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TO: School Food Service Managers/Directors

FROM: Frances N. O'Donnell, Coordinator

SUBJECT: Reauthorization 2004

Some of the Child Nutrition Programs (CNPs), such as the Summer Food Service Program (SFSP) and Women, Infant and Children (WIC) undergo reauthorization every five years. While the National School Lunch Program (NSLP) and the School Breakfast Program (SBP) are permanently authorized, Congress, nutrition advocates, and others use it as an opportune time to amend, revise and/or tweak the NSLP and SBP. When changes to the programs were being discussed over the past few years, the United States Department of Agriculture (USDA) and Congress had the following goals, which were the driving forces behind Reauthorization 2004:

1. Improving program accessibility for students and parents
2. Promoting a healthier U.S. by promoting a healthier school environment
3. Ensuring program integrity

As a result, Public Law 108-265 will require substantial changes in the CNPs that will impact the administration of these programs for years to come. All changes originate at the federal level, not the State. Some are in effect for this school year (2004-05) and others will be phased in. The law contains 78 provisions, which amend the National School Lunch Act and/or the Child Nutrition Act. Twenty-one of these new provisions will require changes in regulations.

Provisions included in this law are the result of compromise. The law, which passed unanimously, was a bipartisan effort in a very partisan and confrontational climate. Although USDA, the School Nutrition Association (formerly ASFSA), and State Agencies are not happy with some of the provisions, unless these provisions were included, the whole law would have been vetoed. It went as a package! As a result, there are probably parts that may or may not be liked; however, this is what we will have to live with unless Congress changes it, because it is the law!

Major areas affected include: milk (*variety of fat contents of milk offered, nutritionally equivalent non-dairy substitutes, the sale of milk on school premises and/or during school events*), the direct certification process, applications (*"parent-friendly" format, categorical eligibility, households applications/year-round eligibility*), verification (*what you do this school year during the verification process will significantly impact your verification efforts for 2005*), food safety (*health*

inspections and Hazard Analysis Critical Control Points (HACCP)), Summer Food Service Programs (*Seamless Summer and the Lugar Pilots*), severe need costing for breakfast, local wellness policy, and irradiated foods.

The language of the statute for 2004, had to be budget neutral (no expansions and no cuts) as well as accommodate priorities. Even if there were no changes, additional monies would be needed to retain current law, which are planned to come from program integrity changes to the certification process. Once a law is passed, regulations are crafted. In some cases, regulations just implement current policy. In other cases, before final regulations are implemented, USDA will request comments. It is strongly recommended that you take advantage of opportunities to comment; however, make sure you understand the issue and while it is important to specify what you don't like; it is more important to suggest improvements and/or describe what additional clarifications are needed.

Some of the provisions in Public Law 108-265 are not funded. In order to be enacted, funds will need to be appropriated. Although some people are happy such provisions were included in the law, it is important to keep in mind that unless dollars are behind them, they will not happen! In order to get the monies to fund some of the unfunded provisions, the Appropriations Committee will need to include the items in a budget bill.

Due to the large federal deficit, there could also be a reconciliation bill next year to address costs. It is important to keep in mind that the CNPs are entitlements, which means if the program grows and serves more children, monies will be there for the additional meals. The CNPs are not capped by a dollar amount such as WIC. What the impact will be and what pieces of the CNPs will be affected are not known at this time. It is important to keep in mind that CNPs are not immune from cuts.

Although some of the proposed changes are still being discussed in Washington, seven "preliminary" meetings were held across the state during November 2004 to give school food authorities a "heads up" so they are better prepared to administer their Child Nutrition Programs. In addition, as more information becomes available, Reauthorization 2004 updates will be posted on the Child Nutrition Website and future reauthorization meetings will be held. If you have any questions and/or require additional assistance, please feel free to contact your child nutrition representative.