



Child Nutrition & Wellness

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Testimony

Growing a Healthy Next Generation: Examining Federal Child Nutrition Programs

Committee on Education and Labor
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Good morning, Madame Chair, Ranking Member Comer, and members of this committee. I am Cheryl Johnson, Director of the Kansas State Department of Education's (KSDE) Child Nutrition & Wellness team. I have been the State Director since August 2010 and led the implementation of the Healthy, Hunger-Free Kids Act of 2010. It included 52 provisions making historic changes to give students healthier meal options. The Kansas Child Nutrition & Wellness team administers the following USDA Child Nutrition Programs: the National School Lunch Program, School Breakfast Program, Special Milk Program, Afterschool Snack Program, Child and Adult Care Food Program, Summer Food Service Program, and the Fresh Fruit and Vegetable Program to promote the health and well-being of children. Currently, I also lead the administration of competitive grants awarded by USDA including two Team Nutrition grants, a Technology Innovation Grant and the Child and Adult Care Food Program Meal Pattern Implementation Grant in addition to a Wellness Policy Implementation Grant awarded by the Kansas Health Foundation. Thank you for inviting me to speak today and for your interest in making sure students have access to healthy meals that impact student success.

Overview

Child Nutrition Programs provide a strong safety net for children by ensuring their nutrition needs are met while also providing nutrition education. The Food and Nutrition Service of the United States Department of Agriculture administers Child Nutrition Programs at the Federal level. At the State level, the Child Nutrition Programs are administered by State Agencies, which operate the programs through agreements with local sponsoring organizations, including School Food Authorities. At the state level, we have five major responsibilities: (1) program approval, (2) regulatory oversight, (3) technical assistance, (4) education and skill development, and (5) payment of reimbursement and grant funds to Local Educational Agencies. Providing nutrition staff with quality education, skill development and technical assistance results in compliance and excellent programs with integrity. To that end, the Child Nutrition & Wellness team offers a wide variety of professional development opportunities. In FY 2018, registrations for classes and workshops exceeded 16,000. My team works to administer and implement the federal Child Nutrition Programs so that Local Education Agencies, Residential Child Care Institutions, Summer Food Service Program Sponsors and Child Care Facilities provide participants with nutritious and appealing meals, comply with federal and state requirements, operate efficient and effective programs and contribute to growing a healthy next generation leading to lifelong benefits.

Federal Reimbursement

Schools that participate in the school nutrition programs receive reimbursement from USDA for each meal and or snack served to eligible students based on their free, reduced price, or paid status. Current National School Lunch Program reimbursement rates are: free lunch, \$3.41; reduced price lunch, \$3.01 and paid lunch, \$0.4125. Schools that are certified to be in compliance with the Program meal pattern receive an extra 6 cents per lunch served. The extra 6 cents is included in the rates listed above. All Kansas schools are certified as meeting the federal meal pattern requirements. USDA Foods also contribute to school meals currently at the rate of \$0.2350 per lunch. In return, schools must serve meals and/or snacks that meet federal meal pattern requirements, and offer the meals at a free or reduced price to eligible children.

Nutrition Standards

Decisions about the specific foods to serve and the methods of preparation are made by local School Food Authorities. Nutrition Standards are based on the *Dietary Guidelines for Americans* and the science-based recommendations made by the Institute of Medicine. The Nutrition Standards for School Meals are a food-based menu planning system based on a meal pattern containing specific food group components. These components are meat/meat alternate, vegetables, fruits, grains and milk. Schools must offer the food components in specified quantities to meet nutrition goals. Portion sizes are established for three age/grade groups.

The USDA Final Rule *Child Nutrition Programs: Flexibilities for Milk, Whole Grains, and Sodium Requirements* (FNS-2017-0021) increased menu planning flexibility in the National School Lunch Program, School Breakfast Program, and other Federal child nutrition programs effective School Year 2019-2020. The rule:

- Provides the option to offer flavored, low-fat milk to children participating in the school meal programs, and to participants ages six and older in the Special Milk Program for Children and the Child and Adult Care Food Program;
- Requires that half of the weekly grains in the school lunch and breakfast menu be whole grain-rich; and
- Provides more time to reduce sodium levels in school meals.

Kansas schools are doing an excellent job implementing the nutrition standards and serving tasty meals but have expressed appreciation for these small tweaks to the nutrition standards. Many have indicated that they will continue to offer more than the minimum required 50% whole grain-rich products. Schools welcome the opportunity to reintroduce favorite items of students which had been removed from the menu due to lack of acceptance when made with a whole grain-rich ingredient. Homemade macaroni and cheese and chicken and noodles are two examples. Industry has been working hard to reduce sodium levels in food products. This final rule provides more time for research and development of tasty options that students will eat. Allowing flavored, low-fat milk to be offered as a milk choice may result in increased consumption. As the Director of a State Agency, it is appreciated when flexibilities are put into permanent regulation as opposed to being allowed via a waiver. Waivers take a great deal of State Agency and Local Educational Agency resources to write, process, review for approval and then collect and report data.

Smart Snacks in Schools

The Healthy, Hunger-Free Kids Act of 2010 gave USDA the authority to regulate other foods in the school environment. Sometimes called “competitive foods”, these include foods and drinks sold in a la carte lines, vending machines, snack bars, concessions stands and fundraisers during the school day. Monitoring foods sold outside the school nutrition program has increased time required to complete the State Agency Administrative Review and increased the recordkeeping burden for the Local Educational Agency to track nutritional content of foods sold outside the school meal programs. Currently not all food items, only the entrée, that are a part of the reimbursable meal are allowed to be sold a la carte. This is confusing to school personnel and students. For example, broccoli with cheese served as part of the reimbursable meal, cannot be sold separately on the a la carte line.

Administrative Reviews

Monitoring to ensure compliance and program integrity is an important responsibility of the State Agency. Currently, law requires State Agencies to conduct Administrative Reviews of all Local Educational Agencies that operate the National School Lunch Program at least once during a three-year review cycle. The Kansas State Department of Education has allowed full use of federal funds resulting in the Child Nutrition & Wellness team being adequately staffed to complete the required reviews in the 3-year review cycle. I would like to express appreciation to USDA FNS for adopting customer service as a strategic priority and listening to concerns from state agency directors across the country. The recent policy memo SP 12-2019: Flexibility for the Administrative Review Cycle Requirement provides guidance to State Agencies who have determined that the 3-year review cycle hinders effective allocation of State Agency resources and negatively impacts program management. USDA FNS will allow State Agencies to request waivers of the 3-year review requirement and extend the review cycle. This is another instance where a waiver is required and it would reduce State Agency burden if this could be put into regulation.

Streamlining and Need for Consistency

This same policy memo also noted that USDA FNS “strongly encourages” State Agencies to coordinate internally when they administer multiple programs to identify opportunities to streamline the review and participation requirements for Child Nutrition Programs. Specifically, USDA FNS encourages states to allow Local Educational Agencies to align Child Nutrition Program administrative activities and perform different monitoring activities concurrently, such as administering Procurement Reviews and Administrative Reviews at the same time. KSDE currently aligns the Procurement Review with the Administrative Review to decrease burden for Local Educational Agencies per request. This has taken increased State Agency resources to provide technical assistance and has increased the length of the Administrative Review for State Agencies and Local Educational Agencies.

In Kansas, we are working to streamline the review and program renewal processes. An increasing number of Local Educational Agencies who participate in the School Nutrition Programs are now also implementing the Summer Food Service Program and the Child and Adult Care Food Program. To decrease burden on the Local Educational Agency, KSDE is working to develop one application for multiple programs instead of three separate applications. Local Educational Agencies administering multiple programs have indicated they could operate more efficiently if their site review and reporting requirements could be streamlined. Burden could be reduced in administering the Summer Food Service Program in rural communities and access increased if flexibilities were available regarding congregate meal requirements.

While many of the Child Nutrition Program regulations are the same, it is challenging to streamline when there are miniscule program differences. This causes a great deal of confusion when a Local Educational Agency administers multiple programs. It would be helpful if there could be consistency between programs. Examples include:

- The Child and Adult Care Food Program meal pattern for Pre-K requires more meat/meat alternate than the meal pattern for K-5 in the National School Lunch Program.
- Milk fat and flavor requirements are not consistent between programs. In the Summer Food Service Program, there are no restrictions on fat content or flavor of milk served. Flavored milk cannot be served in the Child and Adult Care Food Program. The National School Lunch Program allows skim and low-fat flavored and unflavored milk as long as there is one unflavored option.
- The National School Lunch Program allows 2 ounce equivalent grain based desserts per week, while the Child and Adult Care Food Program does not allow any grain based desserts. For instance, granola bars cannot be served for Child and Adult Care Food Program At-Risk Afterschool Meals but students can have a granola bar as a part of the National School Lunch, Breakfast and Afterschool Snack Programs.

Resource Management

In the past, the main focus of school nutrition staff was to provide tasty and healthy meals to students. The additional regulations regarding resource management – Indirect Costs, Paid Lunch Equity, Allowable Costs, Revenue for Non-Program Foods, and Maintenance of the Non-Profit Food Service Fund – have made program administration more complex. This has resulted in early retirements and fewer applicants for vacant Food Service Director positions. KSDE is providing skill development in all areas of the Resource Management section of the Administrative Review. Even with additional instruction and resources, this area of the Administrative Review has been challenging for both State Agency and Local Educational Agency staff. Kansas Local Educational Agencies have appreciated the recent Paid Lunch Equity flexibility for those with a positive balance in the Food Service Fund as of December 2018 as provided in the 2019 Appropriations Bill and they have indicated it would be helpful to be in regulation.

Sufficient Lead Time for Policy Changes

It is essential to have sufficient lead time to work with Local Educational Agencies once regulatory guidance is received. For example, many Local Educational Agencies begin the procurement process for the next school year in the winter of the current school year. When policy memos and guidance are provided in spring or summer for the upcoming school year, it is challenging to effectively procure and secure competitive pricing. I have appreciated the recent willingness by USDA to include State Agency and Local Educational Agencies (Food Service Directors, Administrators, School Boards and Parent Teacher Organizations) in discussions to obtain input regarding policies and guidance prior to final release. Consulting with local stakeholders regarding the realities of implementation is effective.

Professional Standards

The Healthy, Hunger-Free Kids Act of 2010 required USDA to establish a program of required education and professional development for school food service directors and State directors; and required professional development for local school food service personnel. The Professional Standards are intended to ensure that school nutrition professionals who manage and operate the National School Lunch Program and School Breakfast Program have adequate knowledge and training to meet program requirements. Requiring set qualifications provides program operators with the knowledge and tools necessary to improve menu planning and service, reduce eligibility and counting errors, and enhance program integrity. On Friday, March 1, the Food and Nutrition Service published a Final Rule entitled, "Hiring Flexibility Under Professional Standards." This final rule added four flexibilities to the hiring standards for new school nutrition program directors in small Local Educational Agencies and new school nutrition program State directors under the professional standards regulations. These helpful changes are expected to expand the pool of candidates qualified to serve as leaders in the school nutrition programs while continuing to ensure that school nutrition professionals are able to perform their duties effectively and efficiently.

Conclusion

The Child Nutrition Reauthorization Act, known as the Healthy, Hunger-Free Kids Act of 2010, provided historic changes in child nutrition programs to give students healthier meal options. Implementation of this law has resulted in increased consumption of fruits and vegetables and whole grains and strengthened school wellness policies. The healthier school environments have positively impacted student success. Schools are leading culture change to instill healthy habits for a lifetime. Child Nutrition Professionals have a passion for making sure students have access to healthy, safe and tasty meals. Ensuring that these professionals can efficiently and effectively serve students these meals is critical to the programs and children's lifelong success.