

Re: Docket ID: FNS-2011-0030-0001

Professional Standards for State and Local School Nutrition Programs Personnel as required by the Healthy, Hunger-Free Kids Act of 2010

I applaud the focus on professional development for all levels of food service personnel that is contained in the proposed rule. It recognizes the skills, professionalism, and dedication of Food Service ESPs, who meet the needs of the whole student every day.

I agree that there should be no degree or college course prerequisite for School Nutrition Managers or Staff. Incumbent employees have already demonstrated their ability to capably perform their job duties. I also believe that ongoing, job-specific training is the best way to ensure that all school nutrition employees maintain and upgrade their skills to meet the changing needs of students and the nutrition requirements of the Healthy, Hunger-Free Kids Act.

Outsourcing of school food service programs is a common practice in K-12 education. I strongly support the fact that the requirements of this rule apply equally to all food service programs and personnel, whether the programs are directly operated by school districts or run by food service management companies. If we are to achieve the goal of improving nutrition for all students, it is essential that all programs be held to the same high standards.

The proposed rule repeats the content areas that are spelled out in the Healthy, Hunger-Free Kids Act, but otherwise provides no information about either the content or the quality of the training that will be required for food service managers and staff. In the absence of curriculum requirements or quality standards, it appears that any training of employees that is reported by a local school food authority could be accepted as meeting the requirements of the rule. This could very easily lead to poor or minimal training of many school nutrition personnel, undermining the intent of the HHFKA's training requirements. I believe that training must be relevant, be of high quality, and be delivered in a format that is effective for the subject matter and for the trainees.

I make the following suggestions to meet these goals:

- There must be benchmarks or standards to guarantee that the content of training is appropriate, and that it is delivered in an effective format. One possible set of benchmarks are the training packages produced by the National School Food Service Management Institute (NSFMI). I recommend that in order to be accepted as meeting the requirements of this rule, any training that is offered must cover curriculum comparable to and result in participant learning at least equivalent to that provided by the relevant NSFMI training packages. I feel that is an area that is critical to determining the actual meaning and impact of the proposed rule. While I understand that FNS plans to develop guidance in this area, I am concerned that this guidance, which will not have the force of actual regulations, may not be sufficient to address our concerns.

- I agree that training should be accepted from a variety of sources, and could be provided in a variety of formats, depending on the subject matter and the needs of the learners. However, I am concerned about an over-reliance on on-line training. Many food service employees do not have strong computer skills, and do not have reliable on-line access, either at work or at home. I believe that much of the subject matter of the training that will be offered is best mastered through in-person, hands-on education. I believe that to be effective, on-line training should be used as an adjunct and support of this in-person education. I caution against using internet technology as the primary training vehicle. I also urge that training be offered in Spanish and other languages, where appropriate, to ensure that the training is accessible to all employees.
- Food service employees are the lowest-paid group of school support employees, and the group that is most likely to work part time. They work the fewest hours on average of any school support job group. 38% work less than 30 hours/week, 29% work 30-39 hours/week, and 23% work 40 or more hours/week. 43% of them earn less than the \$10.10/hour wage that has been proposed as the new Federal minimum wage. Food service staff cannot afford to pay for training that is required as a condition of their employment. Because many of them have obligations outside of their school nutrition jobs, including holding second and third jobs, it is difficult or impossible for many food service staff to attend training outside of their regular working hours. Therefore, I believe that the rule should specify that any training required for School Nutrition Managers and Staff to hold their positions must be offered on-site, at no charge to participants, and during paid work time.

In addition to these comments on the content, quality, and conditions of the training that is provided, I have several additional concerns and suggestions.

- I agree with the requirement for training for all individuals involved in the day to day operation of a school food service program, and we think that the three broad categories of School Nutrition Program Director, School Nutrition Program Manager, and School Nutrition Program Staff are appropriate. However, there is considerable diversity within these categories, especially within the staff category. The responsibility of someone who works in the kitchen preparing meals, an individual who drives a truck to deliver meals or supplies to satellite kitchens, and a person who works in a clerical position in a food service program, are very different. Their training needs will also be different. The training requirement needs to ensure that employees are provided training relevant to the duties and responsibilities of their own unique positions. They should not be required to receive training that has no connection to their day to day work.
- The proposed rule is silent on the effective date of the training requirement for School Nutrition Program Managers and School Nutrition Program Staff. This may be an oversight. I believe the date should be the same as for School Nutrition Program Directors. I think that school districts should be given a full year to develop their plans to meet the training requirements. The proposed date of July 1, 2015 is appropriate, so long as there is not undue delay in issuing the final rule.

- I believe the proposed rule appropriately places on the employer the burden of insuring that all school nutrition program staff receive the required training. I would like the rule to be explicit that School Nutrition Program Managers and School Nutrition Program Staff must be held harmless if they fail to receive required training, unless that training is offered at no cost during regular paid working hours, and they have a valid reason for not participating in the training.
- The background information accompanying the draft rule indicates that USDA does not intend to take a punitive approach to State agencies and SFAs that fail to meet the training requirements, and will instead provide technical assistance and guidance to help them come into compliance. I think this approach is appropriate.
- FNS intends to create a multi-tiered certificate program for food service workers. However, this program does not appear in any way in the language of the actual draft rule. While I welcome this initiative if it assists with the professional development of school nutrition personnel, it is hard to evaluate this future program without more specific information. I hope that there are formal opportunities to provide comments and input as the program is developed.
- USDA states that training conducted by a Director or Manager for his/her staff can be counted towards his/her own training requirement. I do not agree with the logic behind such a broad statement. This approach could be appropriate if it were restricted to situations where a director or manager has to master new knowledge in order to provide the training. Without such a restriction, Managers and Directors could count as their own professional development the time they spend delivering routine, recurring training that they know by heart. The calculation of required hours of annual training needs to be clarified for different situations that are not addressed in the rule. For instance, the 8 hours/year of training applies to School Nutrition Staff who work at least 20 hours/week, and the intent is to prorate the requirement for staff who work less than that. But is this based on just regular hours, or does it include overtime, substitute time, etc?

Does someone who frequently works as a substitute in a school nutrition position fall under the training requirements, or do they only apply to regular employees? If a person is hired during the school year, is their training requirement prorated, or do they still need to get the full 8 hours of training? If trainings are offered during school district in-service days, a person hired during the year may miss their training opportunity.

- Finally, I do not understand the requirement that each state agency with responsibility for the NSLP and SBP provide at least 18 hours of continuing education to SFA's. Does this mean that 18 hours of training must be made available to all SFA's and their employees, in which case there would probably need to be a total of much more than 18 hours of training scheduled? Or does it mean that the state agency only needs to provide a total of 18 hours of training to some SFA's? The first interpretation would be very significant in ensuring that training is available to all school nutrition employees, the second would probably be much less so.