

# Iowa State Board of Education

## Executive Summary

September 14, 2023



**Agenda Item:** Rules: 281 IAC Chapter 58 – School Nutrition (Notice of Intended Action)

**State Board Priority:** Ensuring Equity in Education

**State Board Role/Authority:** This rule making is proposed under the authority provided in Iowa Code section 256.7(5).

**Presenter(s):** None (consent agenda)

**Attachment(s):** One

**Recommendation:** It is recommended that the State Board give notice of its intent to amend Chapter 58.

**Background:** As part of the Department’s review of rules under Executive Order 10, the Department determined 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 The nutritional content standards chart (rule 58.11) is obsolete based on changes in federal law. The Department proposes removing that language.

## EDUCATION DEPARTMENT[281]

### Notice of Intended Action

The State Board of Education hereby proposes to amend Chapter 58, “School Breakfast and Lunch Program; Nutritional Content Standards for Other Foods and Beverages,” Iowa Administrative Code.

#### *Legal Authority for Rulemaking*

This rulemaking is proposed under the authority provided in Iowa Code section 256.7(5).

#### *State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code chapter 283A.

#### *Purpose and Summary*

As part of the Department’s review of rules under Executive Order 10, the Department determined 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 The nutritional content standards chart (rule 58.11) is obsolete based on changes in federal law. The Department proposes removing that language.

#### *Fiscal Impact*

This rulemaking has no fiscal impact to the state of Iowa.

#### *Jobs Impact*

After analysis and review of this rulemaking, no impact on jobs has been found.

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

#### *Public Comment*

Any interested person may submit comments concerning this proposed rulemaking. Written comments in response to this rulemaking must be received by the Department of Education no later than 4:30 p.m. on October 24, 2023. Comments should be directed to:

Thomas A. Mayes

Grimes State Office Building; 400 E. 14<sup>th</sup> Street, Des Moines, IA 50319

[Thomas.Mayes@iowa.gov](mailto:Thomas.Mayes@iowa.gov) or 515-281-8661

### *Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows on the following two dates:

Hearing 1: October 24, 2023, 10:00 to 10:30 a.m.; Grimes State Office Building, State Board Room, Second Floor, Des Moines.

Hearing 2: October 24, 2023, 5:00 to 5:30, Des Moines, LOCATION TBA.

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend the hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department of Education and advise of specific needs.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

ITEM 1. Rescind 281—Chapter 58 and adopt the following new chapter in lieu thereof:

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 [the effective date of this rulemaking] 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 through 200.326.

**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) and 256.9(51).