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Re: Administrative Reviews in the School Nutrition Programs

Dear Ms. Brewer:

Thank you for the opportunity to comment on the USDA Food and Nutrition Service (FNS) proposed rule regarding Administrative Reviews in the School Nutrition Programs.

The California Food Policy Advocates (CFPA) is a statewide policy and advocacy organization dedicated to improving the health and well-being of low-income Californians by increasing their access to nutritious, affordable food. CFPA has worked to strengthen the federal nutrition programs for over 20 years through administrative advocacy at the state and federal level and by sponsoring state legislation. CFPA is dedicated to increasing participation in as well as quality and appeal of the federal school meal programs. With over 6.2 million public school students in California¹, we recognize the vast potential of school meal programs to positively impact food security, health, and well-being of California's students.

Overall, we are supportive of USDA's efforts to implement a uniform Administrative Review (AR) system and to require that the reviews be made available to the public. We support the expansion of the AR to include other federal programs as well as "readily observable" areas for the on-site review.

CFPA has a number of recommendations to strengthen this proposed rule. Specifically, we recommend that the USDA:

- Solicit feedback from stakeholders on the new FNS prescribed forms, tools and instructions, as well as the format for fulfilling the transparency requirement.
- Encourage State agencies to customize the AR to go beyond the mandated areas of review, for example, to monitor Smarter Lunchrooms techniques.
- Further expand the General Areas of Review to include, (1) metrics measuring food quality, appeal, and student acceptance, and (2) the monitoring of existing requirements established under state law.
- Provide additional direction and emphasis on the role of the State agency to provide ongoing guidance and technical assistance to sites.
- Require that the AR results be communicated to the public in an accessible and easy to understand manner, such as through an online, searchable database.
- Require the AR results be accessible from the school and district websites and posted at the school site in the languages that represent the school communities.
- Move quickly to propose the transparency requirement under Section 209 of the Healthy, Hunger-Free Kids Act, and ensure consistency between transparency requirements of Sec. 204, 207 and 209.

¹ Fingertip Facts on Education in California - CalEdFacts, *Number of Students in Public School by Grade Range: 2013-14*. Available at: <http://www.cde.ca.gov/ds/sd/cb/ceffingertipfacts.asp>

Stakeholder Input and Engagement

CFPA is supportive of requiring State agencies to use FNS prescribed forms and tools for the AR. We view common tools as the first step to ensuring that data and information is reported in a consistent manner that allows for meaningful comparisons between SFAs and across time.

- ➔ **USDA should solicit feedback from stakeholders on the new FNS prescribed forms, tools and instructions, as well as the format for fulfilling the transparency requirement.**

Should FNS prescribed forms be required, stakeholders should have input in the content of those forms, tools and instructions through an open comment period. Similarly, we recommend USDA solicit stakeholder input on the best format for fulfilling the transparency requirement. A variety of stakeholders should be engaged in the process, such as federal, state and local program staff; State agencies; administrators; food service directors; advocates; teachers; parents; and the community.

Areas of Review

While we support the use of FNS prescribed tools and forms, we are concerned that the requirement may discourage, or be interpreted as limiting the ability of, State agencies to monitor and collect information outside of what is required in this proposed rule or included on the FNS forms.

- ➔ **We recommend that USDA encourage, through the final rule and corresponding tools, forms and instructions, customization of the AR to go beyond what is mandated.**

The AR is an excellent opportunity to monitor and educate SFAs on practices that encourage student consumption of school meals, such as Smarter Lunchrooms techniques, effective marketing, and the preparation of 'scratch cooked' and freshly prepared school meals. Waste reduction efforts, such as food sharing tables, labelling of 'safe to eat later' items, and community food donation programs could also be monitored and encouraged during the AR process.

- ➔ **In addition to encouraging customization of the AR, we recommend USDA further expand the General Areas of Review to include:**

- 1. Metrics measuring food quality, appeal and menu acceptance.**

A review of the "school nutrition environment"² would be incomplete without the inclusion of metrics to evaluate food quality, appeal and menu acceptance. Improving quality, appeal and acceptance of foods are strategies to reduce plate waste and ensure that children eat the nutritious meals they are provided.

- 2. The monitoring of requirements established under state law.**

States should not only be required to assess their compliance with federal law but their own state laws pertaining to School Nutrition Programs. For example, several states have legislation requiring adequate time to eat. This is the type of "readily observable" information that could easily be included in SFAs on-site monitoring processes.

² 7 CFR 210.18(m) of this proposed rule requires that a summary of the final review of the school nutrition environment be posted on the State agency's Web site.

- ➔ **We urge USDA to continue to emphasize the role of the State agency to provide ongoing guidance and technical assistance to SFAs and school sites.**

The AR process is one of the few times that State agency personnel visit SFA sites to review and monitor the quality and compliance of the Federal Child Nutrition Programs. These site visits provide an invaluable opportunity to provide SFAs with guidance, technical assistance and troubleshooting to resolve program issues. We urge USDA to strongly encourage State agencies to utilize the AR on-site visits as a means of communicating best practices to improve the child nutrition programs, and not just a monitoring process for fulfilling the minimum requirements.

Transparency Requirement

We support the proposed requirement for State agencies to report a summary of the final results of the administrative review online and to the public.

- **We recommend that the AR results are communicated to the public in an accessible and easy to understand manner, such as through an online, searchable database.**

In a recent survey conducted by CFPA, we found overwhelming support from school food stakeholders for making AR results available to the public in an easily understood manner. Almost all respondents reported a preference for viewing AR results online in a searchable database. USDA should thoroughly investigate potential formats for fulfilling the transparency requirement and engage stakeholders in the process.

- **We recommend USDA require the AR results be accessible from the school and district websites and posted at the school site (e.g., front office or main entrance) in the languages that represent the school communities.**

Transparency at the site level will do more to ensure that each school is held accountable for providing an adequate school nutrition environment. Wellness committees, parents and other advocates should be able to easily access AR results at the local level and in the languages that represent the school communities.

- **We urge USDA to move quickly to propose the transparency requirement under Section 209 of the Healthy, Hunger-Free Kids Act, to ensure consistency between transparency requirements of Sec. 204, 207 and 209.**

We see great potential for collaboration between the AR process (Sec. 207) and the ability to monitor, collect and report on the school nutrition environment as required in Sec. 209 and 204 of the Healthy, Hunger-Free Kids Act (HHFKA). At a minimum, it is important that there is consistency between how authorities, such as schools, LEAs and SFAs, report on the school nutrition environment. We urge the USDA to consider how to most effectively and efficiently integrate these elements as we move forward with implementing HHFKA.

We would be pleased to provide more information regarding these and other issues. For questions, please contact Anna Colby at anna@cfpa.net or 213.482.8200 ext. 204.

Sincerely,



Anna Colby, MS, MPP