

Red Tape Review Rule Report (Due: September 1, 2023)

Department Name:	Education	Date:	July 18, 2023	Total Rule Count:	11
IAC #:	281	Chapter/ SubChapter/ Rule(s):	58	Iowa Code Section Authorizing Rule:	Ch. 283A
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

The rule is intended to support nutritious meals and snacks for Iowa students, especially Iowa’s students with low incomes.

Is the benefit being achieved? Please provide evidence.

Yes. In the 2018-2019 school year, Iowa schools served 16,700,000 breakfasts and 60,200,000 lunches. Nutritious school meals improve academic, behavioral, and health outcomes for students and families.

What are the costs incurred by the public to comply with the rule?

Costs associated with compliance include meal patterns, providing free or reduced-priced meals, and limitation on collection activities. These costs are supported in part by an allocation from the United States Department of Agriculture and a state appropriation.

What are the costs to the agency or any other agency to implement/enforce the rule?

The State’s monitoring activities are supported by a setaside from the United States Department of Agriculture.

Do the costs justify the benefits achieved? Please explain.

Yes. The number of meals served to Iowa’s students with low income, with clear educational and health benefits, justify the costs.

Are there less restrictive alternatives to accomplish the benefit? YES NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

The Department has considered an alternative to rules. USDA regulations require a state plan and agreement with the Secretary of the USDA; however, maintaining rules will allow for additional public comment whenever rules are changed.

While keeping the rules chapter, the Department determined that incorporation of federal language by reference will sufficiently protect the program and guard against additional regulatory burdens.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

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There are several portions of the current chapter that restate federal regulatory language. The nutritional content standards chart (rule 58.11) is obsolete based on changes in federal law.

RULES PROPOSED FOR REPEAL (list rule number[s]):

Current Rule 58.1 is unnecessary.
Current rules 58.2 through 58.8 are duplicative of federal law and are consolidated in new rule 58.1
Current rules 58.9 through 58.11 are obsolete based on changes in federal law.

RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):

See attached.

****For rules being re-promulgated with changes, you may attach a document with suggested changes.***

METRICS

Total number of rules repealed:	9
Proposed word count reduction after repeal and/or re-promulgation	1916
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	22

ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?

None noted

Proposed New Chapter 58

CHAPTER 58

SCHOOL BREAKFAST AND LUNCH PROGRAM; NUTRITIONAL CONTENT STANDARDS FOR OTHER FOODS AND BEVERAGES

281—58.1(256,283A) School breakfast and lunch program. The following regulations from the United States Department of Education’s Food and Nutrition Service, governing the National School Lunch and School Breakfast programs and effective as of _____, _____, 2023, are incorporated by reference, 7 CFR parts 210, 215, 220, 225, 226, 227, 235, 240, 245, and 250, as well as related procurement regulations at 2 CFR sections 200.317-326.

281—58.2(256) Nutritional content standards for other foods and beverages. The following regulation is incorporated by reference, 7 CFR section 210.11.

These rules are intended to implement Iowa Code chapter 283A and sections 256.7(29), 256.9(59), and 256.9(60).