

ADMINISTRATIVE REVIEWS IN SCHOOL NUTRITION PROGRAMS

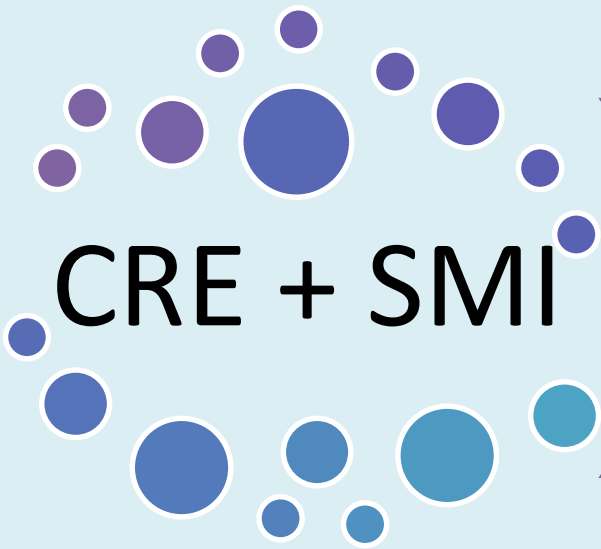
Final Rule

Released: July 23, 2016

Effective 60 Days from Publication

Primarily updates 7 CFR 210.18

Already adopted by State agencies



CRE + SMI



Final Rule

SMARRT TEAM

48 Comments

No significant changes from Proposed to Final Rule



Streamlines 2 review processes

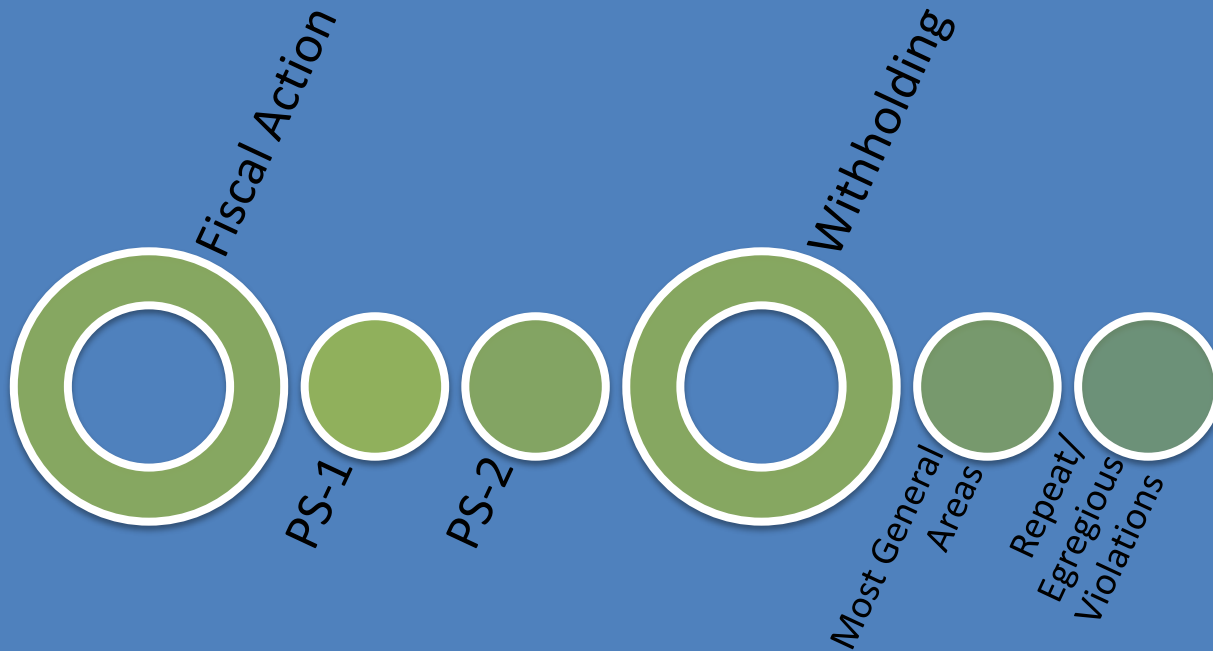
Off-site and On-site Review
Activities

Risk Based Tools and Processes
used

**Free and
Reduced
Price
Certifications**

100%

**Statistically
Valid Sample**



SFA Annual Onsite Monitoring

SBP

Readily
Observable
Areas

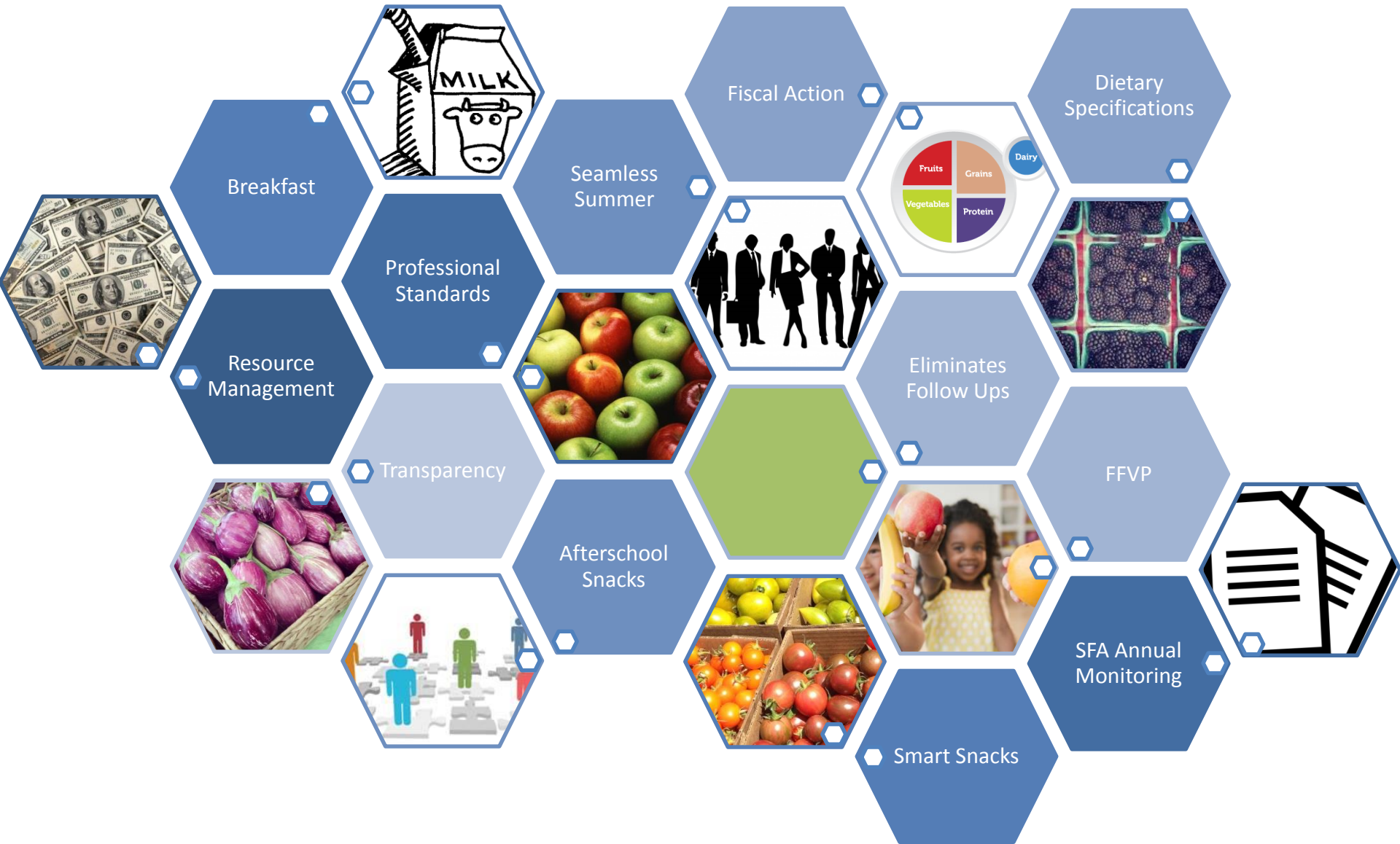
50% Annually

Meal Pattern & Dietary Specifications

Risk
Assessment

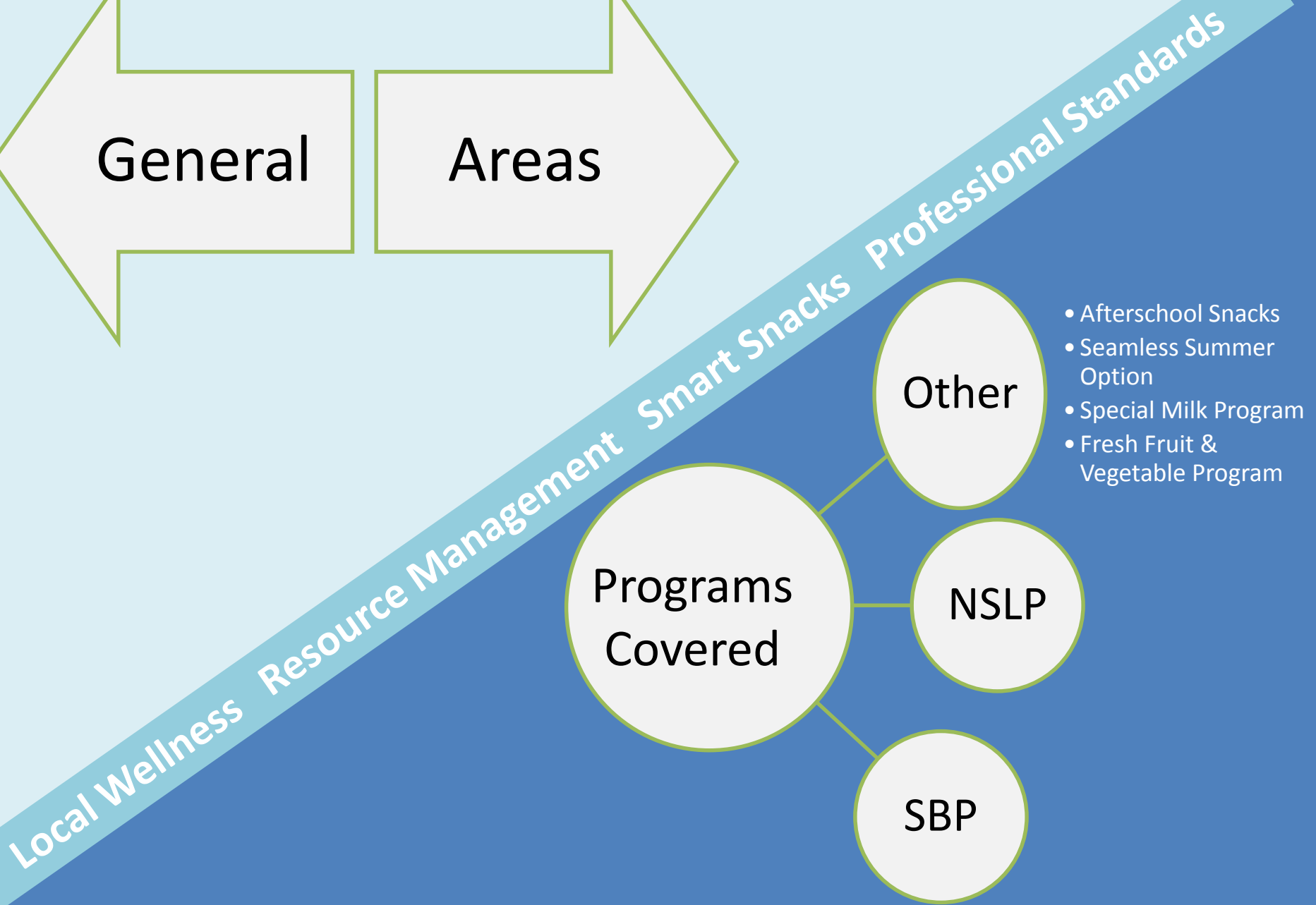
Targeted
Menu Review

Weighted
Nutrient
Analysis

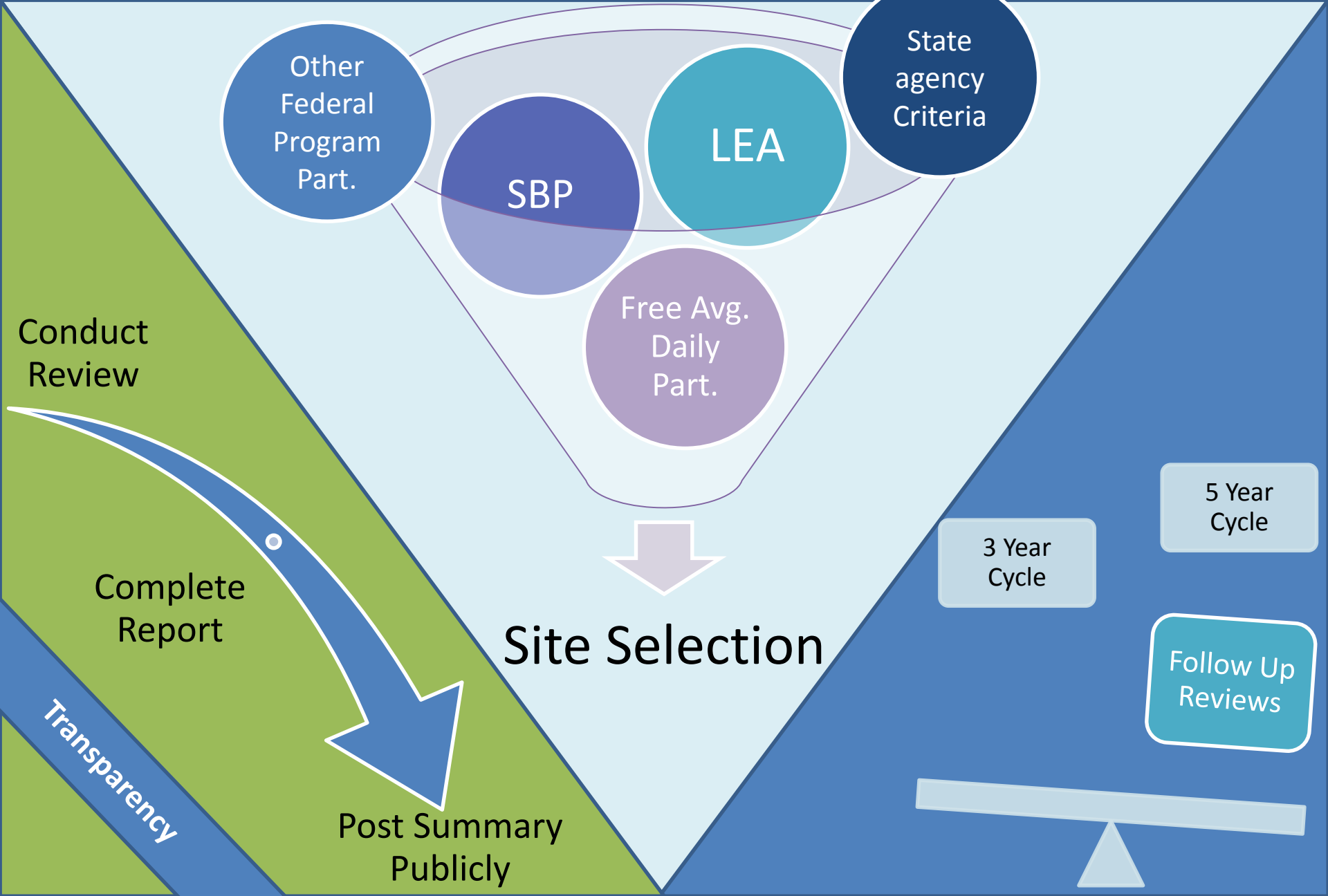


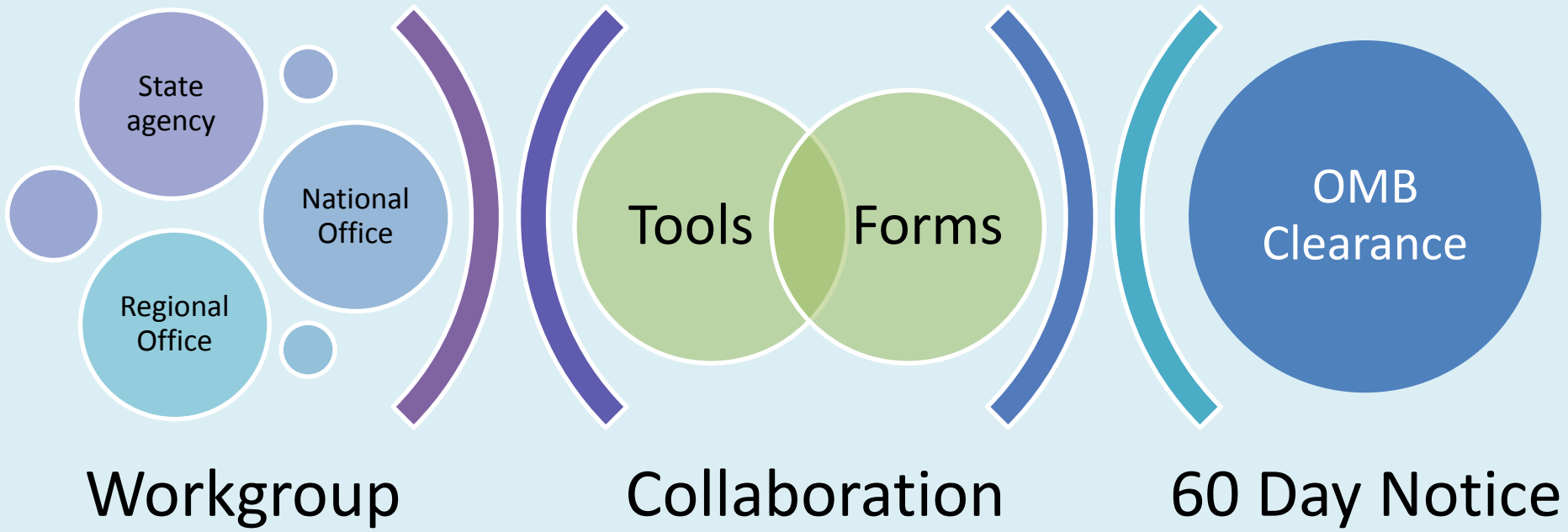
General

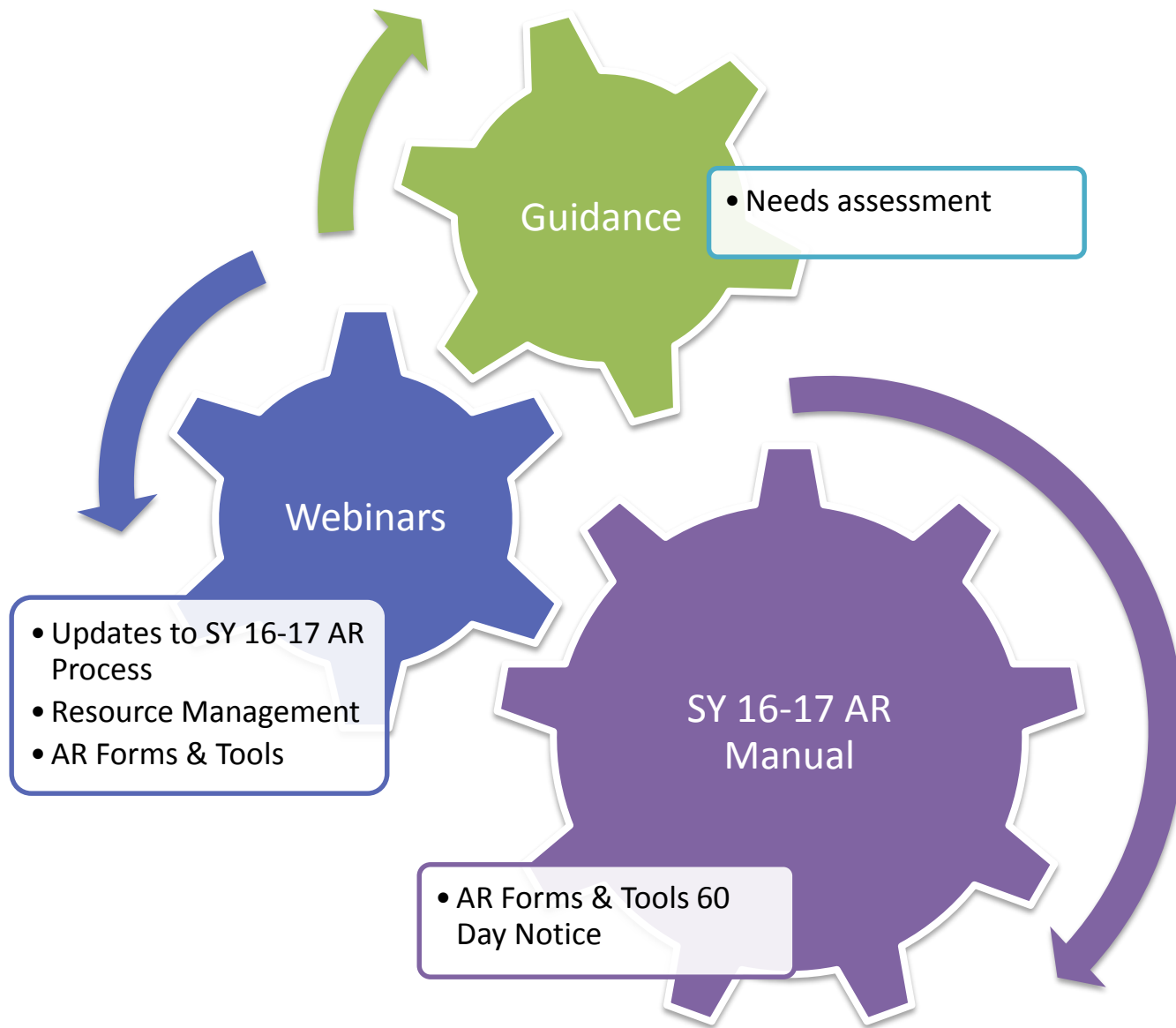
Areas



- Afterschool Snacks
- Seamless Summer Option
- Special Milk Program
- Fresh Fruit & Vegetable Program







Questions



Local School Wellness Policy Implementation Under the Healthy, Hunger-Free Kids Act of 2010



Background

- The Child Nutrition and WIC Reauthorization Act of 2004 required a local wellness policy (LWP) by SY 2006
- By SY 2010-2011, the vast majority of districts had a LWP in place, but strength and enforcement varied
- The Healthy, Hunger-Free Kids Act of 2010 (HHFKA) strengthened the LWP requirements
- LWP implementation under the HHFKA requires new policies to be in place by **July 1, 2017**



Wellness Policy Leadership



New: One or more LEA or school official(s) must be designated to ensure LWP compliance

- LWP must identify the position title of the LEA or school official(s) responsible for oversight

Public Involvement

New: Must permit certain groups to participate in LWP development, implementation, review and updates:

- Parents and guardians
- Students
- SFA representatives
- PE teachers
- School health professionals
- School board
- School administrators
- The general public



Nutrition Promotion and Education

LWP must include goals for:

- **New:** Nutrition promotion
 - Contests and surveys
 - Information for families
 - Nutrition and health posters
- Nutrition education
 - Integrating nutrition into classes
 - Promoting skill development



Activity Goals

LWP must set goals for:

- Physical Activity
- Other School-Based Activities:
 - HealthierUS School Challenge
 - Staff wellness training
 - Health fairs
 - School gardens



Evidence-Based Strategies



New: Must review and consider evidence-based strategies:

- “Smarter Lunchrooms Movement”
 - Using creative names for fruits and vegetables
 - Placing unflavored milk in front of other beverage choices
 - Bundling “grab and go” meals that include healthy options

Nutrition Guidelines for all Foods



LWP must include:

- Standards and nutrition guidelines for all foods and beverages available, but not sold
- Must be consistent with:
 - Meal pattern regulation
 - Smart Snacks regulation

Food and Beverage Marketing

New: Must only permit the marketing of foods and beverages allowed under Smart Snacks standards

- Does not apply to marketing that occurs at events outside of school hours



LWP Marketing Policies

Apply To:

- The exterior of vending machines
- Posters
- Menu boards
- Coolers
- Trash cans
- Cups used for beverage dispensing

Do Not Apply To:

- Personal clothing
- Personal items
- Packaging of products brought from home
- Educational tools

Triennial Assessment

New: Must conduct an assessment of the LWP every 3 years, at minimum

- Results of the assessment must be made available to the public
- Assessment should determine:
 - Compliance with the LWP
 - How the LWP compares to model LWPs
 - Progress towards LWP goals



Recordkeeping

Must maintain records to document compliance, including:

- The written LWP;
- Documentation demonstrating compliance with community involvement;
- Documentation of the triennial assessment; and
- Documentation of public notification.



Informing the Public



New: LEAs must:

- Inform the public about the content and implementation of the LWP
- Update or modify the LWP as appropriate
- Make updates available to the public annually

State Agency Monitoring and Oversight

- State agencies are required to ensure compliance with LWP requirements
- LWP monitoring is included as part of the Administrative Review



Implementation Timeline

LEAs must comply with
LWP requirements by
June 30, 2017

Technical Assistance and Resources

- USDA's **“School Nutrition Environment and Wellness Resources”** website:
<http://healthymeals.nal.usda.gov/school-wellness-resources>
 - Local School Wellness Policy Process
 - Required Wellness Policy Elements
 - Healthy School Nutrition Environment
 - Samples, Stories, and Guidance
 - Research Reports
 - Grants/Funding Opportunities
 - Model Policies



COMMUNITY ELIGIBILITY PROVISION

Final Rule
Overview

Policy
Updates



WHAT IS THE COMMUNITY ELIGIBILITY PROVISION?



- The Community Eligibility Provision, or **CEP** allows high poverty schools to serve free meals to all enrolled students for up to four school years
- Individual schools, groups of schools, or entire school districts may elect CEP, provided they meet the participation requirements

WHAT MAKES CEP DIFFERENT?

- CEP eliminates household applications and the need to collect money from students
- Relies on data matching (direct certification) with other assistance programs, like the Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF)
 - At least 40% of enrolled students must fall into this category, known as the Identified Student Percentage (ISP)



HOW DOES CEP WORK?

- ISP is multiplied by a factor of 1.6 to determine the % of total meals served that will be reimbursed at the Federal **FREE** rate
 - 1.6 multiplier approximates free and reduced % if applications were still collected
- The remaining % of total meals is reimbursed at the Federal **PAID** rate
- If $ISP > 62.5$, all meals reimbursed at FREE rate
($62.5 \times 1.6 = 100$)
- Costs in excess of Federal assistance must be covered using non-Federal funding sources

CEP HISTORY

- CEP was a key provision of the **Healthy, Hunger-Free Kids Act of 2010** (P.L. 111-296); its statutory language is contained in Sec. 104 of the legislation
- The law required CEP to be phased in over a three year pilot-testing period, beginning in SY 2011-2012:
 - SY 2011-2012: IL, KY, MI
 - SY 2012-2013: NY, OH, WV, DC
 - SY 2013-2014: GA, FL, MD, MA
 - SY 2014-2015: **Nationwide implementation**



MORE CEP HISTORY

- A **Proposed Rule** was published in the *Federal Register* on November 4th, 2013. (78 FR 65890)
 - 78 public comments received
 - Comments were overwhelmingly positive
- A **Final Rule** was published in the *Federal Register* on July 29, 2016
 - Codifies many provisions of the proposed rule and largely reflects existing policy and guidance
 - Available at:
<http://www.fns.usda.gov/school-meals/fr-072916a>.



PUBLIC COMMENTS SUMMARY

- **78 comments received (71 substantive)**
- **Supportive (65):**
 - Increases access to school meals and reduces stigma associated with participation
 - Increases participation
 - Correlation between healthy school meals and academic success
 - Reduces administrative burden/cost for schools and households
- **Neutral (3)**
 - Requested clarification on specific provisions
- **Opposition (3):**
 - Decisions about what to eat during school day should be up to parents and children
 - Concerns about:
 - financial distress to schools and opportunity for abuse
 - unintended unequal effect on private schools due to their lack of resources

CHANGED AND NEW
PROVISIONS IN THE
CEP FINAL RULE

SFA VS. LEA

Proposed Rule

- Regulatory text uses the term “school food authority” or SFA

Final Rule

- Regulatory text uses the term “local educational agency” or LEA

Citation: 7 CFR 245.9

ANNUAL DATA MATCHING

Proposed Rule

- Requires LEAs electing CEP to conduct direct certification only in the year prior to the first year of a CEP cycle, or if seeking to update the ISP in subsequent years

Final Rule

- Requires LEAs operating CEP, Provision 2, or Provision 3 to conduct a data match between the Supplemental Nutrition Assistance Program and student enrollment records **at least annually**
- More frequent matches/matches with additional programs encouraged

Citation: 7 CFR 245.6(b)(1)(v)

STATE AGENCY REVIEW

Proposed Rule

- Requires LEA to seek concurrence of CEP eligibility from the State agency

Final Rule

- Requires State agencies to “confirm” an LEA’s eligibility to elect CEP

Citation: 7 CFR 245.9(f)(4)(ii)

CEP GROUPS

Proposed Rule

- Permits LEAs to elect CEP and determine the ISP for an entire district, a group of schools, or a single school.

Final Rule

- Maintains provisions of the proposed rule; and
- Clarifies that *individual schools* in a CEP group may have an ISP of less than 40%, as long as the ISP for the *entire group* is at least 40%.

Citation: 7 CFR 245.9(f)(3)(i)

NON-FEDERAL FUNDS

Proposed Rule

- Requires LEAs to pay, from non-Federal sources, the difference between the cost of serving breakfasts and lunches to all students at no charge and the Federal reimbursement.

Final Rule

- Requires LEAs to pay, from non-Federal sources, the difference between the cost of serving breakfasts and lunches to all students at no charge and the *total amount of assistance received under the NSLA and CNA*.

Citation: 7 CFR 245.9(f)(4)(vii)

4-YEAR CYCLES

Proposed Rule

- When beginning a new 4-year CEP cycle, LEAs establish a new ISP as of April 1 of the 4th year of the current CEP cycle.

Final Rule

- Maintains provisions of the proposed rule; and
- Clarifies that LEAs may opt to update their ISP as of April 1 and begin a new 4-year CEP cycle in *any cycle year* (i.e. years 1-3).

Citation: 7 CFR 245.9(f)(4)(viii)

CEP GRACE YEAR

Proposed Rule

- Permits an LEA in the 4th year of a CEP cycle with an ISP $< 40\%$ but $\geq 30\%$ to continue using CEP for a 5th (grace) year
- During the grace year, the ISP used is the lower ISP calculated as of April 1st of the prior year, *not* the ISP used during the 4-year cycle

Final Rule

- Maintains provisions of the proposed rule; and
- Clarifies that the 1.6 multiplier is used to calculate claiming percentages during the grace year

Citation: 7 CFR 245.9(f)(4)(ix)

PUBLICATION/NOTIFICATION

Proposed Rule

- Requires State agencies to make available to the public by May 1 of each year lists of LEAs and schools eligible to elect CEP.

Final Rule

- Maintains provisions of the proposed rule; and
- Clarifies that State agencies must ensure availability of eligibility lists until the following May 1, when new eligibility lists are published.

Citation: 7 CFR 245.9(f)(7)(iii)

TRANSFER OF ELIGIBILITY

Proposed Rule

- Requires a student's access to free meals be extended for up to 10 operating days when transferring from a **CEP school** to a non-CEP school in the **same** LEA
- Recommended, but not required, for student transfers **between** LEAs

Citation: 7 CFR 245.9(I)

Final Rule

- Requires a student's access to free meals be extended for up to 10 operating days when transferring from **any Provision school** to a non-Provision school in the **same** LEA
- State agencies have **discretion** to extend this access to up to 30 operating days
- By July 1, 2019, this requirement is extended to all similar transfers **between** LEAs

CARRYOVER OF ELIGIBILITY

Proposed Rule

- Not addressed in proposed rule

Final Rule

- State agencies have discretion to allow LEAs to provide up to 30 operating days of free meals to students who attended **any provision school** for the prior school year
- May include carryover eligibility between schools in the **same** LEA and **between** LEAs

Citation: 7 CFR 245.6(c)(2) and 245.9(l)

3 SIGNIFICANT CHANGES

1. Requiring DC annually
2. Transfer Eligibility
3. Carryover Eligibility



**CEP NEWS AND
ANNOUNCEMENTS**

WHAT'S NEW AND ON THE HORIZON



- Updated CEP Resources:
 - SP 54-2016 *Community Eligibility Provision: Guidance and Updated Q&As* (9/9)
 - SP 61-2016 *Fall 2016 Edition: Community Eligibility Provision: Planning and Implementation Guidance* (9/30)
- *Federal Register* notice on CEP data collection
 - Plan to introduce CEP data collection into FPRS
- CEP Program Evaluation Study

CEP RESOURCE CENTER

- Includes:
 - Policy guidance
 - Program requirements/information
 - Reimbursement estimator tool
 - Grouping tool
 - CEP guidance from other Federal agencies
 - CEP guidance manual



GO TO:

<http://www.fns.usda.gov/school-meals/community-eligibility-provision-resource-center>

QUESTIONS



SMART
SNACKS
IN SCHOOL



Statutory Requirements

The Healthy, Hunger-Free Kids Act

- Create science-based nutrition standards
- Consistent with most recent Dietary Guidelines for Americans
- Applied to foods sold outside of school meals, on school campus, throughout the school day



Statutory Requirements

Special Considerations

- Authoritative scientific recommendations
- Existing State, local, and voluntary school nutrition standards
- Practical application of the standards, and
- Special exemptions for school-sponsored fundraisers

Final Rule

Published – July 2016

- Adopts, with some modifications, the regulations established by the interim final rule
- Codifies specific policy guidance issued after publication of the interim rule

Final Rule

Published – July 2016

- Retains total fat standard as interim and requests further comment on this single standard
- Adds a specific exemption to the total fat and saturated fat standard for eggs
- Modifies the exemption to the General Standards for canned vegetables to exempt low sodium and no-salt added vegetables with no added fat
- Consistent with the 2015-2020 Dietary Guidelines for Americans



Requesting Comments on Total Fat

- Dietary Guidelines do not include a key recommendation for total fat
- Requests to make the fat standards consistent with the updated nutrition standards for school meals
- Seeking clarification on whether the total fat should be eliminated or modified

Nutrition Label and Added Sugars

- FDA final rule modifies future Nutrition Facts Labels to include added sugars
- USDA plans to consider this newly available nutrition facts label information and its impact on the Smart Snacks standards



Implementation and Support

Please visit and share our Smart Snacks in School home page for up-to-date resources:

<http://www.fns.usda.gov/healthierschoolday/tools-schools-focusing-smart-snacks>



Making Healthy Easy!



Questions



Updated CACFP Meal Pattern Requirements: Final Rule



Final Rule Published – April 25, 2016!

- Updates the meal pattern requirements for infants, children, and adults
- Implementation by October 1, 2017



Final Rule Highlights

- Greater variety of vegetables and fruits
- Less added sugars and solid fats
- More whole grains
- Tofu and soy yogurt
- Support for breastfeeding mothers



Early Implementation

- At discretion of State agencies
- Based on their training and monitoring capacity
- Choice of options:
 - Select provisions
 - Entire updated meal pattern
- Until October, 2017 - meals that meet current meal pattern cannot be disallowed

Training and Resources

- Meal Pattern Training Curriculum
 - “Train-the-trainer” for State agencies
- Presentations at CACFP Conferences
- Policy Memos and Guidance
- Team Nutrition Resources





How To Apply

- [Contact State Agency](#)
- [Income Eligibility](#)
- [Reimbursement Rates](#)

Browse by Subject

- [Federal Register Documents](#)
- [Legislation](#)
- [Policy](#)
- [STREAMLINE_CACFP!](#)
- [Press Releases](#)
- [Regulations](#)
- [Guidance and Resources](#)
- [CN Labeling](#)
- [Food Safety](#)
- [Research & Reports](#)
- [Disaster Assistance](#)
- [Unpaid Meal Charges](#)

Other Resources

- [Capacity Builder Map](#)
- [CACFP Handbooks](#)
- [CACFP Meal Patterns](#)
- [School Meals](#)

Child and Adult Care Food Program (CACFP)

[Print](#)

CACFP provides aid to child and adult care institutions and family or group day care homes for the provision of nutritious foods that contribute to the wellness, healthy growth, and development of young children, and the health and wellness of older adults and chronically impaired disabled persons.

Through CACFP, more than 3.3 million children and 120,000 adults receive nutritious meals and snacks each day as part of the day care they receive.

See how CACFP can make a difference in the quality of your program! Whether you are a provider in your home, at a day care center, in an afterschool care program, or in an emergency shelter, you will find many useful resources for serving nutritious meals and snacks.

▪ [Tell me about CACFP](#)

Here's an overview of how CACFP fits into the FNS safety net to improve access to food and a

How To Apply

- > [Contact State Agency](#)
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Child and Adult Care Food Program (CACFP)



Nutrition Standards for CACFP Meals and Snacks



Centers and day care homes offering meals through the Child and Adult Care Food Program (CACFP) play a critical role in supporting the wellness, health, and development of children, older adults, and chronically impaired disabled persons through the provision of nutritious foods. Child care providers, in particular, have a powerful opportunity to instill healthy habits in young children that serve as a foundation for healthy choices in life.

Through the [Healthy, Hunger-Free Kids Act](#), championed by the First Lady and signed by President Obama, USDA made the first major changes in the CACFP meals and snacks since the Program's inception in 1968, which will help ensure children and adults have access to healthy, balanced meals and snacks throughout the day. The new CACFP nutrition standards will help safeguard the health of children early in their lives and improve the wellness of adults.

Under the new CACFP nutrition standards, meals and snacks served will include a greater variety of vegetables and fruit, more whole grains, and less added sugar and saturated fat. In addition, the standards encourage breastfeeding and better align the CACFP with the [Special Supplemental Nutrition Program for Women, Infants, and Children \(WIC\)](#) and with other [Child Nutrition Programs](#).

The new standards for meals and snacks served in the CACFP are based on the [Dietary Guidelines for Americans](#), science-based recommendations made by the National Academy of Medicine, cost and practical considerations, and stakeholder's input. These improvements are expected to enhance the quality of meals served in CACFP to help young children learn healthy eating habits early on in their lives and improve the wellness of adult participants.

USDA is providing guidance, resources, best practices, and training for CACFP centers and day care homes to support them in providing healthy, balanced meals and snacks to the children and adults they

New Meal Standards

The updated meal standards for the CACFP are available for public inspection and will be published in the Federal Register on Monday, April 25, 2016. CACFP centers and day care homes must comply with the new meal standards by October 1, 2017.

Regulations

- [Child and Adult Care Food Program: Meal Pattern Revisions Related to the Healthy, Hunger-Free Kids Act of 2010, Final Rule](#)
-- [Press Release](#)

One-Page Summaries of the New Meal Standards

- [Infants](#)
- [Children and Adults](#)
- [Best Practices](#)

New Meal Standards Charts

- [Infants](#)
- [Children](#)
- [Adults](#)

Previous Meal Standards

CACFP centers and day care homes may continue to comply with the earlier meal standards as they transition to the new meal standards. However, all aspects of meals served through the CACFP must meet the new standards no later than October 1, 2017. Information on the previous meal standards can be found at the links below.


Previous Meal Standards Charts

- [Infants](#)
- [Children](#)
- [Adult](#)

CACFP Fact Sheets



Best
Practices



Infant
Meal
Pattern



Meal
Pattern



Cost
Comparison

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UPDATED CHILD AND ADULT CARE FOOD PROGRAM MEAL PATTERNS: INFANT MEALS

USDA recently revised the CACFP meal patterns to ensure children and adults have access to healthy, balanced meals throughout the day. The changes to the infant meal pattern support breastfeeding and the consumption of vegetables and fruit without added sugars. These changes are based on the scientific recommendations from the National Academy of Medicine, the American Academy of Pediatrics and stakeholder input. CACFP centers and day care homes must comply with the updated meal patterns by October 1, 2017.

UPDATED INFANT MEAL PATTERN:



Encourage and Support Breastfeeding:

- Providers may receive reimbursement for meals when a breastfeeding mother comes to the day care center or home and directly breastfeeds her infant; and
- Only breastmilk and infant formula are served to infants 0 through 5 month olds.



Developmentally Appropriate Meals:

- Two age groups, instead of three: 0 through 5 month olds and 6 through 11 month olds; and
- Solid foods are gradually introduced around 6 months of age, as developmentally appropriate.



More Nutritious Meals:

- Requires a vegetable or fruit, or both, to be served at snack for infants 6 through 11 months old;
- No longer allows juice or cheese food or cheese spread to be served; and
- Allows ready-to-eat cereals at snack.



UPDATED CHILD AND ADULT CARE FOOD PROGRAM MEAL PATTERNS:

CHILD AND ADULT MEALS



USDA recently revised the CACFP meal patterns to ensure children and adults have access to healthy, balanced meals throughout the day. Under the updated child and adult meal patterns, meals served will include a greater variety of vegetables and fruit, more whole grains, and less added sugar and saturated fat. The changes made to the meal patterns are based on the Dietary Guidelines for Americans, scientific recommendations from the National Academy of Medicine, and stakeholder input. CACFP centers and day care homes must comply with the updated meal patterns by October 1, 2017.

Updated Child and Adult Meal Patterns



Greater Variety of Vegetables and Fruits

- The combined fruit and vegetable component is now a separate vegetable component and a separate fruit component; and
- Juice is limited to once per day.



More Whole Grains

- At least one serving of grains per day must be whole grain-rich;
- Grain-based desserts no longer count towards the grain component; and
- Ounce equivalents (oz eq) are used to determine the amount of creditable grains (starting October 1, 2019).



More Protein Options



CHILD AND ADULT CARE FOOD PROGRAM: BEST PRACTICES

The updated CACFP meal patterns lay the foundation for a healthy eating pattern for children and adults in care. USDA also developed optional best practices that build on the meal patterns and highlight areas where centers and day care homes may take additional steps to further improve the nutritional quality of the meals they serve. The best practices reflect recommendations from the Dietary Guidelines for Americans and the National Academy of Medicine to further help increase participants' consumption of vegetables, fruits, and whole grains, and reduce the consumption of added sugars and saturated fats.

CACFP Best Practices

USDA highly encourages centers and day care homes to implement these best practices in order to ensure children and adults are getting the optimal benefit from the meals they receive while in care:



Infants

- Support mothers who choose to breastfeed their infants by encouraging mothers to supply breastmilk for their infants while in day care and offer a quiet, private area that is comfortable and sanitary for mothers who come to the center or day care home to breastfeed.



Vegetables and Fruit

- Make at least 1 of the 2 required components of a snack a vegetable or a fruit.
- Serve a variety of fruits and choose whole fruits (fresh, canned, dried, or frozen) more often than juice.
- Provide at least one serving each of dark green vegetables, red and orange vegetables, beans and peas (legumes), starchy vegetables, and other vegetables once per week.



Grains

- Provide at least two servings of whole grain-rich grains per day.



Meat and Meat Alternates

- Serve only lean meats, nuts, and legumes.
- Limit serving processed meats to no more than one serving per week.

- [Infants](#)
- [Children](#)
- [Adults](#)

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[Previous Regulations](#)

Guidance and Technical Assistance

- [Nutrition and Wellness Tips for Young Children](#)
- [Feeding Infants: A Guide for Use in the Child Nutrition Programs](#) (currently being revised to reflect new infant meal standard requirements)
- [Local Foods and Related Activities in the Child and Adult Care Food Program](#)
- [Team Nutrition Resource Library](#)
- [Healthy Meals Resource System](#)
- [MyPlate](#)
- [Using the Updated Meal Patterns to Lower Costs](#)

Last Published: 10/14/2016

USING THE UPDATED MEAL PATTERNS TO LOWER COSTS



The updated CACFP meal patterns lay the foundation for children and adults in care to learn healthy habits that can last a lifetime. CACFP centers and day care homes can actually save money while implementing the updated, healthier meal patterns. Don't believe it? Check out these examples and tips!

Note: Centers and day care homes must comply with the updated meal patterns by October 1, 2017.



EXAMPLE 1: CHILD BREAKFAST (AGE 1-2)

Save 4 cents per meal!

CURRENT	UPDATED
1/2 cup whole milk 1/4 cup banana 1/4 cup cereal	1/2 cup whole milk 1/4 cup banana 1/2 large egg
Average meal cost: \$0.46	Average meal cost: \$0.42

Meat and meat alternatives can substitute for the grains requirement at breakfast three times per week and save some money. **Tip:** Look for lower cost items like eggs.



EXAMPLE 2: CHILD LUNCH (AGE 3-5)

Save 6 cents per meal!

CURRENT	UPDATED
3/4 cup low-fat chocolate milk 1 1/2 oz. chicken breast 1/2 slice white bread 1/4 cup strawberries 1/4 cup carrots	3/4 cup low-fat plain milk 1 1/2 oz. chicken breast 1/2 slice whole wheat bread 1/4 cup orange slices 1/4 cup broccoli
Average meal cost: \$1.24	Average meal cost: \$1.18

