
KIDS' SAFE & HEALTHFUL FOODS PROJECT

July 10, 2015

Julie Brewer
Chief, Child Nutrition Policy and Program Development Division
Food and Nutrition Service
U.S. Department of Agriculture
2101 Park Center Drive, Room 1212
Alexandria, Virginia 22302

Docket ID: FNS 2014-0111

Re: Comments on RIN 0584-AE30 Administrative Reviews in the School Nutrition Programs

Dear Ms. Brewer:

The Kids' Safe and Healthful Foods Project (KSHF) offers these comments in support of the U.S. Department of Agriculture's (USDA's) proposed rule on Administrative Reviews in the School Nutrition Programs. KSHF, a collaboration of The Pew Charitable Trusts and the Robert Wood Johnson Foundation, aims to prevent childhood obesity by increasing access to safe and healthful school foods and beverages for our nation's schoolchildren. We commend USDA's proposed rule to revise state agency administrative review processes to establish a unified accountability system designed to ensure that participating school food authorities (SFAs) comply with National School Lunch Program (NSLP) and School Breakfast Program (SBP) requirements. We anticipate that the proposed changes will strengthen program integrity for monitoring school nutrition program operations, and we respectfully submit the following comments for consideration.

Support for an off-site review approach

We support the proposal to allow some administrative review activities to be conducted off-site, rather than during the on-site portion of the review. These activities may include identifying the sites for review, reviewing documentation (e.g., the SFA's counting and claiming procedures or student certifications), and examining the SFA's menus and production records. Particularly in larger states like California, Texas, and Alaska, a major barrier to administrative review efficiency is the wide geographic area that state agency staff must travel to reach SFAs. Combined with the frequency of the 3-year review cycle, this can lead to staff turnover and require additional training resources from state agencies. We believe the inclusion of an off-site review approach for some of the elements would allow for more flexibility for the state agency staff, as well as reduce labor and travel costs. State agencies would still be able to validate any review activities conducted off-site during the on-site portion of the review.

However, we urge USDA to consider building and piloting an optional universal software system that state agencies could implement, as any off-site review activity will be dependent on proper technology in the state office. An investment in such a system, along with training and technical assistance, would allow off-site reviews to be performed more easily and consistently across states. It may also have additional benefits beyond administrative reviews, such as enabling the state agency to track student eligibility certifications if a student moves to a different SFA. The West Virginia Department of Education's Office of Child Nutrition employs such a system; it allows the agency to track eligibility, claiming, and evaluation online. Other states could benefit from a similar system, but they lack the resources to build it independently. A universal system available to those who need it—but not required of those who have already developed one—would be beneficial.

Expanding the scope of the general review

Operating a school nutrition program is complex, and state agencies play a key role in ensuring their effective implementation and compliance. As a result of updates to child nutrition programs following the 2010 Healthy, Hunger-Free Kids' Act, previous review requirements under USDA's Coordinated Review Effort (CRE) and School Meals Initiative (SMI) review processes are no longer adequate. Therefore, we strongly support the proposal retaining key existing CRE and SMI requirements, but also expanding the general areas of review for a more comprehensive monitoring process.

New general areas would include resource management, competitive food services, water, SBP and Summer Food Service Program (SFSP) outreach. In addition, the proposal would add reviews of other federal nutrition programs, including the NSLP's after-school snack program and seamless summer option, the Special Milk Program, and the Fresh Fruit and Vegetable Program.

1. **Resource Management:** Adding resource management to the general areas covered in a review would ensure the SFAs are utilizing financial resources efficiently and complying with existing requirements for maintenance of the nonprofit foodservice account, paid lunch equity, revenue for nonprogram foods, and indirect costs. We understand that the resource management general review area would not include procurement, so we urge USDA to seek input from stakeholders (i.e., state agency staff, school food service directors, administrators, and vendors) when developing the proposed separate review process for the state agencies to monitor compliance with procurement requirements.
2. **Competitive Foods:** We strongly support including a review of competitive foods compliance to ensure that schools are meeting nutrition standards for snacks and beverages sold outside of meal service. However, we request additional clarification from USDA on how this portion of the review will be conducted. Competitive foods compliance is dependent not only on foodservice directors, but also administrators and other school staff. Foodservice directors should not be held solely accountable for fundraisers and other competitive foods and beverages sold outside their purview. We also urge USDA to update the administrative review guidance for competitive foods when the final rule for Local School Wellness Policy Implementation is published.

3. **Other Federal Programs:** We strongly support including other federal programs in the administrative review. While this proposed change will likely increase work for state agency staff, we believe it will promote integrity among all of the programs. We support the proposal to introduce risk assessment protocols into the general review to target at-risk schools and/or districts, as this would prioritize limited state agency resources during the review process (e.g., states would only have to conduct comprehensive resource management reviews or targeted menu assessments if an SFA meets certain high-risk criteria established by USDA).

Although we support expanding the general scope of the review to include those additional elements, we suggest that USDA work with state agency staff and school nutrition directors to identify any elements of the existing review that may not be essential to ensuring best practices. Given the frequent three-year review cycle and in the absence of any additional funding, this would help manage the workload for state administrators performing reviews.



Transparency requirement

We support the proposed transparency requirement to require state agencies to make the final results of each SFA administrative review available to the public, as this requirement was included in the HHFKA. However, we urge USDA to provide clarification and guidance on the format and anticipated use of this information.

Currently, state agencies' public websites vary widely in their quality and content. Building a technology platform to support this new requirement will require some states to work within the format and structure of their existing department's website. Other states, however, will need to identify funds to build and maintain a website. Both of these circumstances will require significant time and resources for initial pre-launch beta testing and quality control and later ongoing care and feeding of the site. Therefore, we encourage USDA to allow a phased-in approach to ensure site functionality. We support USDA providing a template to help states create or modify their websites, but USDA should consider the additional training and technical assistance required to support the complex underpinnings of the state agencies' sites that are generally part of the broader state-wide system. An additional suggestion is that USDA select a few states to pilot test the template in order to identify challenges and develop a process to better support all agencies as they adjust to this new requirement later. In general, USDA should provide states enough time to implement this requirement. During the initial rollout period, it may not be feasible for state agencies to post review summaries within 30 days after they provide the final results of the administrative review to the SFA. USDA should allow additional flexibility and provide technical assistance to help states meet this new requirement.

We also urge USDA to provide clarification on which portions of the administrative review will be publically posted online. The proposed rule suggests a summary of the review will include eligibility and certification review results, an SFA's compliance with the meal patterns and the nutritional quality of school meals, the results of the review of the school nutrition environment (including food safety, local school wellness policy, and competitive foods), compliance related to civil rights, and general program participation. We suggest USDA convene a representative group of state agencies and bring together additional stakeholders that may include foodservice

directors, administrators, and parents to determine the intended consequences of publically posting this information and how it will be used by various stakeholders. The group should also consider unintended consequences, such as foodservice programs lowering the quality of their meals to drive program participation numbers. If the intent of publically posting a summary of the administrative review online and making the full detailed report available to the public upon request is to promote transparency and accountability in program operations, USDA should collect preliminary data on how parents and other stakeholders understand and use this information. Furthermore, USDA should create universal web language that states can link to or embed within their own sites that clearly explains the context of the publically displayed information, including clear and concise definitions or descriptions. USDA should also ascertain whether users of the site will find a comment/question box a useful dialogue vehicle to have with the state agency, and if so, how such an “inbox” will be monitored by the states.

Additional recommendation

Given the increased workload associated with conducting and disclosing administrative reviews with greater scope and frequency while still offering significant training and technical assistance to achieve program success, it is critical that state agencies have adequate staffing. We recommend that USDA work with a representative sample of state agency leaders to assess staffing needs and develop model recommendations for states to use in developing staffing plans. This guidance, along with attention to state compliance with full use of federal funds, will be critical to ensuring that states are able to achieve update review standards.

Conclusion

The Kids’ Safe and Healthful Foods Project supports USDA's proposed rule addressing administrative reviews in the school nutrition programs. We commend FNS for developing this proposed rule to revise the state agency’s administrative review process to strengthen the integrity of federal child nutrition programs, while also providing new flexibilities and efficiencies for state agencies. We are committed to the success of all state and local nutrition directors as they administer and operate the programs that bring healthy meals and snacks to schoolchildren.

Sincerely,



Jessica Donze Black, RD, MPH
Director, Kids’ Safe and Healthful Foods Project
The Pew Charitable Trusts

