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Alexandria, VA, 22312

Re: FNS Docket No. ED-2022-0043, RIN 0584-AE88, Child Nutrition Programs: Revisions to meal patterns consistent with the 2020 Dietary Guidelines for Americans

Dear Ms. Namian,

On behalf of AASA, The School Superintendents Association, representing more than 10,000 public school superintendents, we write to offer comments in response to Child Nutrition Programs: Revisions to Meal Patterns Consistent with the 2020 Dietary Guidelines for Americans. While we appreciate the proposed phased-in approach and FNS's recognition that change of this magnitude requires time, we are concerned with the impact of these new standards on student participation levels and the financial cost of these programs to schools.

We can all agree on the importance of students having the healthy meals they need to learn and grow. However, we must recognize that meals are only healthy when students eat them. The changes outlined in the proposed rule will force schools to serve unpalatable meals to students. As superintendents experienced in the past, it increases the likelihood that students will opt to either not eat at all or bring lower-quality food from home—undermining the sole purpose of the school meal programs to keep kids fed. Additionally, when the meals are not appealing to students, those who rely on these meals become the only ones participating in the program—exacerbating the stigma associated with the program for young students.

As participation decreases, the overall cost of the program increases. Additionally, transitioning to the new proposed standards will also require: 1) purchasing new products that, if available, are likely to be more expensive; and 2) providing new training to staff on the new standards which takes time and money. Both of these realities reflect increased costs that can push the school meals program 'into the red'; once the program is in the red, superintendents find themselves having to cut funding from other educational services to cover the cost of these new standards. The financial cost of the new standards must be recognized and addressed which is why **FNS must work with Congress to ensure that the necessary funding is available to schools before the implementation of these standards begins.**

When it comes to the issue of palatability and its impact on participation the proposed reductions to sodium are our greatest concern. Many school districts are already struggling to meet the current sodium standards in place and provide food to students that they are willing to eat. **We urge FNS to maintain the current sodium limits and not move forward with any further reductions.**

It is also important to recognize the varying contexts and circumstances of school districts across the country. While some districts have a large school nutrition staff with fully equipped kitchens, others have one school nutrition professional with minimal space and equipment capable of only warming food. While some districts have enormous purchasing power with the ability to work with many vendors, others struggle to get the basic products they need due to their location. A degree of flexibility should be granted to districts in meeting these standards based on their circumstances, similar to the current flexibility provided to districts in recognition of supply chain disruptions.

We commend USDA for their Healthy Meal Incentive Grants aimed to support small and rural districts in improving the nutritional quality of their food. But these districts cannot be expected to successfully implement these standards, until these resources are provided to all districts.

**Keeping the above factors in mind, please find our additional technical feedback on USDA's proposal below:**

- **Added Sugars:** We recognize the need to put a limit on added sugars in school meals to promote healthier meals for students. In an effort to mitigate the impact of limiting grain based desserts in school breakfast, we recommend a return to the menu planning option of two grains or one grain and one protein, or two proteins. The availability of products to meet the sugar limits will rely on manufacturers and vendors to reformulate the products they sell to schools. This may inadvertently result in manufacturers adding more artificial sweeteners to food products, too. We encourage USDA to work with the food industry to ensure affordable, nutritious, and palatable products are available for schools to purchase.
- **Flavored Milk:** We encourage FNS to allow districts to decide which of the two proposed options they want to follow; districts could elect their preferred option and inform their state agency before the beginning of the school year. However, allowing districts to still have the option to adhere to the current rule and offer flavored milk to all students to encourage more milk consumption would be the most helpful. From a palatability perspective, younger children may opt not to drink milk at all if they do not have flavored milk options.
- **Whole Grains:** We encourage FNS to allow districts to decide which option they want to follow to meet the 80% whole-grain-rich requirement for school meals; districts could elect their preferred option and inform their state agency before the beginning of the school year. Some districts may find it easier to comply with one option over the other, depending on their unique supply chain, staffing, and menu-planning circumstances and needs. Allowing districts an option to have a "carve-out" day to offer other enriched grains that are not whole-grain rich could potentially address some palatability concerns to improve student meal participation, as many students are still reluctant to eat whole wheat crusts or tortillas for pizza or tacos. This option also provides flexibility for schools to offer more authentic, culturally inclusive foods that do not traditionally use whole-grain ingredients. However, it may cause complications for menu planning if there is an unexpected school closure and a shortened school week due to inclement weather or another emergency, so more guidance may be required from FNS on how the 80% would be calculated in terms of allowing one day per school week to be exempt from whole-grain meal requirements.

• **Sodium:** As stated above, we strongly recommend that FNS does not move forward with the sodium limits proposed in the updated changes. Districts will not be able to meet these limits and provide meals that students are willing to consume. It will have an adverse affect on student hunger and district finances. Until the commercial palate changes, schools cannot be expected to limit sodium to the levels proposed.

If FNS *must* make further limitations on sodium, we recommend starting at Target 1a and then use an incentive for districts that can meet Target 2 from the Healthy, Hunger Free Kids Act (HHFKA) with it being mandatory to be at Target 2 by school year 28-29. An incentive for districts if they meet Target 2 prior to the 28-29 school year will be a positive encouragement to move in that direction. We do not support going any further than Target 2 in the HHFKA for this rulemaking.

We understand the many pressures on FNS to continue to move the needle on the nutrition standards. However, those perspectives are devoid of any real experience of what these standards actually look like on the ground and what they mean for most districts. Nutrition is a key part of success for all students, but we must be realistic in what is possible.

If we want to accomplish the goal of healthier, more nutritious meals USDA and Congress must provide sustained investments in school meal programs to allow districts to hire, train and retain qualified staff; build or expand school kitchens; and purchase the necessary equipment for scratch cooking. Districts that will meet these standards easily are those with sufficient resources that provide the ability to craft menus that are appealing to students and comply with the standards. Until our schools have equitable kitchen facilities, staffing and funding, districts will continue to struggle or be unable to serve meals that students will readily consume and ameliorate their students' food insecurity.

Thank you for the opportunity to provide comments on this important issue. We hope through this rulemaking process that we are able to find a reasonable compromise that can ensure districts are serving healthier food to the same number of students who currently participate in our meal programs. We look forward to continued collaboration with USDA and finding opportunities to work together to improve the federal school meals programs.

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