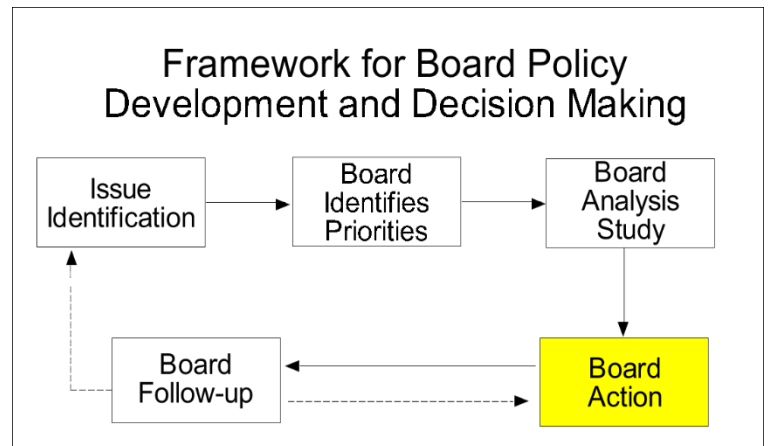


Iowa State Board of Education

Executive Summary

December 4, 2023



Agenda Item: Rules: 281 IAC Chapter 58 – “School Breakfast and Lunch Program; Nutritional Content for Other Foods and Beverages” (Adopt)

State Board Priority: Creating a Safe, Healthy, and Welcoming Learning Environment

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

Presenter(s): Thomas A. Mayes, General Counsel

Attachment(s): One

Recommendation: It is recommended that the State Board adopt this new Chapter 58.

Background: As part of the Department of Education’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 The nutritional content standards chart (current rule 281—58.11(256)) is obsolete based on changes in federal law. The Department is removing that language.

EDUCATION DEPARTMENT[281]

Adopted and Filed

The State Board of Education hereby rescinds Chapter 58, “School Breakfast and Lunch Program; Nutritional Content for Other Foods and Beverages,” Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted 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 of Education’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 The nutritional content standards chart (current rule 281—58.11(256)) is obsolete based on changes in federal law. The Department is removing that language.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on October 4, 2023, as **ARC 7094C**.

Two public hearings were held on October 24, 2023: at 10:00 a.m., in the State Board Room, Grimes State Office Building, Des Moines, and at 5:00 p.m. at Roosevelt High School, Des Moines. No one attended the public hearings. No comments were received. No changes were made from the notice of intended action.

Adoption of Rulemaking

This rulemaking was adopted by the State Board on December 4, 2023.

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.

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).

Effective Date

This rulemaking will become effective on January 31, 2024.

The following rulemaking action is adopted:

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

TITLE XII

PROGRAMS ADMINISTRATION

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 these rules] 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).