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Julie Brewer  
Chief, Policy and Program Development Branch, Child Nutrition Division  
Food and Nutrition Service, Department of Agriculture  
3101 Park Center Drive, Room 640  
Alexandria, Virginia 22302-1594

Docket ID: FNS-2011-0025

**Re: Certification of Compliance with Meal Requirements for the National School Lunch Program under the Healthy, Hunger-Free Kids Act of 2010.**

Dear Ms. Brewer:

Thank you for the opportunity to comment on the FNS interim final rule for certifying compliance with the new meal requirements for the National School Lunch Program (NSLP). California Food Policy Advocates (CFPA) is a statewide organization dedicated to improving the health and well being of low-income Californians by increasing their access to nutritious, affordable food. The benefits of participating in the NSLP and School Breakfast Program (SBP) are significant for low-income children and adolescents, and we applaud USDA for taking bold steps to align school menus with the latest Dietary Guidelines for Americans. Furthermore, phasing in several aspects of the meal pattern as well as the financing improvements provided by S. 3307, are measures that will help mitigate potential costs without undermining FNS's major goals – expanding participation and raising nutritional standards. It is important that school food authorities (SFAs) be certified for the additional six cent reimbursement starting October 1, 2012. In addition to the performance-based reimbursement, it is also important that SFAs incorporate strategies, which we will share as part of our comments, that will not only support implementation of the new meal pattern but also ensure the operation of a sustainable and successful school meals program.

Updating the meal pattern is more critical than ever because so many students - more than 32 million - depend on school meals everyday, and for some students this is the only meal they will have in a day. We, therefore, strongly support the interim final rule, and respectfully submit the following comments.

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### Overview

We commend USDA for taking a balanced approach in designing a certification rule that does not undermine the intent of the Healthy, Hunger Free Kids Act (HHFKA) nor creates an unnecessary burden for SFAs. The provisions outlined in the rule, such as having three different options to demonstrate compliance with the meal standards, are ones that are sensible for both state agencies and SFAs and provide enough flexibility so as to not discourage SFAs from raising their breakfast and lunch nutrition standards nor participating in the SBP. Although the rule states that “non-compliance with the breakfast requirements...would not be a basis for cessation of the performance-based reimbursement,” we are hopeful that once the new breakfast standards are phased in starting 2013 that FNS will ensure the same rigorous enforcement of the new standards for the SBP as for the NSLP.

### Reporting and Record Keeping

We strongly support the reporting and record keeping provision of the interim final rule as it helps with making the NSLP and SBP more transparent to stakeholders. Requiring quarterly reports from state agencies, including the total number of SFAs in the state, the names and locations of certified SFAs, and the total number of lunches earning the performance-based reimbursement in each SFA, will provide parents and community members the ability to monitor the progress of their school district. The rule does not specify how this information will be available, but we strongly encourage FNS to provide guidance to state agencies on how to best make this information available (e.g., on SFAs’ website, school accountability report card, etc.) to students, parents, and community members and how to utilize this information to foster enthusiasm for the new school meal standards. In addition, we look forward to the development of the upcoming rule on Sections 207 and 209 of the HHFKA, and working with FNS to determine how those provisions can be implemented to further provide transparency for how well schools are complying with school meal standards and implementing school wellness policies.

### FNS Technical Assistance to State Agencies

As written in the interim rule, “FNS and the National Food Service Management Institute (NFSMI) are developing technical assistance resources and training to help school food service staff improve menus, order appropriate foods to meet the new meal requirements, and control costs while maintaining quality.” These are helpful resources for school districts to have as they work to implement the new standards and approve the appeal of their program. We suggest that FNS and NFSMI also assemble resources and trainings that prepare school food service staff to be able to understand the changes to the meal program and explain menu changes to students in order to encourage students to make healthy choices. Food service staff are a critical part of ensuring successful implementation and sustainability of the new meal pattern since they are the face of the program and are in a position to interact with students.

Additionally, FNS and NFSMI should ensure that state agencies are preparing SFAs to work with students to engage them in changing the menu, identifying favorite recipes

through taste tests, and other strategies to include students in the process of adopting the new meal pattern standards and evaluating the success of the new foods. Behavioral Economics or “Smarter Lunchroom” strategies are a powerful low- or no-cost way of creating environments in which the healthy choice is the easy choice for students to make, and SFAs could greatly benefit from resources that support implementation of these strategies.

The interim rule states, “resources and training materials being developed include identifying and purchasing whole grain-rich foods, lowering sodium in menus, and understanding and meeting the new meal pattern requirements.” CFPA suggests that resources and training materials should also include standardized recipes that meet the new meal standards and are for a variety of different levels of cooking ability so that SFAs can use them to prepare freshly made food that is appealing to students. FNS and NFSMI should encourage school districts to look at how they can increase the amount of freshly prepared food, such as salad bars, as well as center of the plate entree items, thereby improving the appeal of the meal program.

In addition to the methods listed in the interim rule such as webinars and online learning modules through which FNS plans to distribute trainings, we strongly encourage FNS and NFSMI to use peer-to-peer learning methods which is a popular and effective way for SFA directors to learn new practices from each other’s experiences.

The above suggestions will ensure that FNS, state agencies and SFAs meet the goal to improve the quality of meals and ensure sustained compliance with the new meal pattern requirements.

#### Conclusion

We thank you for the opportunity to provide comments on FNS’s interim final rule on the certification process for the new NSLP meal patterns and nutrition standards. Swift certification of the new meal pattern will help safeguard the health of the 32 million students who participate in the school meal programs. We are committed to the success of the new school meal standards and offer our assistance as FNS moves forward with improving the nutritional quality and appeal of school meals. Please contact Ariana Oliva if we can provide any additional information or clarification. She can be reached at 213-482-8200 or [ariana@cfpa.net](mailto:ariana@cfpa.net).

Respectfully,

George Manalo-LeClair, MSW

Executive Director  
California Food Policy Advocates