

April 7, 2014

Julie Brewer, Chief
Policy and Program Development Branch
Child Nutrition Division
Food and Nutrition Service
3101 Park Center Drive
Alexandria, VA 22302

Dear Ms. Brewer:

On behalf of AASA, The School Superintendents Association, representing more than 10,000 school superintendents across the country, I am writing to share our comments in response to the proposed rule published by the Food and Nutrition Service, titled *Professional Standards for State and Local School Nutrition Program Personnel as Required by the Healthy, Hunger-Free Kids Act of 2010*. School superintendents understand the importance of fostering a healthy and positive learning environment. AASA's response to this proposed rule—like that of our responses to previous rules and regulations related to this law—is largely shaped by the unfunded mandates the rule would bring to local education agencies (LEAs).

AASA supports the overall goals to end childhood hunger and address the epidemic of childhood obesity in the Healthy, Hunger-Free Kids Act (PL 111-296). We are keenly aware of the need for good nutrition for all students and recognize its important role in helping advance student achievement. While AASA could not support the reauthorization of the child nutrition bill as passed, we had remained hopeful that the regulation and implementation process would provide an avenue for addressing concerns with the underlying bill, an opportunity that has yet to arise.

AASA's concern with the fiscal impact this law would have on LEAs has grown continually deeper as we have watched the law and its subsequent regulations—including higher meal standards, competitive foods, and indirect cost guidance, among others—place ever-increasing strain on school district budgets. Heading into the next school nutrition reauthorization, AASA will support and advocate for transparency to ensure that rules and regulations are cost-neutral and do not place unfair burden on the nation's schools, whether fiscal or administrative.

Speaking generally to national certification/training requirements for food service personnel, they place an unfair burden on school districts, especially those school districts that do not have a dedicated staff person serving in that position. For small and rural school districts it is often the school district business manager or principal who has the responsibility of overseeing the school food service program. Adding federal requirements to these already hard-to-fill positions will create even greater problems for rural and small schools. In No Child Left Behind (the current version of the Elementary and Secondary Education Act), these same schools had to deal with the adverse impact of the unfair national standard of "highly qualified teachers." This made it difficult for school districts to comply with the federal law and created additional challenges for staffing. AASA remains opposed to the creation of a new national standard that does not take into account the individual staffing situations of local school districts and remains concerned that even with the proposed 'grandfathering' provisions, the proposed regulations undermine the expertise and flexibility of local school districts to best fill their staffing needs.

State and Local Leadership: AASA has a strong commitment to state and local leadership when it comes to training, certification and staffing in school districts. Just as we would express deep concern if the federal government were to propose certification/training requirements for classroom teachers, so, too do we question the need for federal

requirements for food service personnel. At the same time, we recognize that there are aspects of school nutrition and food service that align with jobs in the nutrition/health field, an area that does have a more expansive role for the federal government in its certification and training.

- AASA urges FNS to adopt a final rule that list the professional standards and training requirements as recommendations to guide state and local policies, not mandates. This strikes a delicate balance between setting a standard to aim toward, acknowledging the need for state and local leadership, and minimizing the unfunded fiscal burden while also meeting in the middle on the absolute nature of local/state hiring and training within schools and the less-centralized hiring/training requirements associated with jobs that overlap the health field. More succinctly, to the extent that there is no funding for the proposed training requirements, they should not be mandatory; federal requirements should come with appropriate federal resources.
- When it comes to general training and education requirements for directors, managers and staff, AASA urges FNS to recognize state certificates as an acceptable replacement for the planned FNS certificate program. We would be open to the idea that some state certificates may need some modifications, but think that an absolute elimination of state certificates as a proxy for the new FNS certificate is unnecessarily exclusive and redundant.

Flexibility: AASA has long advocated that flexibility can be as good as new resources, in that it empowers school district leaders—those best positioned to know what the district needs, what it has, and what it can do—to leverage state, local and federal resources most effectively. It's simple: the district is best positioned to determine the best candidate for an available position.

- AASA applauds FNS for recognizing that districts of different sizes have not only different needs but also different capacities. We also support the proposed concept of 'grandfathering' employees already in the system.
- AASA is concerned with FNS's failure to build flexibility into the education requirements. While the aforementioned 'grandfathering' provision is a step in the right direction, the fact remains that there are many instances where workers will have work experience that may not only substitute, but surpass, a degree. AASA urges FNS to adopt a final rule that includes an element that accounts (through either an exception or substitution) for individuals with experience but not the requisite degree. A final rule without this flexibility overlooks individuals already in—or interested in—the field who may not have the degree qualifications for upward mobility.
- Myriad factors influence staffing patterns in school districts, covering everything from initial contact (recruitment/hiring) to retention (professional development/mentoring). The FNS requirements are heavy on requiring advanced degrees. Beyond the earlier call to revise the requirement to a recommendation, such a requirement overlooks the simple realities that college is cost-prohibitive to many; not all communities have convenient access to institutions of higher education (community college, four-year college, or reliable access for virtual degrees); increased training can be correlated to expectations for higher compensation, impacting budgets; and there is no way to ensure that a qualified candidate pool exists for all school districts.

In closing, AASA simply requests the federal government to provide for what it requires in both statute and regulation as it relates to the Healthy, Hunger-Free Kids Act of 2010 and refrain from imposing new federal requirements. Little attention has been focused on the drain of local school district funds to pay for or offset the continuing un-funded costs of this program, and AASA is concerned that this interim rule further compounds this problem. Please don't hesitate to contact me, should you have any questions.

Thank you,



Noelle Ellerson
Associate Executive Director, Policy & Advocacy