
Child Nutrition Programs Rule 0520-01-06-.05

The Background:

The Tennessee School Nutrition Act requires school districts to comply with the minimum nutrition standards set by the State Board of Education or to comply with the nutrition standards established under the National School Lunch Act. At the July 25, 2014, meeting, the Board adopted the federal nutrition program rules (including federal nutrition standards) for all grades in Tennessee. The Board did this to ensure all Tennessee child nutrition programs were following the same guidance in order to lessen confusion and create more consistency across grade spans.

Currently all school districts in Tennessee participate in the National School Lunch Program. However, if a district decided to no longer participate in the School Lunch Program, they would still be legally required to follow the nutrition standards of the federal program under current state board rules.

This item proposes a waiver process from the federal nutrition standards for those districts that choose not to participate in the National School Lunch Program. Below is a brief summary of the key changes:

- Only high schools may request a waiver from the National School Lunch Program or the minimum nutrition standards set by the State Board.
- Schools must still provide free and reduced priced meals to qualifying students following the standards set forth by USDA.
- Districts must acknowledge that non-participation in the school lunch program disqualifies them from federal or state school nutrition funding.

The Fiscal Analysis Impact:

Tenn. Code Ann. § 49-1-212 requires that the Department prepare a fiscal analysis of any policy, rule or regulation proposed to the State Board of Education. To the extent a high school chooses non-participation in the school lunch program, an LEA would lose federal and state school nutrition funding.

The Recommendation:

The Department of Education recommends acceptance of this item on first reading. The SBE staff concurs with this recommendation.