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Via Online Submission May 2, 2018:

www.regulations.gov

School Programs Branch
Policy and Program Development Division
Food and Nutrition Service, USDA
3101 Park Center Drive
12th Floor
Alexandria, VA 22302

Re: USDA FNS Request for Comments on Hiring Flexibility Under Professional Standards, 7 CFR
Parts 210 and 235
Docket ID: FNS-2017-0039

The National School Boards Association (NSBA), representing through our state associations approximately 13,800 school districts nationwide, offers the following comments to the proposed rule, FNS-2017-0039, issued by the Food and Nutrition Service, (FNS), USDA March 6, 2018. As indicated in the Summary, the proposed rule “would add four flexibilities to the hiring standards for new school nutrition program directors in small local educational agencies (LEAs) and new school nutrition program State directors under the professional standards regulations for the National School Lunch and School Breakfast Programs.” FNS implemented the current standards on July 1, 2015, as required by rule under the Healthy, Hunger-Free Kids Act of 2010, 80 FR 11077, and the Child Nutrition Act, 42 U.S.C. 1776(g).

When the current rule was proposed in 2014, NSBA submitted *Comments*¹ noting it implemented one of many provisions of the Healthy, Hunger-Free Kids Act of 2010. That Act included national nutrition standards, competitive food standards, indirect cost guidance, and the paid meal price mandate. At the time, NSBA, “acutely aware of the operational and financial impact” of the Act, urged that federal policy support educational systems, not undermine them by unfunded mandates or under-resourced requirements.

NSBA also has communicated² our concerns with Congress regarding the cost that school districts might incur to comply with the rule’s training and certification requirements for food service personnel.

¹ <http://www.nsba.org/nsba-comments-professional-standards-state-and-local-school-nutrition-programs-personnel>

² https://cdn-files.nsba.org/s3fs-public/file/NSBA_Rokita_Child_Nutr_Hearing05152015.pdf?_RaPS0i6vGbL71UtGlpXURMBm1XYhtdQ

NSBA supports the changes reflected in the proposed rule. The rule increases local flexibility by providing relief to small LEAs that are often unable to find qualified candidates that meet the rigors of the 2015 rule. The proposed rule will help to ensure that small school districts have sufficient capacity to efficiently and effectively administer school meals programs which is vital to the success of those programs and to our students.

NSBA urges the USDA to consult with LEA stakeholders, including school board members, with an eye to granting further autonomy and relief to school districts to successfully administer school meals programs by ensuring that implementation is feasible within available federal resources.

Thank you for the opportunity to submit NSBA's comments on the proposed rule. Questions regarding our comments should be directed to Whitney Riggs at wriggs@nsba.org.

Sincerely,

A handwritten signature in black ink, reading "Thomas J. Gentzel". The signature is written in a cursive style with a large, stylized initial "T".

Thomas J. Gentzel
Executive Director & CEO