot program.

Verification: Additional program integrity requirements – such as verification – had bipartisan support in Congress to 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, there were also 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.

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 considered by the House Education and the Workforce Committee that generated questions would increase the poverty threshold for CEP from 40% to 60%. This provision would have acknowledged mitigating factors for the change, including a two-year transition period for schools and districts that do not meet the 60% threshold. In addition, this provision would have directed 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 the school nutrition reauthorization.

Pilot Program: The Education and the Workforce Committee also considered a provision to establish a pilot program for up to three states and to grant them flexibility for administration of child nutrition programs. The pilot would have included the School Breakfast Program, the National School Lunch Program, the Special Milk Program, and Team Nutrition. States would have to apply for the pilot to be included. Selected States would combine administrative, Team nutrition and reimbursement funds and

have broad discretion to deliver the programs. Concern that such flexibility would result in lower standards and overall quality of meals for students was raised by many in the advocacy community.

NSBA POSITION

NSBA expressed qualified support for both major CNR reauthorization bills in the last Congress, 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 re-directing state and local funds from instruction to the school food authority or impose unfunded costs on school districts.

For additional information, please contact Kim Richey, Managing Director, federal advocacy at the National School Boards Association, (703)838-6766, or by email, krichey@nsba.org.

December 2016