

From: [Allocca, Laurie](#)
To: [FeedBack, Rule, PED](#)
Cc: [Allocca, Laurie](#)
Subject: [EXTERNAL] Feedback on SB4
Date: Monday, April 29, 2024 8:38:37 AM

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Good morning,

After carefully receiving the draft of the NMAC rules regarding SB4, here is my feedback.

Many of the requirements are noted to happen “quarterly”. From meetings to menu modifications, I do not feel this to be realistic. Being “on the front lines” in the school food industry, the amount of daily work is substantial. To think that surveys and menu modifications and meetings with a broad population could take place 4 times in a given year is unrealistic. I do agree with the initiatives and could see that bi-annual meetings, surveys, etc., could be realistic and allow time for information gathered to actually be thoughtfully implemented.

Purchasing local produce is very admirable and I agree with the premise. He challenges I see with this are possibly shortages and/or substitutions. Not only would this place stress on an SFA in a buying sense, but it would impede our ability to meet vegetable subgroup requirements, and possibly, create shortages for meals. I do not have an answer for this, as I do agree with the benefits of buying local. It's the “requirements” that could maybe be modified a bit so that we have more flexibility.

We, as do many schools in NM, participate in the NMCOOP Buying Cooperative. If we stop buying products through our Cooperative, it will have a negative impact upon that, potentially decreasing our buying power and impacting our agreement to purchase a certain percentage of our food through the COOP. Losing that Cooperative would be horrible for our NM districts. It streamlines our purchasing, saves us money, and supports quality (vendors do not want to lose the contract). Possibly NM Grown and such entities could work more with the larger food providers such as Labatt, to help them be able to access more local produce and distribute through their warehouses in some way, allowing us to order it through them?

There is simply not enough local produce & meat to meet most needs in NM schools. I feel we would be dealing with many shortages. And trying to get a truck with beef products to deliver to my small school, from possibly Roswell, etc., as an example? Delivery issues, timing issues, etc. I see procurement becoming another single position in itself in school if we are to be dealing with various purveyors and variable supplies.

This brings me to staffing. Scratch cooking, increased procurement processes

and complications, and increased surveys and meetings and data, all translate to the need for human resources to achieve. We are STILL facing staffing shortages. We have never fully recovered from pre-COVID levels. There is only so much the humans in SFA's can do in a given day, month and school year.

I am needing a definition of "freshly made" please. Freshly made meals are requirements, but, what precisely does that mean?

Finally,... I understand and appreciate where these initiatives are coming from, and they are positive in their intent. My issue is, are they realistic? I believe they are not. Are there enough human resources at NMPED to support SFA's to be successful, as this will require a great deal of support? Maybe we start slower... maybe a "step" system over a few years to achieve the maximum result, as USDA does with many food requirements (ie: salt). This would allow SFA's to methodically get requirements into place.

Thank you for considering my feedback-
Kindly-
Laurie

Laurie Allocca
Nutrition Services Manager
New Mexico School for the Deaf
(505) 476-6347 (Office)
(505) 231-3715 (Cell)

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From: [Amanda Shaker](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Feedback for proposed rulemaking
Date: Monday, April 29, 2024 11:21:01 AM

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To whom it may concern,

Under: Certification of Healthy Universal School meals Programs:

C. **Please specify the "non-student nutrition personnel"**

Under: Compliance with Performance Measures for Certification:

B: (1) "freshly prepared meals" **does this mean speed scratch? Needs definition**

(2) **please describe "food businesses"**

(3) "Shall grow food on campus" **per the rules this would mean that 70 schools in ABQ would need school grades correct? As there are about 141 schools and 50% would be 70.**

(4) (a) "All students, kindergarten through grade five, shall have up to 20 minutes of seat time to eat lunch." **Wording should be changed "up to" makes it sound like it could be less than 20 minutes, and that is the current issue.**

-- (7) (b) "Inviting students and families to provide formal feedback to school leadership." **Food and Nutrition Services employees should always be a part of these discussions.**

Thank you for your consideration.

Amanda Shaker
Nutrition Coordinator
Registered Dietitian
505-345-5661 Extension 38244
Fax: 505-348-1088

"There are only two ways to live your life. One is as though nothing is a miracle. The other is as though everything is a miracle."

— *Albert Einstein*

From: [Jen Rhea](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Rule Feedback for: school lunches
Date: Monday, April 29, 2024 5:24:54 PM

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Dear NM PED,

Your new school lunch proposal is not realistic or safe.

Composting will attract vermin and pests. It's a good idea in small batches or out on the farm, but it's not going to work on a large scale, near a school.

The local and site grown food requirements are not sustainable enough to be mandatory. Growing season is primarily during school break and local sources are in short supply.

I urge you to dismiss this proposal and simply encourage the practices when possible.

Sincerely,
Jennifer Rhea

From: suenoel@cybermesa.com
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] School lunches
Date: Monday, April 29, 2024 9:06:59 PM

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I usually oppose the so called green solutions to false environmental issues. But I actually support better food in the schools. Unfortunately for the schools more time should be granted for lunch periods. You can't eat fast as in a fast food joint if you are eating quality food. Of course, there's no guarantee that local sourcing or onsite kitchens will provide better food. However, it may be better than the garbage I understand is served in school cafeterias now.

If the parents are foisting McDonald's and other fast junk food on the kids, they will not learn what good food and good nutrition might do for them. Of course, the kids love French fries and potato chips and hate broccoli, but there are alternatives that are good. The Italians and the French have made lunchtimes into opportunities for kids to learn to eat in a civilized manner. But you need more than 20 or even 30 minutes to accomplish that.

From: [Paul Gessing](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Public comment re: 6 HEALTHY UNIVERSAL SCHOOL MEALS
Date: Wednesday, May 1, 2024 11:10:09 AM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

On behalf of the Rio Grande Foundation, a public policy research institute based in Albuquerque, I submit the following comments relating to the PED proposal on Healthy Universal School Meals. We all want high quality food items available for school meals, but have serious concerns about the specifics of PED's latest proposal which emphasizes on-site gardening and food preparation as a means of supplying New Mexico schools with food. Specifically, the costs associated with the specific provisions would likely be astronomical and could result in food safety issues and even fire hazards. I encourage PED to "go back to the drawing board" and come up with alternative regulations that balance food quality and freshness with safety and reasonable cost concerns.

1. **Half of all meals shall be freshly prepared meals at an onsite kitchen:** Why? What is the benefit of decentralized food preparation in onsite kitchens as opposed to a centralized facility? What will the costs of installing food prep equipment and hiring staff at schools be?
2. **School food authorities shall offer at least three items on a weekly basis from New Mexico farms, ranches, or food businesses:** We support New Mexico farms, ranches, and food businesses, but also recognize that this regulation could impose outsized costs on schools for little or no benefit to children consuming the meals. What happens in January and February when the growing season ends? How will food variety be impacted? Are there sufficient supplies to feed thousands of New Mexico students? Finally, what is a "food business?" Does *Blake's* count?
3. **No less than fifty percent of schools in a school food authority shall grow food on campus to be introduced into school lunch programs (or) fifty percent of schools in a school food authority shall have cafeterias with print or digital resources promoting locally sourced nutrition education:** The first rule is completely unrealistic and potentially dangerous (food borne illnesses are real and can be deadly). It will require significant labor (especially during the summer growing season) not to mention the application of fertilizer and pesticides to significant tracts of land on school property. The 2nd option is a recognition that growing large amounts of food on campus is unrealistic.
4. **At least fifty percent of schools in a school food authority shall have a composting program in place:** composting requires appropriate facilities and care. Even then they can catch fire as a [South Valley compost facility did in 2018](#). Composting large quantities of food will require significant land and proper management. All of this requires significant human and land resources.

For the reasons outlined above and many more I urge PED to reject these proposed regulations.

--

Paul J. Gessing
President

Rio Grande Foundation
P.O. Box 40336
Albuquerque, N.M., 87196
www.riograndefoundation.org
505-264-6090

From: [irene.pine](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Rule Feedback for:
Date: Wednesday, May 1, 2024 9:46:07 PM

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I am in favor of having freshly made food on all campuses five days a week, and when possible using locally grown food.

I am not in favor of composting on school sites, way too dangerous. I do not agree that schools grow their foods on school grounds. There are so many things that will be needed, such as labor and water and weeding and keep food from being stolen or animals out of the garden. It is unrealistic. The expenses would over come the benefits.

I want to express that children would eat freshly made food on site.

MERE FACTS ABOUT THE PAST CAN BE TRANSFORMED INTO HISTORY.
IN GOD WE TRUST



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From: [Dana Harris](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Universal Meals Rule
Date: Tuesday, May 7, 2024 9:21:11 AM

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The requirements are too extreme. In some areas it is not possible to have a least 3 items that are from New Mexico farms, ranches, or food businesses. The produce is not available to be delivered and the expense is too great. Also, the standards that the food must be grown on campus is not possible in some areas due to climates and extreme temperatures.

Thanks,
Dana

Dana Harris
Administrative Assistant
Texico Municipal Schools
575-482-3801
Fax 575-482-3650

From: [Sonya Moore](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Public Comment
Date: Wednesday, May 8, 2024 10:22:24 AM
Attachments: [Public Comment to address proposed rules for 6.docx](#)

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Thank you,

Sonya Moore, SNS
Director of School Food Service
Hobbs Municipal Schools
moores@hobbsschools.net
575-433-0220

Public Comment to address proposed rules for 6.12.16 NMEC, Healthy Universal School Meals

Concern: “*freshly prepared meals*” is undefined. This phrase is used twice in the rules and is NOT defined either time. This phrase is being used as a requirement without definition.

Fact: If left undefined, this leaves the “*freshly prepared meals*” requirement to individual interpretation. School Districts and Nutrition Departments will have vastly different definitions from that of NMPED regarding what a freshly prepared meal is.

Impact: Leaving “*freshly prepared meals*” undefined creates an additional burden on school nutrition programs. The burden being that no clear definition stands, so interpretation is left up to whomever audits the programs for accountability. That person being from NMPED, not school affiliated, and may not have the best intentions.

Context: Leaving “*freshly prepared meals*” undefined sends the message that this will be “defined at a later date”. Not defining in the rules leaves the nutrition programs at a disadvantage, and the enforcing agency with an advantage. The message to school districts is that the enforcing agency will be permitted to change this definition without the scrutiny of public comment, and after final rule is enacted. That is unfair to all parties involved. This feels intentionally ambiguous by the rule writers.

Action: I humbly request that NMPED reject the current rules as written. The rules need more definition and clarification.

Sincerely,

Sonya Moore, SNS

Food and Nutrition Director

Hobbs Municipal Schools

I fully supported this legislation with the understanding and promise from the rule writers that schools would not have a difficult time meeting the new requirements. That is not the way that I interpret the current rules as they are written. Both pathways are difficult and burdensome, as well as so strict that many schools will not be able to achieve with in the 1-year requirement. I feel that a step-up approach is much more achievable and in the best interest of school districts and students.

It is important to know that I was invited to be a part of the rule writing committee. Every concern that I raised, and every comment that I made was ignored. There are two people that are writing these rules, all others were involved for appearances only. The two people that wrote the

rules have NO expertise in School Nutrition. The two people that wrote the rules have NEVER worked in a school nutrition department or have ever seen how school nutrition departments operate, therefore have NO concept how these rules are unattainable. Nutrition Directors from around the state are the subject matter experts, NOT the two people that wrote these rules. We are urging NMPED to REJECT these rules as written and require more definition. We are urging NMPED to assemble a NEW rule writing committee that is comprised of Nutrition Directors and excludes the original rule writers.



Policy and Legislative Affairs Division
New Mexico Public Education Department
300 Don Gaspar Ave., Room 121
Santa Fe, New Mexico 87501

Bidii Baby Foods LLC
PO Box
Shiprock, NM, 87420

To Whom it May Concern,

We have reviewed the Proposed Rulemaking regarding SB4 Universal Healthy School Meals, and would like to provide the following comments:

- 1. 6.12.16.10 COMPLIANCE WITH PERFORMANCE MEASURES FOR CERTIFICATION: School food authorities shall offer at least three items on a weekly basis from New Mexico farms, ranches, or food businesses.** This will only address the demand for local foods, but not the supply. In order to supply to meet the increased demands, farmers, especially historically marginalized farmers and those serving rural and tribal communities, will need access to capital (ideally in the form of grants, not loans) to be able to scale production. Additionally, reimbursement rates should be adjusted to take into consideration the cost of local food production to ensure schools have adequate financial resources to comply with this expectation. Lastly, if we want more locally grown foods to be available throughout the entire year (outside of the typical growing season), producers need more investment in food hubs and/or commercial kitchen spaces to process more dehydrated, freeze dried and value-added products.
- 2. 6.12.16.10 COMPLIANCE WITH PERFORMANCE MEASURES FOR CERTIFICATION: At least fifty percent of schools in a school food authority shall have a composting program in place. If a single school is its own school food authority, that school shall have a composting program in place.** Contracting out to a local composting company should be included as an option. Requiring kitchen staff and students to separate/pile compostable items is a big step in the right direction. But processing compost onsite at schools is going to be too big of an undertaking for the



current staff. Therefore, funding for this compliance measure needs to allow for contracting with outside organizations who can pick up and process food waste.

3. **6.12.16.10 COMPLIANCE WITH PERFORMANCE MEASURES FOR CERTIFICATION: No less than fifty percent of schools in a school food authority shall have cafeterias with print or digital resources promoting locally sourced nutrition education. If a single school is its own school food authority, that school shall have at least one cafeteria with print or digital resources promoting locally sourced nutrition education.** I love that the language highlights “locally sourced” nutrition education. I would love to see “culturally appropriate” or “culturally reflective” included in this description. Contracting with local nutritionists/dietitians/etc. is great, but doesn’t ensure that they bring culturally appropriate recommendations to the nutrition education services they are providing.

4. **6.12.16.10 COMPLIANCE WITH PERFORMANCE MEASURES FOR CERTIFICATION: No less than fifty percent of schools in a school food authority shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs. If a single school is its own school food authority, that school shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs.** While this is a nice idea, school gardens rarely succeed due to staffing limitations and upkeep during school breaks. Instead of investing funding into the establishment of small gardens onsite, I recommend channeling funding to local historically marginalized producers who can then scale production and provide more consistent or larger quantities of locally grown produce and value added products.

Thank you for your consideration,

Zachariah Ben
Co-Founder, Owner
Bidii Baby Foods LLC
www.bidiibabyfoods.org



Mary Ben

Mary Ben, MPH, DrPH
Co-Founder, Program Manager
Bidii Baby Foods LLC
www.bidiibabyfoods.org

From: [Jim/Sandy Hudson](#)
To: [FeedBack, Rule, PED; mherrera@riograndefoundation.org](#)
Subject: [EXTERNAL] Feedback on PED school lunch proposal
Date: Thursday, May 9, 2024 8:11:43 AM

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Policy and Legislative Affairs Division
New Mexico Public Education Department
300 Don Gaspar Ave., Room 121
Santa Fe, New Mexico 87501

Dear PED Rule Feedback,

We all want high quality food items available for school meals, but I have serious concerns about the specifics of PED's latest proposal, which emphasizes on-site gardening and food preparation as a means of supplying New Mexico schools with food. Specifically, the costs associated with the specific provisions would likely be astronomical and could result in food safety issues and even fire hazards. I encourage PED to "go back to the drawing board" and come up with alternative regulations that balance food quality and freshness with safety and reasonable cost concerns.

Sincerely,

Jim Hudson & Sandy Hudson
7412 Cielo Grande NE
Albuquerque, nm 87109

From: johnny@lanctot.me
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Rule Feedback for: PED Lunch Proposal
Date: Thursday, May 9, 2024 8:27:01 AM

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Please do not implement the PED Lunch Proposal. It is unrealistic and if even feasible to implement, would be incredibly expensive.

V/r,

JML

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From: [Barb D](#)
To: [FeedBack, Rule, PED; mherrera@riograndefoundation.org](#)
Subject: [EXTERNAL] Feedback on PED school lunch proposal
Date: Thursday, May 9, 2024 8:32:40 AM

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Policy and Legislative Affairs Division
New Mexico Public Education Department
300 Don Gaspar Ave., Room 121
Santa Fe, New Mexico 87501

Dear PED Rule Feedback,

Healthy food is good for everyone. I am now getting my limited space garden ready. It won't produce much and will actually be costly when all costs add up, without including labor. Schools do not need to be growing their own food. Grocery stores and farmer's markets make more food available that a school can.

It would be nice to include NM products, but that rationalization will increase costs. Individual kitchens and staff at each local will increase costs, create site specific inequality, and not insure constancy across the board. Any health issue would impede tracing, tracking and remediation. Don't do it.

We all want high quality food items available for school meals, but I have serious concerns about the specifics of PED's latest proposal, which emphasizes on-site gardening and food preparation as a means of supplying New Mexico schools with food. Specifically, the costs associated with the specific provisions would likely be astronomical and could result in food safety issues and even fire hazards. I encourage PED to "go back to the drawing board" and come up with alternative regulations that balance food quality and freshness with safety and reasonable cost concerns.

Sincerely,
Barbara Diver

From: [Sam Cavanaugh](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Rule Feedback for: TITLE 6 PRIMARY AND SECONDARY EDUCATION CHAPTER 12 PUBLIC SCHOOL ADMINISTRATION - HEALTH AND SAFETY PART 16 HEALTHY UNIVERSAL SCHOOL MEALS
Date: Thursday, May 9, 2024 9:02:14 AM

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This rule has not been properly researched and is ill advised.

You demand specified number of days for instruction, then demand that it be spent growing foodstuffs at the school.

This will result in lowered instruction time.

You have no expertise to offer in growing food.

You do not have sufficient available croplands at the schools to grow the food.

Reassess your priority, which is supposed to be educating children, get off the political agenda and let the schools educate.

Samuel R. Damewood
Alamogordo, NM

From: judyschusterabq
To: Feedback, Rule, PED; mherrera@riograndefoundation.org
Subject: [EXTERNAL] Feedback on PED school lunch proposal
Date: Thursday, May 9, 2024 9:05:13 AM

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Policy and Legislative Affairs Division New Mexico Public Education Department 300 Don Gaspar Ave., Room 121 Santa Fe, New Mexico 87501 Dear PED Rule Feedback, We all want high quality food items available for school meals, but I have serious concerns about the specifics of PED's latest proposal, which emphasizes on-site gardening and food preparation as a means of supplying New Mexico schools with food. Specifically, the costs associated with the specific provisions would likely be astronomical and could result in food safety issues and even fire hazards. I encourage PED to "go back to the drawing board" and come up with alternative regulations that balance food quality and freshness with safety and reasonable cost concerns.

This is just the kind of idiotic behavior that has earned New Mexico a permanent place at the bottom every list. Good teachers, good facilities, and plenty of parental involvement is what we need, not expensive new "programs", and more administrators.

Back to basics.

Sincerely, _____ Judy Schuster _____

Sent with [Proton Mail](#) secure email.

From: thudhun1@gmail.com
To: [FeedBack, Rule, PED](#); mherrera@riograndefoundation.org
Subject: [EXTERNAL] Feedback on PED school lunch proposal
Date: Thursday, May 9, 2024 9:54:46 AM

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**Policy and Legislative Affairs Division
New Mexico Public Education Department
300 Don Gaspar Ave., Room 121
Santa Fe, New Mexico 87501**

Dear PED Rule Feedback,

We all want high quality food items available for school meals, but I have serious concerns about the specifics of PED’s latest proposal, which emphasizes on-site gardening and food preparation as a means of supplying New Mexico schools with food. Specifically, the costs associated with the specific provisions would likely be astronomical and could result in food safety issues and even fire hazards. I encourage PED to “go back to the drawing board” and come up with alternative regulations that balance food quality and freshness with safety and reasonable cost concerns.

Sincerely,

___ Craig Colter

Col USAF (R) _____

From: [Molly Crosby](#)
To: [FeedBack, Rule, PED; mherrera@riograndefoundation.org](#)
Subject: [EXTERNAL] Feedback on PED school lunch proposal
Date: Thursday, May 9, 2024 9:58:08 AM

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Policy and Legislative Affairs Division
New Mexico Public Education Department
300 Don Gaspar Ave., Room 121
Santa Fe, New Mexico 87501

Dear PED Rule Feedback,

We all want high quality food items available for school meals, but I have serious concerns about the specifics of PED's latest proposal, which emphasizes on-site gardening and food preparation as a means of supplying New Mexico schools with food. Specifically, the costs associated with the specific provisions would likely be astronomical and could result in food safety issues and even fire hazards. I encourage PED to "go back to the drawing board" and come up with alternative regulations that balance food quality and freshness with safety and reasonable cost concerns.

Sincerely,
Molly Crosby

Sent from my iPad

From: [Keith Julian](#)
To: [FeedBack, Rule, PED](#)
Cc: martin.hickey@nmlegis.gov; info@thinknewmexico.org
Subject: [EXTERNAL] PED's Proposed School Lunch Mandate
Date: Thursday, May 9, 2024 10:01:16 AM

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c/o Policy and Legislative Affairs Division
New Mexico Public Education Department
300 Don Gaspar Ave., Room 121
Santa Fe, New Mexico 87501

Dear PED Legislative and Policy Division:,

Although high quality and delicious food should be available year-round for school meals, I have serious concerns about the specifics of PED's latest proposal. There is no nutritional need to mandate on-site gardening and harvesting as a means of supplying New Mexico schools with high quality food. Costs associated with this mandate would be uneconomical, any benefit over existing food supply sourcing would be minimal, and implementing this massive change would detract school administrators and cafeteria staff from focusing on their primary mission--educating and feeding the children of New Mexico. I strongly recommend that NMPED scrap this extravagant (and politically motivated) proposal and focus on alternative programs that balance food quality and freshness with safety and reasonable cost concerns.

Sincerely yours,

R. Keith Julian
Albuquerque

From: [Dana Harris](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Water
Date: Thursday, May 9, 2024 10:15:21 AM

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You will also have water issues trying to provide enough water to grow our own produce. Our city is currently under regulations to restrict watering. There is no way we can provide water for produce.

Thanks,
Dana

Dana Harris
Administrative Assistant
Texico Municipal Schools
575-482-3801
Fax 575-482-3650

From: [Chris Schoppe](#)
To: [FeedBack, Rule, PED](#); +mherrera@riograndefoundation.org
Subject: [EXTERNAL] Feedback on PED school lunch proposal
Date: Thursday, May 9, 2024 10:16:42 AM

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Policy and Legislative Affairs Division
New Mexico Public Education Department
300 Don Gaspar Ave., Room 121
Santa Fe, New Mexico 87501

Dear PED Rule Feedback,

We all want high quality food items available for school meals, but I have serious concerns about the specifics of PED’s latest proposal, which emphasizes on-site gardening and food preparation as a means of supplying New Mexico schools with food. Specifically, the costs associated with the specific provisions would likely be astronomical and could result in food safety issues and even fire hazards. I encourage PED to “go back to the drawing board” and come up with alternative regulations that balance food quality and freshness with safety and reasonable cost concerns.

Sincerely,

Chris Schoppe

From: [Robert Brown](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] 6.12.6 Public School Administration - Health and Safety, Healthy Universal School Meals
Date: Thursday, May 9, 2024 1:03:16 PM

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The rule mentioned above is beyond the scope of what we are able to successfully implement based upon a number of factors. First and foremost, it is unfathomable that we would be required to grow enough of our own product to serve the students in our cafeteria. The idea of having to build, purchase, etc. our own composting bins which will create unhealthy/unsafe environments on our campus. These develop and put forth gasses that are not acceptable for public facilities. The cost of our meals is going to increase significantly based upon the NM grown requirement when in fact NM farmers are not producing the appropriate product to serve in our or any public-school cafeteria.

The idea that we are to take time away from instruction so that “no less than 50% of our campuses grow their own food to be incorporated seasonally” is absurd. Recess before lunch is most definitely not an educational idea that benefits students academically at all. It clear through research that the morning instructional time is the most beneficial to our students. Plate waste studies?

Quite honestly, I do not see anything in this rule that assists us in producing better educated students/young adults. I do not mean to be rude or unprofessional at all in my assessment of this rule, but it is quite honestly one the most ridiculous rules that I have ever seen put forth.

Robert Brown
Superintendent
Texico Municipal Schools
575-482-3801 (W)
575-704-0169 (C)

[Go Wolverines Go!!!](#)

From: [Brette Hadley](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Proposed Rule 6.12.16 NMAC Healthy Universal School Meals
Date: Thursday, May 9, 2024 1:04:10 PM

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Good morning,

I am responding to the proposed rulemaking for Healthy Universal School Meals.

After reading your proposed rule I find myself flabbergasted that you think we should not only educate young minds and give them two solid scratch made meals a day, however the school should also take on the responsibility of an agriculturist and grow the food we provide for our students.

This new rule is outrageous for the fact that we live in a water sparse region of New Mexico. Our farmers in the region have a difficult enough time growing crops and you expect the school with people who don't know how to produce products grow enough to feed the school.

I find myself wondering as a rule maker if you truly know the landscape of the state of New Mexico and understand the labor intensity it would take to produce our own produce. I live in a rural area and the school does not have the land or capabilities to make this work. I wonder how the staff of a metropolitan area think they will be able to make this work.

This rule will not work for New Mexico schools and should not be put into effect.

From: [Genevieve Avraham](#)
To: [FeedBack, Rule, PED; +mherrera@riograndefoundation.org](#)
Subject: [EXTERNAL] Feedback on PED school lunch proposal
Date: Thursday, May 9, 2024 5:07:14 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Policy and Legislative Affairs Division
New Mexico Public Education Department
300 Don Gaspar Ave., Room 121
Santa Fe, New Mexico 87501

Dear PED Rule Feedback,

We all want high quality food items available for school meals, but I have serious concerns about the specifics of PED’s latest proposal, which emphasizes on-site gardening and food preparation as a means of supplying New Mexico schools with food. Specifically, the costs associated with the specific provisions would likely be astronomical and could result in food safety issues and even fire hazards. I encourage PED to “go back to the drawing board” and come up with alternative regulations that balance food quality and freshness with safety and reasonable cost concerns.

Sincerely,
Genevieve Avraham

From: [Meredith Lorencz](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Feedback for 6.12.16 NMAC, Healthy Universal School Meals
Date: Friday, May 10, 2024 10:42:16 AM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

To Whom it May Concern:

I would like to express my feedback for the 6.12.16 NMAC, Healthy Universal School Meals rule. Please see below for suggested changes. Thank you!

1. Amend the language in [Healthy Universal School Meals \(6.12.16 NMAC\)](#).

- 6.12.16.10 Compliance for Performance Measures for Certification
 - **B. Adherence to Level 1 of compliance is demonstrated by the following:**
 - **(2) School Food Authorities (SFAs) shall offer at least three items on a weekly basis from New Mexico farms, ranches, or food businesses.**
 - Recommendation: Add language. This should indicate that products **must be sourced/purchased from NM Grown Approved Suppliers**. This language addition would be a significant win for program integrity helping to ensure food safety and source verification for locally sourced products.
 - Recommendation: Change language. This should be **three servings per week (not three items)**. This language amendment would clarify expectations for SFA's and allow for calculation of product needs based on meal patterns. This would also ensure that a diversity of NM products are purchased at significant volumes.
 - **(3) School food authorities shall also adhere to one of the following performance measures:**
 - **(a) No less than fifty percent of schools in a school food authority shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs. If a single school is its own school food authority, that school shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs.**
 - Recommendation: Add language. This should indicate **each School Food Authority (SFA) shall designate a Food Safety manager**. This language addition would ensure that schools are receiving training and technical assistance necessary to mitigate risk and liability for foods grown on school campuses.
 - **C. Adherence to Level 2 of compliance is demonstrated by the following:**
 - **(2) School food authorities shall offer at least four items on a weekly basis from New Mexico farms, ranches, or food businesses.**

- Recommendation: Add language. This should indicate that products ***must be sourced/purchased from NM Grown Approved Suppliers***. This language addition would be a significant win for program integrity helping to ensure food safety and source verification for locally sourced products.
- Recommendation: Change language. This should be ***four servings per week (not four items)***. This language amendment would clarify expectations for SFA's and allow for calculation of product needs based on meal patterns. This would also ensure that a diversity of NM products are purchased at significant volumes.
- ***(3) School food authorities shall also adhere to the following performance measures:***
 - ***(a) No less than fifty percent of schools in a school food authority shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs. If a single school is its own school food authority, that school shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs.***
 - Recommendation: Add language. This should indicate ***each School Food Authority (SFA) shall designate a Food Safety manager***. This language addition would ensure that schools are receiving training and technical assistance necessary to mitigate risk and liability for foods grown on school campuses.

2. Ensure schools have resources needed to be compliant with the new proposed standards, this includes access to programmatic supports developed by the ***New Mexico Grown Coalition***, including:

- ***Nuevo Thursdays***, a NM-based nutrition education curriculum and local food promotion program.
- ***School Garden Food Safety Training***, an emerging program to help ensure food produced in gardens is grown, harvested and prepared in alignment with federal food safety standards
- ***NM Grown Golden Chile Awards***, a recognition program designed to gather data on farm to school activities taking place across the state and celebrate NM Grown champions.
- To learn more about the New Mexico Grown Coalition and become a member please visit newmexicogrown.org

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In 2023, The Food Depot distributed more than 7.4 million meals across Northern New Mexico. Fruit and vegetables made up 62% of all food provided. In 2024, we celebrate 30 years of commitment to healthy communities and

innovative programming. Join the food secure movement—donate, advocate, or volunteer today!

Meredith Lorencz (*she, they*)
Local Procurement Project Specialist



[The Food Depot](#)

1222 A Siler Road
Santa Fe, NM 87507
Cell: (505)-510-5785

From: [Stephen Christ](#)
To: [FeedBack, Rule, PED](#); mherrera@riograndefoundation.org
Subject: [EXTERNAL] Feedback on PED school lunch proposal
Date: Saturday, May 11, 2024 8:17:27 AM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Policy and Legislative Affairs Division
New Mexico Public Education Department
300 Don Gaspar Ave., Room 121
Santa Fe, New Mexico 87501

Dear PED Rule Feedback,

We all want high quality food items available for school meals, but I have serious concerns about the specifics of PED's latest proposal, which emphasizes on-site gardening and food preparation as a means of supplying New Mexico schools with food. Specifically, the costs associated with the specific provisions would likely be astronomical and could result in food safety issues and even fire hazards. I encourage PED to "go back to the drawing board" and come up with alternative regulations that balance food quality and freshness with safety and reasonable cost concerns.

Sincerely,

From: [Linda Bates](#)
To: [FeedBack, Rule, PED; +mherrera@riograndefoundation.org](#)
Subject: [EXTERNAL] Feedback on PED school lunch proposal
Date: Saturday, May 11, 2024 7:10:45 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Policy and Legislative Affairs Division
New Mexico Public Education Department
300 Don Gaspar Ave., Room 121
Santa Fe, New Mexico 87501

Dear PED Rule Feedback,

We all want high quality food items available for school meals, but I have serious concerns about the specifics of PED’s latest proposal, which emphasizes on-site gardening and food preparation as a means of supplying New Mexico schools with food. Specifically, the costs associated with the specific provisions would likely be astronomical and could result in food safety issues and even fire hazards. I encourage PED to “go back to the drawing board” and come up with alternative regulations that balance food quality and freshness with safety and reasonable cost concerns.

Sincerely,

Linda Bates
3212 Woodland Road
Los Alamos, NM 87544

From: [Eddie Velarde](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] NM Grown
Date: Monday, May 13, 2024 9:12:11 AM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I am a full time farmer that is in support of the New Mexico Grown Program.

I am hopeful that this program will continue and more monies will be allocated for full time farmers like myself, but more importantly for at risk children, seniors, Native communities, and schools. It has been a win, win situation for all of us.

I am advocating for farmers like myself, we can provide quality foods for schools, senior centers, daycares, food hubs, Native communities and anywhere else deemed needed.

Please refund the NM Grown Program.

Help full time farmers help themselves,as we help at risk peoples.

As is my trademark states: "It is always in season to help farmers."



Rancho de Santa Fe
PO Box 4
1472 Highway 68
Velarde, New Mexico 87582
505 852 2310

From: [Courtney Rich](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Feedback Regarding NM Grown and Healthy Universal School Meals
Date: Monday, May 13, 2024 9:34:46 AM
Attachments: [Outlook-04fcnk4d.png](#)

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

To Whomever this May Concern,

Healthy Neighborhoods Albuquerque sends this email as a strong recommendation as steps to move forward regarding the transformative program that is NM Grown - so that it can remain intact and continue to grow - so that our state feeds our children and communities with nutrient dense, local, and sustainable food. Healthy Universal School Meals should be providing and consistently incorporating food that originates within our state so that there is a cyclical motion of food and money that prioritizes our state's food systems for our state's homeland security and bodily health. Below are specific recommendations for the NM Grown program;

1. Amend the language in [Healthy Universal School Meals \(6.12.16 NMAC\)](#).

- [6.12.16.10 Compliance for Performance Measures for Certification](#)
 - *B. Adherence to Level 1 of compliance is demonstrated by the following:*
 - (2) *School Food Authorities (SFAs) shall offer at least three items on a weekly basis from New Mexico farms, ranches, or food businesses.*
 - **Recommendation: Add language. This should indicate that products *must be sourced/purchased from NM Grown Approved Suppliers*. This language addition would be a significant win for program integrity helping to ensure food safety and source verification for locally sourced products.**
 - **Recommendation: Change language. This should be *three servings per week (not three items)*. This language amendment would clarify expectations for SFA's and allow for calculation of product needs based on meal patterns. This would also ensure that a diversity of NM products are purchased at significant volumes.**
 - (3) *School food authorities shall also adhere to one of the following performance measures:*
 - (a) *No less than fifty percent of schools in a school food authority shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs. If a single school is its own school food authority, that school shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs.*
 - **Recommendation: Add language. This should indicate *each School Food Authority (SFA) shall designate a Food Safety manager*. This language addition would ensure that schools are receiving training and technical assistance necessary to mitigate risk and liability for foods grown on school campuses.**
 - *C. Adherence to Level 2 of compliance is demonstrated by the following:*
 - (2) *School food authorities shall offer at least four items on a weekly basis from New Mexico farms, ranches, or food businesses.*
 - **Recommendation: Add language. This should indicate that products *must be sourced/purchased from NM Grown Approved Suppliers*. This language**

addition would be a significant win for program integrity helping to ensure food safety and source verification for locally sourced products.

- **Recommendation: Change language. This should be *four servings per week (not four items)*. This language amendment would clarify expectations for SFA's and allow for calculation of product needs based on meal patterns. This would also ensure that a diversity of NM products are purchased at significant volumes.**
- (3) *School food authorities shall also adhere to the following performance measures:*
 - (a) *No less than fifty percent of schools in a school food authority shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs. If a single school is its own school food authority, that school shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs.*
 - **Recommendation: Add language. This should indicate *each School Food Authority (SFA) shall designate a Food Safety manager*. This language addition would ensure that schools are receiving training and technical assistance necessary to mitigate risk and liability for foods grown on school campuses.**
- For greater clarity, we have included a marked up version of the proposed rule language. [6.12.16-NMAC_NMFMA.docx](#)

2. Ensure schools have resources needed to be compliant with the new proposed standards, this includes access to programmatic supports developed by the *New Mexico Grown Coalition*, including:

- *Nuevo Thursdays*, a NM-based nutrition education curriculum and local food promotion program.
- *School Garden Food Safety Training*, an emerging program to help ensure food produced in gardens is grown, harvested and prepared in alignment with federal food safety standards
- *NM Grown Golden Chile Awards*, a recognition program designed to gather data on farm to school activities taking place across the state and celebrate NM Grown champions.
- To learn more about the New Mexico Grown Coalition and become a member please visit newmexicogrown.org

3. Advocate to secure a separate state appropriation for FY26 to fund NM Grown local procurement in the schools through a grant program administered by PED. In FY2024 \$2.3 million dollars were allocated, we recommend increasing that amount to \$3.8 million so that all SFA's can benefit from this additional funding to support compliance within the proposed rule.



Executive Director

Courtney Rich

505.415.6421

Healthy Neighborhoods Albuquerque

<https://www.hnabq.org/>

From: [Myria Mandell](#)
To: [FeedBack_Rule_PED](#)
Subject: [EXTERNAL] Feedback on the proposed rule 6.12.16 NMAC, Healthy Universal School Meals.
Date: Monday, May 13, 2024 10:17:53 AM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

To Whom It May Concern,

I am emailing today to encourage you to implement the following changes to the proposed rule 6.12.16

1. Amend the language in [Healthy Universal School Meals \(6.12.16 NMAC\)](#).

- 6.12.16.10 Compliance for Performance Measures for Certification
 - **B. Adherence to Level 1 of compliance is demonstrated by the following:**
 - **(2) School Food Authorities (SFAs) shall offer at least three items on a weekly basis from New Mexico farms, ranches, or food businesses.**
 - Recommendation: Add language. This should indicate that products **must be sourced/purchased from NM Grown Approved Suppliers**. This language addition would be a significant win for program integrity helping to ensure food safety and source verification for locally sourced products.
 - Recommendation: Change language. This should be **three servings per week (not three items)**. This language amendment would clarify expectations for SFA's and allow for calculation of product needs based on meal patterns. This would also ensure that a diversity of NM products are purchased at significant volumes.
 - **(3) School food authorities shall also adhere to one of the following performance measures:**
 - **(a) No less than fifty percent of schools in a school food authority shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs. If a single school is its own school food authority, that school shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs.**
 - Recommendation: Add language. This should indicate **each School Food Authority (SFA) shall designate a Food Safety manager**. This language addition would ensure that schools are receiving training and technical assistance necessary to mitigate risk and liability for foods grown on school campuses.
 - **C. Adherence to Level 2 of compliance is demonstrated by the following:**
 - **(2) School food authorities shall offer at least four items on a weekly basis from New Mexico farms, ranches, or food businesses.**
 - Recommendation: Add language. This should indicate that products **must be sourced/purchased from NM Grown Approved Suppliers**. This language addition would be a significant win for program integrity helping to ensure food safety and source verification for locally sourced products.
 - Recommendation: Change language. This should be **four servings per week (not four items)**. This language amendment would clarify expectations for SFA's and allow for calculation of product needs based on meal patterns. This would also ensure that a diversity of NM products are purchased at significant volumes.
 - **(3) School food authorities shall also adhere to the following performance measures:**
 - **(a) No less than fifty percent of schools in a school food authority shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs. If a single school is its own school food authority, that school shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs.**
 - Recommendation: Add language. This should indicate **each School Food Authority (SFA)**

shall designate a Food Safety manager. This language addition would ensure that schools are receiving training and technical assistance necessary to mitigate risk and liability for foods grown on school campuses.

- For greater clarity, **we have included a marked up version of the proposed rule language.** [6.12.16-NMAC_NMFMA.docx](#)

2. Ensure schools have resources needed to be compliant with the new proposed standards, this includes access to programmatic supports developed by the **New Mexico Grown Coalition**, including:

- **Nuevo Thursdays**, a NM-based nutrition education curriculum and local food promotion program.
- **School Garden Food Safety Training**, an emerging program to help ensure food produced in gardens is grown, harvested and prepared in alignment with federal food safety standards
- **NM Grown Golden Chile Awards**, a recognition program designed to gather data on farm to school activities taking place across the state and celebrate NM Grown champions.
- To learn more about the New Mexico Grown Coalition and become a member please visit newmexicogrown.org

3. Advocate to secure a separate state appropriation for FY26 to fund NM Grown local procurement in the schools through a grant program administered by PED. In FY2024 \$2.3 million dollars were allocated, we recommend increasing that amount to \$3.8 million so that all SFA's can benefit from this additional funding to support compliance within the proposed rule.

BACKGROUND: New Mexico Grown & Healthy Universal School Meals

The state's local food procurement program, **New Mexico Grown** provides resources to institutions to purchase locally produced food from New Mexican farmers, ranchers, value-added food producers, food hubs, and distributors. The food purchased through the program serves vulnerable populations around the state including children in pre-school settings, students in K-12 schools, elders at senior centers, and food insecure clients at food banks. NM Grown is an integral part of the Governor's Food Initiative – a comprehensive commitment to building a robust food system that measurably reduces hunger and improves equitable access to nutritious, culturally meaningful foods for all New Mexicans. Because NM Grown supports both producers and consumers, it simultaneously helps combat food insecurity and strengthen local economies. There is no other program like it across the country that meets both institutional procurement needs of constituents from cradle to cane along with those of historically marginalized producers.

For the past ten years, the **NM Grown for Schools** program has operated through a state appropriation made to the Public Education Department and offered as a grant to School Food Authorities (SFAs) who complete an application for each program year. Having this dedicated funding for NM Grown has been essential for producers and food hubs seeking to engage in market diversification, production planning, and even infrastructure expansion in many cases. Moving into Fiscal Year 2025 (June 30, 2024-July 01, 2025) the program implementation strategy has shifted, with the NM Grown being folded into [Healthy Universal School Meals \(SB4\)](#) at PED. Starting July 01, 2024 School Food Authorities must utilize funding from the additional reimbursement they receive monthly from the state through SB4 to purchase locally produced foods. Though this new program approach will result in long term benefits for school communities, the short term loss of the state-funded procurement program threatens to undermine the stability of our farm to institution markets and the producers that rely on these opportunities.

Sincerely,

--

Myria Mandell

505-440-0030

Grant Co-Coordinator

Guadalupe Healthy Kids Healthy Communities

Guadalupe County Health Planning Board

From: [Sonya Moore](#)
To: "Rule.Feedback@ped.nm.gov"
Subject: [EXTERNAL] Public Comment
Date: Monday, May 13, 2024 10:48:32 AM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Public Comment to address proposed rules for 6.12.16 NMEC, Healthy Universal School Meals

Concerns

Fact: 1. In section 6.12.16.9 – please define “approved reviewers”. The terminology of non-student nutrition personnel should be clarified. How will non-student nutrition reviewers have the knowledge or experience to work as a reviewer?

2. In section 6.12.16.10–B & C The minimum requirement of 50% of all meals being “freshly prepared” is extremely ambitious and should be re-evaluated for a step-up approach. Expecting school kitchens to reach 50% in one year seems to be an unreachable expectation. The “freshly prepared” is vague and needs definition. There should be NO ambiguity in the rules.

3. In section 6.12.16.10-2 The requirement of 3 New Mexico Grown items offered per week will not work for most districts. In the southeastern portion of the state, there is a shortage of available NM Grown products. This requirement needs to be softened due to product availability. Farmers can’t supply enough product or deliver to the southeast region of the state for an affordable price.

4. In section 6.12.16.10 3b – Requiring school gardens is NOT achievable. This requires funding and participation outside of the School Nutrition department and budget. Mandating this requirement places an unnecessary burden on School Nutrition departments.

5. In Section 6.12.16.10 4a. The requirement of 20-minute seat time should be re-written to place the burden of the requirement on the district administration. This mandate requires district level acceptance and adherence. School nutrition funding should not be contingent on factors outside of the nutrition department’s control.

6. In section 6.12.16.10 5a, b, & c. Requiring recess before lunch places an undue hardship on Nutrition departments by interfering with school scheduling practices and procedures. Scheduling is decided by the school and the district, and does not include school nutrition in the process. Choice B & C mandates requires district level acceptance and adherence. School nutrition funding should not be contingent on factors outside of the nutrition department’s control.

7. In section 6.12.16.10 8a, b, & c. Requiring nutrition education to be included in professional development is not reasonable. This mandate requires district level acceptance and adherence. School nutrition funding should not be contingent on factors outside of the nutrition department’s control.

8. In section 6.12.16.10 C 1,2, & 3. All 3 choices for level 2 compliance are unreasonable and difficult to meet. The reasons listed above are all the reasons level 2 compliance will not work. These mandates require district level acceptance and adherence. School nutrition funding should not be contingent on factors outside of the nutrition department’s control.

Impact: These rules as currently written will have a negative impact on school nutrition departments. These rules will negatively affect relationships with district administration, school administration and department staff. The rules as written place an undue and unnecessary burden on the school nutrition department. The threat of losing funding if

mandates are not met is an unacceptable financial burden on the school nutrition department.

Context: School nutrition departments support the idea of feeding all students nutritious meals. All schools that participate in the NSLP are already meeting the USDA requirements for nutrition. The rules as written implies that the USDA federal requirements are NO LONGER good enough, and that state expectations will be enforced at the cost of the funding. This mandate requires district level acceptance and adherence. School nutrition funding should not be contingent on factors outside of the nutrition department's control.

Action: This is a formal request to REJECT these rules as written, and require a revision. This is a formal request to also REQUIRE a new, subject matter expert committee revise the current rules. The current rule committee does not have school nutrition experience or expertise. The current rule writing committee is only comprised of 2 members, both affiliated with the current state governing administration. It feels unethical for the current 2-member rule writing committee to have the final words for this law.

Thank you,

Sonya Moore, SNS

Director of School Food Service

Hobbs Municipal Schools

moores@hobbsschools.net

575-433-0220

From: [Sonya Moore](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Public Comment for 6.12.16 NMEC, Healthy Universal School Meals
Date: Monday, May 13, 2024 10:50:37 AM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Public Comment to address proposed rules for 6.12.16 NMEC, Healthy Universal School Meals

Concern: “*freshly prepared meals*” is undefined. This phrase is used twice in the rules and is NOT defined either time. This phrase is being used as a requirement without definition.

Fact: If left undefined, this leaves the “*freshly prepared meals*” requirement to individual interpretation. School Districts and Nutrition Departments will have vastly different definitions from that of NMPED regarding what a freshly prepared meal is.

Impact: Leaving “*freshly prepared meals*” undefined creates an additional burden on school nutrition programs. The burden being that no clear definition stands, so interpretation is left up to whomever audits the programs for accountability. That person being from NMPED, not school affiliated, and may not have the best intentions.

Context: Leaving “*freshly prepared meals*” undefined sends the message that this will be “defined at a later date”. Not defining in the rules leaves the nutrition programs at a disadvantage, and the enforcing agency with an advantage. The message to school districts is that the enforcing agency will be permitted to change this definition without the scrutiny of public comment, and after final rule is enacted. That is unfair to all parties involved. This feels intentionally ambiguous by the rule writers.

Action: I humbly request that NMPED reject the current rules as written. The rules need more definition and clarification.

Sincerely,
Sonya Moore, SNS
Food and Nutrition Director
Hobbs Municipal Schools

I fully supported this legislation with the understanding and promise from the rule writers that schools would not have a difficult time meeting the new requirements. That is not the way that I interpret the current rules as they are written. Both pathways are difficult and burdensome, as well as so strict that many schools will not be able to achieve with in the 1-year requirement. I feel that a step-up approach is much more achievable and in the best interest of school districts and students.

It is important to know that I was invited to be a part of the rule writing committee. Every concern that I raised, and every comment that I made was ignored. There are two people that are writing these rules, all others were involved for appearances only. The two people that wrote the rules have NO expertise in School Nutrition. The two people that wrote the rules have NEVER worked in a school nutrition department or have ever seen how school nutrition departments operate, therefore have NO concept how these rules are unattainable. Nutrition Directors from around the state are the subject matter experts, NOT the two people that wrote these rules. We are urging NMPED to REJECT these rules as written and require more definition. We are urging NMPED to assemble a NEW rule writing committee that is comprised of Nutrition Directors and excludes the original rule writers.

Thank you,

Sonyia Moore, SNS

Director of School Food Service
Hobbs Municipal Schools

moores@hobbsschools.net

575-433-0220

From: [New Mexico Doula Association](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] NM Grown for Schools Policy for 2024/25 School Year
Date: Tuesday, May 14, 2024 12:34:31 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

1. Amend the language in [Healthy Universal School Meals \(6.12.16 NMAC\)](#).

- **6.12.16.10 Compliance for Performance Measures for Certification**
- ***B. Adherence to Level 1 of compliance is demonstrated by the following:***
- ***(2) School Food Authorities (SFAs) shall offer at least three items on a weekly basis from New Mexico farms, ranches, or food businesses.***
 - **Recommendation: Add language.** This should indicate that products *must be sourced/purchased from NM Grown Approved Suppliers*. This language addition would be a significant win for program integrity helping to ensure food safety and source verification for locally sourced products.
 - **Recommendation: Change language.** This should be *three servings per week (not three items)*. This language amendment would clarify expectations for SFA's and allow for calculation of product needs based on meal patterns. This would also ensure that a diversity of NM products are purchased at significant volumes.
- ***(3) School food authorities shall also adhere to one of the following performance measures:***
 - ***(a) No less than fifty percent of schools in a school food authority shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs. If a single school is its own school food authority, that school shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs.***
 - **Recommendation: Add language.** This should indicate *each School Food Authority (SFA) shall designate a Food Safety manager*. This language addition would ensure that schools are receiving training and technical assistance necessary to mitigate risk and liability for foods grown on school campuses.
- ***C. Adherence to Level 2 of compliance is demonstrated by the following:***
- ***(2) School food authorities shall offer at least four items on a weekly basis from New Mexico farms, ranches, or food businesses.***
 - **Recommendation: Add language.** This should indicate that products *must be sourced/purchased from NM Grown Approved Suppliers*. This language addition would be a significant win for program integrity helping to ensure food safety and source verification for locally sourced products.
 - **Recommendation: Change language.** This should be *four servings per week (not four items)*. This language amendment would clarify expectations for SFA's and allow for calculation of product needs based on meal patterns. This would also ensure that a diversity of NM products are purchased at significant volumes.
- ***(3) School food authorities shall also adhere to the following performance measures:***
 - ***(a) No less than fifty percent of schools in a school food authority***

shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs. If a single school is its own school food authority, that school shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs.

- **Recommendation: Add language. This should indicate *each School Food Authority (SFA) shall designate a Food Safety manager.* This language addition would ensure that schools are receiving training and technical assistance necessary to mitigate risk and liability for foods grown on school campuses.**
- **For greater clarity, we have included a marked up version of the proposed rule language.**

[6.12.16-NMAC_NMFMA.docx](#)

2. Ensure schools have resources needed to be compliant with the new proposed standards, this includes access to programmatic supports developed by the *New Mexico Grown Coalition*, including:

- ***Nuevo Thursdays*, a NM-based nutrition education curriculum and local food promotion program.**
- ***School Garden Food Safety Training*, an emerging program to help ensure food produced in gardens is grown, harvested and prepared in alignment with federal food safety standards**
- ***NM Grown Golden Chile Awards*, a recognition program designed to gather data on farm to school activities taking place across the state and celebrate NM Grown champions.**
- **To learn more about the New Mexico Grown Coalition and become a member please visit newmexicogrown.org**

3. Advocate to secure a separate state appropriation for FY26 to fund NM Grown local procurement in the schools through a grant program administered by PED. In FY2024 \$2.3 million dollars were allocated, we recommend increasing that amount to \$3.8 million so that all SFA's can benefit from this additional funding to support compliance within the proposed rule.

Melissa Marie Lopez-Sullivan (Formerly Brice)

Pronouns: She/Her

Executive Director

Manso/Tiwa/Piro Territory (Las Cruces) Office

New Mexico Doula Association

[Facebook](#) | [Instagram](#)

NMDoula.org

Respecting Pronouns: A Step Towards Inclusivity — We at the New Mexico Doula Association recognize and honor the diverse identities of our community. Using pronouns in our communication is a practice of respect, inclusivity, and recognition of everyone's right to be identified as they choose. To learn more about the importance of pronouns in fostering a gender-affirming and inclusive environment, please visit these resources: MyPronouns.org : A website dedicated to educating about personal pronouns, why they matter, and how to use them. Learn More .

Arellano, Immanuel Eilani, PED

From: Tiffany Rivera <tiffanyr@nmflb.org>
Sent: Wednesday, May 15, 2024 10:29 AM
To: FeedBack, Rule, PED
Subject: [EXTERNAL] New Rule 6.12.16 NMAC, Healthy Universal School Meals
Attachments: Healthy Universal School Meals Rule Final.pdf

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Good morning,

Attached please find NM Farm & Livestock Bureau's comments on the Healthy Universal School Meals proposed rule.

Thank you,
Tiffany

Tiffany Rivera
Director of Government Affairs
575-532-4706 - office
575-639-2476 - cell



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NEW MEXICO FARM & LIVESTOCK BUREAU

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Policy and Legislative Affairs Division
New Mexico Public Education Department
300 Don Gaspar Avenue, Room 121
Santa Fe, New Mexico 87501

Re: New Rule 6.12.16 NMAC, Healthy Universal School Meals

To whom it may concern,

On behalf of New Mexico Farm & Livestock Bureau, we submit the following comments regarding the newly proposed 6.12.16 NMAC Healthy Universal School Meals.

We applaud the passage and intent of the Healthy, Hunger-Free Students' Bill of Rights Act, which will expand free meals to all public and charter school students attending schools that operate under the National School Breakfast and Lunch programs.

The proposed new rule establishes the process by which school food authorities demonstrate compliance and earn certification to establish a healthy universal school meals program. While we appreciate the spirit of the legislation and accompanying proposed rule, the processes outlined in the draft proposal warrant further consideration, investigation, and refinement.

6.12.16.10 Compliance with performance measures for certification

B(2) School food authorities shall offer at least three items on a weekly basis from New Mexico farms, ranches, or food businesses.

- NMF&LB supports increasing accessibility to New Mexico grown products to students in our school systems. We applaud the PED for pursuing this effort which we hope will create stronger connections with students and the food they consume, while also placing emphasis on the value of local production.
- Food service directors should work with local producers to ensure the needs are met for the school's product demands.
 - o School systems will need to work with producers at least a year/season in advance to ensure production needs can be met and contracts are in place to meet product demands. Many schools don't realize that producers often have their crops sold prior to harvest and have little to no excess to fulfill this additional demand.

B(3)(a) No less than fifty percent of schools in a school food authority shall grow food on campus to be introduced into school lunch programs.



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- While we appreciate the intent of growing one's own food to be served in the school systems, the reality is that there are multiple factors that must be in place for this to be successfully done and will require significant funding and dedicated resources.
- Other considerations
 - o Outdoor vs. indoor production
 - The outdoor growing season is limited, especially in areas of the state where the temperature fluctuates dramatically with the seasons. Outdoor production will only allow for seasonal production.
 - Indoor production through hydroponics and greenhouses can help address some of the seasonality issues but require investment in the initial infrastructure. Who will pay for the infrastructure and associated costs?
 - o Education
 - Individuals responsible for growing the food will need to be educated on how to grow, harvest, and potentially process a productive crop successfully and safely.
 - Who will provide education and training on how to execute this?
 - Where will schools establish their growing areas?
 - Proper production and handling procedures will need to be followed to ensure food produced is not contaminated and is safe to eat. Growers will need to undergo training and education to fully understand the requirements.
 - Regulations to note: Federal Food Safety Modernization Act

B(5)(c) At least fifty percent of schools in a school food authority shall have a composting program in place. If a single school is its own school food authority, that school shall have a composting program in place.

- Composting is a great endeavor to help students learn the intricacies of soil health and the nutrient cycle as well as become more aware of the issues with food waste; however, requiring schools to participate in composting programs can prove to be problematic and challenging. If this requirement remains, there will need to be detailed and extensive training provided for the successful and safe implementation of a composting program.
- There is a very specific process that needs to be followed to ensure that the food waste is decomposing while also ensuring that the pathogens are destroyed and avoid combustion.
- Additionally, there may be record keeping requirements that must be met to ensure the composting process is done correctly and safely for food safety purposes.



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B(8)(a) Schools shall incorporate food and nutrition education into teacher and school staff professional development training on a quarterly basis.

- New Mexico Agriculture in the Classroom, the non-profit, educational outreach program of the NMF&LB, works with Extension ICAN programs to provide currently available curriculum and offers professional development and volunteer trainings that would assist in helping schools meet this requirement.
- Funding for educational and presentation materials, cooking supplies, equipment, and ingredients would need to be considered.

C(2)(a) All schools shall offer more than four items weekly from New Mexico Farms ranches, or food businesses.

- NMF&LB supports increasing accessibility to NM grown products to students in our school systems. We applaud the PED for pursuing this effort which we hope will create stronger connections with students and the food they consume, while also placing emphasis on the value of local production.
- Food service directors should work with local producers to ensure the needs are met for the school's product demands.
 - o School systems will need to work with producers at least a year/season in advance to ensure production needs can be met and contracts are in place to meet product demands. Many schools don't realize that producers often have their crops sold prior to harvest and have little to no excess to fulfill this additional demand.

C(2)(b) No less than fifty percent of schools shall grow food on campus with monthly incorporation of produced food into breakfast, lunch, or snack programs. If a single school is its own food authority, that school shall grow food on campus with monthly incorporation of produced food into breakfast, lunch, or snack programs.

- Again, while we appreciate the intent of growing one's own food to be served in the school systems and realize that students that help grow their own food are much more likely to eat it, the reality is that there are multiple factors that must be in place for this to be successfully done and will require significant funding and dedicated resources and personnel.
- Considerations:
 - o Outdoor vs indoor production
 - Outdoor growing season is limited, especially in areas of the state where the temperature fluctuates dramatically with the seasons. Outdoor production will only allow for seasonal production.



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- Indoor production through hydroponics and greenhouses can help address some of the seasonality issues but require investment in the initial infrastructure. Who will pay for the infrastructure and associated costs?
- Education
 - Individuals responsible for growing the food will need to be educated on how to grow, harvest, and potentially process a productive crop successfully and safely.
 - Who will provide education and training on how to execute this?
 - Where will schools establish their growing areas?
 - Proper production and handling procedures will need to be followed to ensure food produced is not contaminated and is safe to eat. Growers will need to undergo training and education to fully understand the requirements.
 - Regulations to note: Federal Food Safety Modernization Act

6.12.16.11 Funding Distribution

B. School food authorities shall use funding to purchase commodities necessary to improve meal quality, including food and other consumables, equipment, staffing, labor needs or training and technical assistance.

- NMF&LB supports the NM PED specifically allocating funding for schools to apply for to buy locally grown and raised products and to meet the other requirements established in the rule.

- NMF&LB supports the NM PED allocating funding to the NMAITC to partner in providing on-line/in-person professional development opportunities focused on food and nutrition to assist in meeting this statewide requirement.

We appreciate the opportunity to comment on the proposed rule language and urge the New Mexico Public Education Department to deeply consider the comments outlined above. NMF&LB appreciates the spirit of the Healthy, Hunger-Free Students' Bill of Rights Act, and the accompanying rule, but recommends that major refinements be made to ensure successful execution. Additionally, funding must be prioritized and allocated to schools to implement the new requirements.

New Mexico Farm & Livestock Bureau (NMF&LB) is New Mexico's largest agriculture organization, representing members involved in all aspects of agriculture. Our mission is to promote and protect agriculture in the great State of New Mexico. We are charged with the



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important task of representing our members' interests, while advocating on the behalf of agriculture.

Respectfully,

Larry Reagan

President

Arellano, Immanuel Eilani, PED

From: Felix Griego <felix.griego@rrps.net>
Sent: Thursday, May 16, 2024 10:10 AM
To: FeedBack, Rule, PED
Subject: [EXTERNAL] Senate Bill 4 Healthy Universal School Meals COMMENT

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Good Morning,

I wanted to provide a brief comment regarding Senate Bill 4- Healthy Universal Healthy Meals proposed Rule. There are some good intentions from the rule such as scratch cooking, food waste, and incorporating locally grown products to breakfast and lunches that are served to our students. The parameters (50% and 75%) are too stringent as districts and schools all operate differently and it is not a one size fits all. I feel that if this was to be implemented it should have started at a lower percentage and if feasible worked its way up to the proposed percentages. We feel that we do the majority of the things referenced in this rule and will do our best to abide by what is passed. The funding tied to SB 4 has had a significant impact on our students, community, staff, and Student Nutrition Department at our district. It has helped reduce stigma, increased revenue, helped increase food quality and participation as well as gave all students equal access to a free lunch and breakfast on a daily basis.

However, there are some areas of the proposed rule that are not feasible and will be detrimental to our program. The state has incorporated the funding that was allocated this past year for the NM School grant of 2 million dollars into the SB-4 state funding. This funding would have been beneficial in meeting the expected percentage of serving locally grown products and are expected to cover these parameters with state and federal funds which many districts may have a difficult time doing. The NM grown products are primarily much more expensive than products procured by districts with mainstream vendor pricing. We also feel that farmers (produce) suppliers will not be able to meet the demands of the school district and hinder the market for locally grown organic products. The cost for meat is double and almost tripled then what mainstream producers prices are offered. Purchasing products may not only be sustainable or feasible with the current budgets that School Food Authorities have to operate the National School Lunch Program. District cannot afford to use operational funds to supplement our programs, as they are already struggling with inflation for labor, benefits, and operating costs. Purchasing higher priced products does not meet procurement and good use of state and federal tax payer funds. If we are to purchase NM Grown products, there should be set aside funds for the NM Grown Grant which has been done over the past 10 plus years and was at about 2 million this past year. This would help us meet this portion of the rule.

The rule in 6.12.16.10 A(3) is not realistic given the funding, staffing, and geographical region that we live in. We do not have the infrastructure or space to build a greenhouse and sustain them. The state may need to be more informed of the struggles the New Mexico farmers are having with resources to grow their crops such as labor, water, and expertise to grow products. This is also an issue as there are USDA standards on products that we can serve to children and cannot conflict against those as we get more federal funds than state funds. Along with this concern is the composting program which is also not sustainable and could potentially cause health risks to staff and students if they do not have the

knowledge, expertise and experience to do composting. There are also issues with 5(a), it is very difficult for students to get 20 minutes of seat time as they also need time for recess so they can be physically active and schools and districts have a hard time with the allowed amount of time for breakfast and lunch allowed in each school. This is even more prevalent and more difficult to implement in larger school districts. This has been voiced by our superintendents when passing the bill and may cause some major behavior issues for teachers who are already dealing with crowded classrooms and other demands issued by the state.

Last, There are major concerns regarding section 8 (a-c). I do not see that there are rules or legislation in place that require food nutrition or culinary in the curriculum for all school aged children. If this rule is passed, it will have implications in other areas which have already been highly debatable and have not had any movement in legislation in the past. Administrators and Staff are already struggling with offering knowledge into their curriculum such as math and reading which are primary knowledge and foundation students need to be proficient in in order to be successful. I also see the issue with finding educators with food and nutrition backgrounds to offer this content in the classroom. It will be very difficult to engage or require a student to engage in food preparation as they are very busy with getting educated and participating in extracurricular activities and or working to help support themselves and family. We do offer programs such as this but there is not high participation.

In all, I appreciated the State and Representatives passing Healthy Universal meals for all as a constitutional right to get a free education and it should also be a law and funding to give students a free breakfast and lunch as well. I would really advise the state to think this through and make a less detailed rule as a starting point and then become more detailed and amend the rule and implement the more detailed process based on data, feedback, and learning experiences. Afterall, you must walk before you run and what we must do is feed our students free meals and give our School Food Authorities the tools to be successful rather than set us up for failure. Thank you all for your hard work through this process as it has not been easy but is very impactful to our students and preparing them to be successful in the classroom.

Thank you,

Felix Griego, MBA

Executive Director of Student Nutrition

Rio Rancho Public Schools

500 Laser RD SE

Rio Rancho, NM 87124

Cell - 505-220-0674

felix.griego@rrps.net



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From: [Cathy Day](#)
To: [FeedBack, Rule, PED](#)
Cc: [Helga Garcia-Garza](#); [Jessica Swan](#)
Subject: [EXTERNAL] improvements to Healthy Universal School Meals (6.12.16 NMAC)
Date: Monday, May 20, 2024 9:17:43 AM

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Dear NMPED Policy and Legislative Affairs Division staff,

Agri-Cultura Cooperative Network/La Cosecha Community Supported Agriculture are organizations that work directly with farmers and food purchasers to ensure that New Mexico Grown food reaches New Mexico institutions and individual buyers. As a food hub in Albuquerque's South Valley, we are especially interested in ensuring that the ties between local agriculture and our in-state institutions continue to be strengthened. Such connections are vital for the future of New Mexico farming, as well as for ensuring that our students (as well as seniors, home-bound individuals, resource-constrained households, and pre-school age children) have affordable access to nutritious, local food.

We support the legislation providing Healthy Universal School Meals (6.12.16 NMAC). However, the rulemaking for the legislation must ensure that it provides clear and traceable ties to New Mexico farm products, that its language is consistent with meal planning language for schools, and that food safety concerns are addressed by designating responsible parties for managing such concerns.

Consequently, we would like to see the amendments outlined in detail below:

1. Amend the language in [Healthy Universal School Meals \(6.12.16 NMAC\)](#).

- 6.12.16.10 Compliance for Performance Measures for Certification
 - *B. Adherence to Level 1 of compliance is demonstrated by the following:*
 - (2) *School Food Authorities (SFAs) shall offer at least three items on a weekly basis from New Mexico farms, ranches, or food businesses.*
 - Recommendation: Add language. This should indicate that products **must be sourced/purchased from NM Grown Approved Suppliers**. This language addition would be a significant win for program integrity helping to ensure food safety and source verification for locally sourced products.
 - Recommendation: Change language. This should be **three servings per week (not three items)**. This language amendment would clarify expectations for SFA's and allow for calculation of product needs based on meal patterns. This would also ensure that a diversity of NM products are

purchased at significant volumes.

- (3) School food authorities shall also adhere to one of the following performance measures:
 - (a) No less than fifty percent of schools in a school food authority shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs. If a single school is its own school food authority, that school shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs.
 - Recommendation: Add language. This should indicate **each School Food Authority (SFA) shall designate a Food Safety manager**. This language addition would ensure that schools are receiving training and technical assistance necessary to mitigate risk and liability for foods grown on school campuses.
- C. Adherence to Level 2 of compliance is demonstrated by the following:
 - (2) School food authorities shall offer at least four items on a weekly basis from New Mexico farms, ranches, or food businesses.
 - Recommendation: Add language. This should indicate that products **must be sourced/purchased from NM Grown Approved Suppliers**. This language addition would be a significant win for program integrity helping to ensure food safety and source verification for locally sourced products.
 - Recommendation: Change language. This should be **four servings per week (not four items)**. This language amendment would clarify expectations for SFA's and allow for calculation of product needs based on meal patterns. This would also ensure that a diversity of NM products are purchased at significant volumes.
 - (3) School food authorities shall also adhere to the following performance measures:
 - (a) No less than fifty percent of schools in a school food authority shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs. If a single school is its own school food authority, that school shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs.
 - Recommendation: Add language. This should indicate **each School Food Authority (SFA) shall designate a Food Safety manager**. This language addition would ensure that schools are receiving training and technical assistance necessary to mitigate risk and liability for foods grown on school campuses.

- For greater clarity, **we have included a marked up version of the proposed rule language.**

[6.12.16-NMAC NMFMA.docx](#)

2. Ensure schools have resources needed to be compliant with the new proposed standards, this includes access to programmatic supports developed by the *New Mexico Grown Coalition*, including:

- *Nuevo Thursdays*, a NM-based nutrition education curriculum and local food promotion program.
- *School Garden Food Safety Training*, an emerging program to help ensure food produced in gardens is grown, harvested and prepared in alignment with federal food safety standards
- *NM Grown Golden Chile Awards*, a recognition program designed to gather data on farm to school activities taking place across the state and celebrate NM Grown champions.
- To learn more about the New Mexico Grown Coalition and become a member please visit newmexicogrown.org

3. Advocate to secure a separate state appropriation for FY26 to fund NM Grown local procurement in the schools through a grant program administered by PED. In FY2024 \$2.3 million dollars were allocated, we recommend increasing that amount to \$3.8 million so that all SFA's can benefit from this additional funding to support compliance within the proposed rule.

We thank you for your kind attention to these suggestions.

Sincerely,

Cathy Day, PhD

Director of Climate Solutions

Agri-Cultura Cooperative Network



office: 505-217-2461

cell: 240-753-4763

318 Isleta Blvd SW, Albuquerque, NM 87105

Hours: Monday-Thursday 8:30-5

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From: [Coby Norman](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Proposed Rule 6.12.16
Date: Monday, May 20, 2024 11:21:56 AM

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There appears to be either missing information or the authors of this proposed rule failed to think things through. Has anyone calculated the increased costs, and personnel, that all of these new duties and programs will require. Surely someone did a cost-benefit analysis based upon real-time data, right? What about the loss of instructional time? Our schools are among the lowest-rated in the nation and now we are going to substitute "nutrition and culinary" lessons for reading, math, science and social studies?

6.12.16.10 -

B1) Due to the increased time required for the preparation and cooking of *freshly prepared meals*, how much funding will be provided to cover the increased personnel costs?

B2) There are insufficient suppliers in the system to meet current needs for items from NM farms, ranches and food businesses. Are the rule proposers seeking out more providers and helping them get through the approval process?

B3a) Where will schools grow food on campus? Is the state providing funding to purchase land and/or huge greenhouses? Do we plow up the football field or playground? We will also need funding for personnel to work our farm, tractors and equipment, seed, fertilizer, water and irrigation equipment, and such. Do we have to follow certain guidelines for using pesticides?

B3b) Is there funding for the equipment and training for our cafeteria staff to create digital resources? Or will these be provided by the state?

5a) Recess before lunch at least 2 days per week? Is there any research behind this? If so, shouldn't it be every day? And how does changing the instructional day fall under the jurisdiction of the school meals program? This is an overreach.

5b) Who performs the plate waste study and how? This will require the state paying for someone to come in and do this. Is there funding?

5c) Composting - did the rule makers get approval from the Fire Marshall, insurance companies, EPA, etc.?

7) This is the most ridiculous thing I have ever seen proposed by a government agency and it testifies to just how disconnected the rule makers are from educational entities.

8) What do we sacrifice for rule 8? Shall we reduce reading instruction? Math? Science? Students will have to sacrifice time needed for studying core academic subjects in order to implement culinary and nutrition education in their place. Also, will students now be serving food (without a food handlers' certificate), instead of the learning core subjects or eating their own lunch?

6.12.16.11 - School food programs' funding now will be based upon compliance with these proposed rules that are impossible to follow unless the state

increases funding by at least 2,000% in the first place.

Coby Norman

From: [Steven Carleton](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Concerns with Compliance with Performance Measures
Date: Monday, May 20, 2024 1:30:38 PM

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Concerns with Compliance with Performance Measures

B1 - 50% of items need to be freshly prepared?

3 week cycle menu for breakfast and lunch is 30 entrees alone not including sides. Not really defined as to how many items per meal need to be freshly prepared.

Not really defined as freshly prepared? Roasted Broccoli count? Does house made ranch count? Does assembling the hot dog and hamburger count?

B2 - New Mexico food business not really defined? Do local offices of large companies count? Sysco, Labatt, Creamland, General Mills etc.

B3a – Growing food on campus has proven difficult due to access to area, safety concerns, crop yields and who maintains these spaces over the summer.

B4a – Not able to control site serving times based on district/school level time requirements.

B4b- What would parents be allowed to add to share table? Food items must come out of the kitchen only, since outside products could lead to allergic reactions to sensitive students.

B4c- Where would food items be stored between collection periods?

B5b- What information is required for plate waste study? Quarterly could be challenging, maybe per semester would be acceptable.

B5c- The city does not have anyone that is capable of collecting even half of the sites on a timely manner.

B6 – What information is requested for feedback? What quantitative measures are required? Could students be asked about menu items and have responses recorded?

B7 – What quantitative measures are required? Why quarterly when cycle menus are mostly planned annually? The feedback should be conducted before schools have their diversion plans submitted.

B8 – What would the engagement of middle and high school students look like when it comes to food preparation? Would students be called out of class to help in the kitchens? How many students at a time could participate at one time?

C- Level 2 compliance seems very difficult for large districts and in my opinion, it might only be achieved at smaller districts.

--

Steven Carleton

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prohibited. If you think that you have received this message in error please notify the sender and destroy all copies of this communication and any attachments. Thank you.

From: [Kimberly Meeks](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] 6.12.16 Healthy Universal School Meals
Date: Tuesday, May 21, 2024 7:54:04 AM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I am a Student Nutrition Director. I am a huge supporter of the NM GROWN Program and serving students Healthy quality meals.

The proposed rules are setting the Student Nutrition Program and the NM Grown Program to **FAIL**.
I have issues with all of the proposed rules.

The SB-4 which was voted on by the Legislature was about serving all students free meals and healthier quality food.

When did it become about teaching (which I'm not a certified teacher), gardening, composting, authority to decide on how long for lunch and when recess is scheduled (I have NO control), conducting surveys, bringing students into the kitchen, allowing people to have input on the menu (they don't understand the USDA rules and regulations we must meet)? My staff continually ask the students what they like and we do tastings at some of the schools to get feedback. My kitchens are not sized or have the equipment to produce the amount of freshly prepared food required. The District has an Ag Department and a Culinary Department with certified instructors. The students who are interested in those subjects can take those classes.

Who is going to pay for the added expense? The amount of money we would receive from the State is minimal and only covers the students who are considered "paid", but this extra money must cover all students.

The extra cost to do these rules does not cover the added expenses.

Level 1 is not realistic to meet the requirements, and Level 2 will not ever be achieved.

If a district doesn't receive the funding because they can't meet the requirements, this could have a negative impact on the NM GROWN PROGRAM. They have tied the NM Grown funding into this ruling.

If a District doesn't receive the money or only a portion of the money, it will definitely hurt NM Grown.

My goal is to provide the students a healthy, high quality meal. I have and will use NM Grown products when possible.

Please reject the Proposed Rules as written.

Kim Meeks
Director of Student Nutrition
Roswell ISD

From: [Jedrek Lamb](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] feedback on Healthy Universal School Meals (6.12.16 NMAC)
Date: Tuesday, May 21, 2024 9:57:17 AM
Attachments: [NMFMA Board Letter to PED.pdf](#)

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Attached is feedback for Healthy Universal School Meals (6.12.16 NMAC).

Thank you,
Jedrek Lamb

To Whom It May Concern,

The Board of Directors of the New Mexico Farmers' Marketing Association (NMFMA) supports the following recommendations to *Healthy Universal School Meals (6.12.16 NMAC)*. We are dedicated to supporting New Mexico's small producers and work closely with our state agency partners to implement NM Grown.

1. Amend the language in [Healthy Universal School Meals \(6.12.16 NMAC\)](#).

- 6.12.16.10 Compliance for Performance Measures for Certification
 - *B. Adherence to Level 1 of compliance is demonstrated by the following:*
 - *(2) School Food Authorities (SFAs) shall offer at least three items on a weekly basis from New Mexico farms, ranches, or food businesses.*
 - Recommendation: Add language. This should indicate that products ***must be sourced/purchased from NM Grown Approved Suppliers***. This language addition would be a significant win for program integrity helping to ensure food safety and source verification for locally sourced products.
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ensure food safety and source verification for locally sourced products.

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- For greater clarity, **we have included a marked up version of the proposed rule language.**

[6.12.16-NMAC NMFMA.docx](#)

2. Ensure schools have resources needed to be compliant with the new proposed standards, this includes access to programmatic supports developed by the *New Mexico Grown Coalition*, including:

- *Nuevo Thursdays*, a NM-based nutrition education curriculum and local food promotion program.
- *School Garden Food Safety Training*, an emerging program to help ensure food produced in gardens is grown, harvested and prepared in alignment with federal food safety standards
- *NM Grown Golden Chile Awards*, a recognition program designed to gather data on farm to school activities taking place across the state and celebrate NM Grown champions.
- To learn more about the New Mexico Grown Coalition and become a member please visit newmexicogrown.org

3. Advocate to secure a separate state appropriation for FY26 to fund NM Grown local procurement in the schools through a grant program administered by PED. In FY2024 \$2.3 million

dollars were allocated, we recommend increasing that amount to \$3.8 million so that all SFA's can benefit from this additional funding to support compliance within the proposed rule.

Thank you for your considerations,

Jedrek Lamb
Elementary Teacher
505-369-6428
jedrek.lamb@gmail.com

Cindy Talamantes
Farmers Market Manager

Todd Taylor
Broker

Contessa Archuleta
Financial Advisor

Mario and Linda Rosales
Farmers

Bryce Townsend
Pueblo Farmer

Ralph Vigil
Owner and Farmer of Molino de la Isla Organics

Joshua Cunningham
Media Professional

Joe Phy
Vice President, Strategic Initiatives
Roadrunner Food Bank

From: [Shelley Montgomery](#)
To: [FeedBack, Rule, PED](#)
Cc: [Sanchez, Rosalinda](#)
Subject: [EXTERNAL] 6.12.16 NMAC, Healthy Universal School Meals for Public comment
Date: Wednesday, May 22, 2024 12:41:10 PM
Attachments: [Healthy Universal School Meals rules.docx](#)

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

6.12.16 NMAC, Healthy Universal School Meals

I have concerns about the Healthy Universal School Meals rules.

It has always been the goal of Dexter Consolidated Schools to serve quality, healthy and delicious meals.

Concern: The way this bill is written it will only cover 24% the “paid rate” of students in my district because of CEP (Community Eligibility Provision). This money might cover the required 3 items per week of NM Grown items if there were no other rules. Considering the part of NM Dexter is located in I can purchase fruit and vegetables from August through October with no delivery charges. After October I would have to purchase NM beef, fruit and vegetables from other parts of the state that include large delivery charges. But even if my district was 100% free I would still have to follow these rules and not receive any extra money. 24% or 100 % We should not be given rules that are not funded!!!!

Fact: My district’s budget does not allow for overtime and the district does not have enough money budgeted to hire more staff.

The rules must cover 100% of students with no extra money for the 75% “free rate” students. With these rules calling for 50% freshly prepared cooking, gardens, composting, food waste studies, a food safety manager, nutrition education to all district staff, large amounts formal student nutrition activities and education, all the formal quarterly feedback meetings and surveys, and putting all of that together, will take more money and more staffing.

Meeting the \$4.35 per student for all students is the same as 0% funding.

NMPED Please reject these proposed rules.

Shelley Montgomery

Food Service Director Dexter Schools
NM Child Nutritional Programs Support Council
SNA Education Chair

6.12.16 NMAC, Healthy Universal School Meals

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Fact: My district’s budget does not allow for overtime and the district does not have enough money budgeted to hire more staff.

The rules must cover 100% of students with no extra money for the 75% “free rate” students. With these rules calling for 50% freshly prepared cooking, gardens, composting, food waste studies, a food safety manager, nutrition education to all district staff, large amounts formal student nutrition activities and education, all the formal quarterly feedback meetings and surveys, and putting all of that together, will take more money and more staffing.

Meeting the \$4.35 per student for all students is the same as 0% funding.

NMPED Please reject these proposed rules.

Shelley Montgomery

Food Service Director Dexter Schools
NM Child Nutritional Programs Support Council
SNA Education Chair

From: [Kimberly Meeks](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] 6.12.16 Healthy Universal School Meals
Date: Wednesday, May 22, 2024 1:22:47 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

6.12.16 NMAC, Healthy Universal School Meals

I am a Student Nutrition Director. I am a huge supporter of the NM GROWN Program and serving students Healthy quality meals.

The proposed rules are setting the Student Nutrition Program and the NM Grown Program to **FAIL**. **I have issues with all of the proposed rules.**

The SB-4 which was voted on by the Legislature was about serving all students free meals and healthier quality food.

When did it become about teaching (which I'm not a certified teacher), gardening, composting, authority to decide on how long for lunch and when recess is scheduled (I have NO control), conducting surveys, bringing students into the kitchen, allowing people to have input on the menu (they don't understand the USDA rules and regulations we must meet)? My staff continually ask the students what they like and we do tastings at some of the schools to get feedback. My kitchens are not sized or have the equipment to produce the amount of freshly prepared food required. The District has an Ag Department and a Culinary Department with certified instructors. The students who are interested in those subjects can take those classes.

Who is going to pay for the added expense? The amount of money we would receive from the State is minimal and only covers the students who are considered "paid", but this extra money must cover all students.

The extra cost to do these rules does not cover the added expenses.

Level 1 is not realistic to meet the requirements, and Level 2 will not ever be achieved.

If a district doesn't receive the funding because they can't meet the requirements, this could have a negative impact on the NM GROWN PROGRAM. They have tied the NM Grown funding into this ruling.

If a District doesn't receive the money or only a portion of the money, it will definitely hurt NM Grown.

My goal is to provide the students a healthy, high quality meal. I have and will use NM Grown products when possible.

Please reject the Proposed Rules as written.

Kim Meeks
Director of Student Nutrition
Roswell ISD

From: [Rosalinda Sanchez](#)
To: [FeedBack, Rule, PED](#)
Cc: [Montgomery, Shelley](#)
Subject: [EXTERNAL] 6.12.16 Healthy Universal School Meals Public Comment
Date: Wednesday, May 22, 2024 2:10:08 PM
Attachments: [Rosalinda SB4.docx](#)

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

6.12.16 Healthy Universal School Meals

Concern: Actively engage students and families in food and nutrition services through formal processes to incorporate their feedback. Empaneling an advisory council that shall consider student and family input and shall meet quarterly. Inviting students and families to provide formal feedback to school leadership on meal quality and menu design on a quarterly basis. Allowing students to engage in the food preparation. Incorporating food and nutrition education into teacher and school staff professional development training. Monthly include culinary or nutrition education during the school day or during out-of-school time at all elementary and secondary schools.

Fact: Student Nutrition is under USDA's rules and regulations. Parents and students have no idea of the rules and regulations we go through to put food on the tray. Student nutrition directors order their commodities about 1 year in advance. We must give the vendors a forecast on the food items for the year. We can't change in the middle of the year. Most people do not understand meal quality.

Student Nutrition staff are not certified educators and cannot be in charge of students. We have no control over professional development trainings. Budget does not allow for these extra expenses.

Impact: Directors and staff do not have extra time in their very busy day. Instead of doing the job we are paid to do, we would be doing jobs which have nothing about preparing the food on the tray. If parents or students make suggestions about food they want on the menu, they will expect it to be on the menu, even if it doesn't meet USDA nutritionals.

My staff tries their best. They are kitchen workers. Most don't cook at home. Many don't read and this is their 1st job. They receive negative comments already, they don't need to be scrutinized by outside people on a quarterly basis. USDA requires following the nutritional guidelines. We must design our menu to meet the regulations. My staff asks the students regularly what foods they like and what they don't. We have tastings to get feedback on new products.

These proposed requirements are unrealistic.

ACTION: NMPED Please reject the current proposed rules

Rosa Linda Sanchez

Thank you,

Rosa Linda Sanchez

Cafeteria Clerk

575-734-5420 ext. 718

sanchezroa@dexterdemons.org

6.12.16 Healthy Universal School Meals

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Impact: Directors and staff do not have extra time in their very busy day. Instead of doing the job we are paid to do, we would be doing jobs which have nothing about preparing the food on the tray. If parents or students make suggestions about food they want on the menu, they will expect it to be on the menu, even if it doesn't meet USDA nutritional.

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These proposed requirements are unrealistic.

ACTION: NMPED Please reject the current proposed rules

Rosa Linda Sanchez

From: [George & Dee Gamble](#)
To: [FeedBack, Rule, PED](#)
Cc: [Angela Merkert](#); [Pam Roy](#); [Peter Smith](#)
Subject: [EXTERNAL] Suggested Amendments and Policy Considerations for the Healthy Universal School Meals
Date: Thursday, May 23, 2024 1:33:17 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Policy and Legislative Affairs Division
New Mexico Public Education Department
300 Don Gaspar Ave., Room 121
Santa Fe, New Mexico 87501

To whom it may concern:

We are the **Alliance for Local Economic Prosperity, (AFLEP)**, a nonprofit statewide organization. Our mission is to create local economic prosperity by maximizing equitable access to, and opportunities for, financial and socio-cultural resources that support thriving economies throughout New Mexico. We are also members of the NM Food and Agriculture Policy Council. We are in full support of the suggested amendments and policy considerations for the Healthy Universal School Meals that the NMFAPC has enumerated. Those suggested amendments and policy considerations are listed below.

Suggested amendments or policy considerations for the [Healthy Universal School Meals \(6.12.16 NMAC\)](#).

- 6.12.16.10 Compliance for Performance Measures for Certification

- (2) School Food Authorities (SFAs) shall offer at least three items on a weekly basis from New Mexico farms, ranches, or food businesses.

- Recommendation: Add language. This should indicate that products **must be sourced/purchased from NM Grown Approved Suppliers**. This language addition would be a significant win for program integrity helping to ensure food safety and source verification for locally sourced products.
 - Recommendation: Change language. This should be **three servings per week (not three items)**. This language amendment would clarify expectations for SFA's and allow for calculation of product needs based on meal patterns. This would also ensure that a diversity of NM products are purchased at significant volumes.

- (3) School food authorities shall also adhere to one of the following performance measures:

- (a) No less than fifty percent of schools in a school food authority shall grow food on campus with seasonal

incorporation of produced food into breakfast, lunch, or snack programs. If a single school is its own school food authority, that school shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs.

- Recommendation: Add language. This should indicate **each School Food Authority (SFA) shall designate a Food Safety manager**. This language addition would ensure that schools are receiving training and technical assistance necessary to mitigate risk and liability for foods grown on school campuses.

C. Adherence to Level 2 of compliance is demonstrated by the following:

(2) School food authorities shall offer at least four items on a weekly basis from New Mexico farms, ranches, or food businesses.

- Recommendation: Add language. This should indicate that products **must be sourced/purchased from NM Grown Approved Suppliers**. This language addition would be a significant win for program integrity helping to ensure food safety and source verification for locally sourced products.

- Recommendation: Change language. This should be **four servings per week (not four items)**. This language amendment would clarify expectations for SFA's and allow for calculation of product needs based on meal patterns. This would also ensure that a diversity of NM products are purchased at significant volumes.

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- Recommendation: Add language. This should indicate **each School Food Authority (SFA) shall designate a Food Safety manager**. This language addition would ensure that schools are receiving training and technical assistance necessary to mitigate risk and liability for foods grown on school campuses.
- For greater clarity, **we have included a marked up version of the proposed rule language.**

1. Ensure schools have resources needed to be compliant with the new proposed standards, this includes access to programmatic supports developed by the New Mexico Food & Agriculture Policy Council, including:

- Nuevo Thursdays, a NM-based nutrition education curriculum and local food promotion program.
- School Garden Food Safety Training, an emerging program to help ensure food produced in gardens is grown, harvested and prepared in alignment with federal food safety standards.
- NM Grown Golden Chile Awards, a recognition program designed to gather data on farm to school activities taking place across the state and celebrate NM Grown champions.

We want to make sure schools have the resources needed to provide fresh locally grown and raised, and culturally significant foods. Farm to Table and the NM Food & Ag Policy Council want every student to be nourished with meals and that those meals include New Mexico grown and raised foods. In closing we recognize that a successful relationship is about connecting New Mexico's agricultural producers and the students, through school meals and education programs. This is of major economic benefit to New Mexico's agricultural community. We recognize these programs take time and major efforts. There will be additional challenges as this program will face as it grows, and we look forward to being of support to meet the needs of New Mexico's children and agricultural community.

Thank you for your consideration in responding to these important suggestions that will build economic prosperity for rural communities while at the same time give our children the most nutritious school lunches we can provide.

Sincerely, Angela Merkert, Executive Director, The Alliance for Local Economic Prosperity (angela.merkert@gmail.com; 505/603-8400)

George and Dee Gamble, AFLEP Outreach Volunteers and members of NMF&APC.

From: [Pam at Farm To Table](#)
To: [George & Dee Gamble](#)
Cc: [FeedBack, Rule, PED](#); [Angela Merkert](#); [Peter Smith](#)
Subject: [EXTERNAL] Re: Suggested Amendments and Policy Considerations for the Healthy Universal School Meals
Date: Thursday, May 23, 2024 2:03:48 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Dear Dee, Angela and George,
Thank you so much for you submitted to PED!!!
We truly appreciate all of your support and our collective teamwork.
Best,
Pam
Sent from my iPhone

On May 23, 2024, at 9:31 PM, George & Dee Gamble <ggdee@qwest.net> wrote:

Policy and Legislative Affairs Division
New Mexico Public Education Department
300 Don Gaspar Ave., Room 121
Santa Fe, New Mexico 87501

To whom it may concern:

We are the **Alliance for Local Economic Prosperity, (AFLEP)**, a nonprofit statewide organization. Our mission is to create local economic prosperity by maximizing equitable access to, and opportunities for, financial and socio-cultural resources that support thriving economies throughout New Mexico. We are also members of the NM Food and Agriculture Policy Council. We are in full support of the suggested amendments and policy considerations for the Healthy Universal School Meals that the NMFAPC has enumerated. Those suggested amendments and policy considerations are listed below.

Suggested amendments or policy considerations for the [Healthy Universal School Meals \(6.12.16 NMAC\)](#).

- 6.12.16.10 Compliance for Performance Measures for Certification

- (2) School Food Authorities (SFAs) shall offer at least three items on a weekly basis from New Mexico farms, ranches, or food businesses.

- Recommendation: Add language. This should indicate that products **must be sourced/purchased from NM Grown Approved Suppliers**. This language addition

would be a significant win for program integrity helping to ensure food safety and source verification for locally sourced products.

- Recommendation: Change language. This should be **three servings per week (not three items)**. This language amendment would clarify expectations for SFA's and allow for calculation of product needs based on meal patterns. This would also ensure that a diversity of NM products are purchased at significant volumes.

(3) School food authorities shall also adhere to one of the following performance measures:

(a) No less than fifty percent of schools in a school food authority shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs. If a single school is its own school food authority, that school shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs.

- Recommendation: Add language. This should indicate **each School Food Authority (SFA) shall designate a Food Safety manager**. This language addition would ensure that schools are receiving training and technical assistance necessary to mitigate risk and liability for foods grown on school campuses.

C. Adherence to Level 2 of compliance is demonstrated by the following:

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- Recommendation: Add language. This should indicate that products **must be sourced/purchased from NM Grown Approved Suppliers**. This language addition would be a significant win for program integrity helping to ensure food safety and source verification for locally sourced products.
- Recommendation: Change language. This should be **four servings per week (not four items)**. This language amendment would clarify expectations for SFA's and allow for calculation of product needs based on meal patterns. This

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- **Recommendation:** Add language. This should indicate **each School Food Authority (SFA) shall designate a Food Safety manager.** This language addition would ensure that schools are receiving training and technical assistance necessary to mitigate risk and liability for foods grown on school campuses.
- For greater clarity, **we have included a marked up version of the proposed rule language.**

1. Ensure schools have resources needed to be compliant with the new proposed standards, this includes access to programmatic supports developed by the New Mexico Food & Agriculture Policy Council, including:

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We want to make sure schools have the resources needed to provide fresh locally grown and raised, and culturally significant foods. Farm to Table and the NM Food & Ag Policy Council want every student to be nourished with meals and that those meals include New Mexico grown and raised foods. In closing we recognize that a successful relationship is about connecting New Mexico's agricultural producers and the students, through school meals and education programs. This is of major economic benefit to New Mexico's agricultural

community. We recognize these programs take time and major efforts. There will be additional challenges as this program will face as it grows, and we look forward to being of support to meet the needs of New Mexico's children and agricultural community.

Thank you for your consideration in responding to these important suggestions that will build economic prosperity for rural communities while at the same time give our children the most nutritious school lunches we can provide.

Sincerely, Angela Merkert, Executive Director, The Alliance for Local Economic Prosperity (angela.merkert@gmail.com; 505/603-8400)

George and Dee Gamble, AFLEP Outreach Volunteers and members of NMF&APC.

From: [DEBORAH WESTBROOK](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Concerns-Healthy Universal School Meals
Date: Thursday, May 23, 2024 4:12:47 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I am writing to address certain concerns I see with the proposed Healthy Universal School Meals program, particularly concerning the definition of "freshly prepared" meals and some logistical challenges faced by districts in New Mexico. Subparagraph (a) Paragraph (3) of Subsection B.1, Subparagraph (c) of Paragraph (4), Subparagraph (a) (c) of Paragraph (5) of **NMAC 6.12.16.10**

Regarding the definition of "freshly prepared," I believe there is a need for clarity, especially concerning the inclusion of speed scratch items that include prepared food products combined with fresh ingredients to save on time and labor for breakfast and lunch. It would be beneficial to have specific criteria outlined to ensure consistency and clear understanding across all participating districts. Allowing the speed scratch items to be a consideration of "freshly prepared" will make the requirement of no less than 50 percent "freshly prepared" entrée or grains each week more manageable and cost effective.

Furthermore, I would like to highlight the difficulties faced by districts in smaller towns or villages in sourcing vegetables and protein from local farmers and ranchers in New Mexico. The current grant criteria for New Mexico Grown provides flexibility in purchasing from local sources, which has worked well. However, mandating a specific frequency of purchasing and using New Mexico Grown products may not be feasible for all districts, considering the varying growing cycles and unpredictable weather patterns in our state. The current ten-month window allows for flexibility in accommodating the growing cycle and adjusting to unpredictable climates, which is crucial for the effective utilization of the grant funds. The current process works well.

I also believe that mandating recess before lunch for all students from kindergarten through grade five might be an overreach and may not align with the scheduling needs of every school. While it is important to promote nutritional practices that allow for appropriate seat time for students to eat breakfast and lunch, flexibility should be provided to schools to determine the best schedule for their campus, as outlined in the optional language of the New Mexico Wellness Policy Guidance Document.

The stipulation mandating that no less than 50 percent of all schools within an SFA must cultivate food on campus to integrate produce into breakfast, lunch, or snack programs through school gardens presents significant logistical challenges. Who will be responsible for supplying seeds, water, and any additional resources required for the maintenance of these gardens? It is crucial to establish the resources and allocations that will be needed to support participating schools adequately if schools choose to participate. There are many unanswered questions regarding the establishment of composting sites, including location and space, protocols for managing, and a plan for utilizing compost once it reaches maturity. The criteria for monthly donations also need to be clearly communicated. This includes specifying eligible recipients, required documentation, permissible donations, and the quantity of food that can be donated each month.

Yours in education,

--

From: [Sonia Medina](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Public Comment to address proposed rules for 6.12.16 NMEC, Healthy Universal School Meals
Date: Friday, May 24, 2024 2:08:14 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Public Comment to address proposed rules for 6.12.16 NMEC, Healthy Universal School Meals

Concern: 50% “FRESHLY PREPARED” MEALS

Fact: This requirement will place a hardship on school kitchens that serve in high volume. Central Kitchens will require second shifts, 25% more staff, and new equipment. The disqualification of premade or precooked products that are USDA approved will prove extremely taxing on high volume kitchens.

Impact: The un-defined requirement of “freshly prepared” sets a dangerous precedent, being that NMPED will have the freedom of changing the definition as it sees fit without public comment or concern. Having the ability to change the definition as desired sets school districts and kitchens up for failure.

Context: It feels as though the rules were written by people that have NO school nutrition experience or expertise. Perhaps the rules writers should visit some central kitchens of high volume to see how these rules will affect each district differently.

Action: I am requesting that NMPED REJECT the current rules as they are written. I am requesting that NMPED require the definition of “freshly prepared” and revision of all other rules only after in person visits have been made to a high-volume central kitchen for the purposes of seeing the effect of the rules.

Sonia Medina
Executive Chef
Hobbs Municipal Schools

From: [Ben Rasmussen](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Comment: Healthy Universal School Meals (6.12.16 NMAC)
Date: Friday, May 24, 2024 2:51:57 PM
Attachments: [image001.png](#)

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Greetings,

My name is Ben Rasmussen, and I am the CEO of the National Center for Frontier Communities and the founder of the Frontier Food Hub, located in remote Silver City, New Mexico and serving Catron, Grant, Hidalgo, Luna, Mckinley and Sierra Counties with additional service throughout the state.

The Frontier Food Hub started as a grassroots initiative in 2014 to revitalize the local food system in southwest New Mexico. Our farmers and ranchers were struggling to access sufficient markets to grow their businesses and become self-sustaining. The geographic isolation faced by many of our growers necessitates innovative logistical efforts and coordinated support. The NM Grown Program has been absolutely instrumental in supporting the economic viability of small, low-income farms and ranches through these efforts.

The Frontier Food Hub, along with many other food hubs across the state, has heavily utilized NM Grown markets to build up local agricultural producers. These market outlets have been crucial to the ongoing development of robust local and regional food systems in our rural and remote communities. The reliable demand and fair pricing provided by NM Grown markets has allowed countless small farms and ranches to scale up operations, explore new products, and achieve economic sustainability.

The importance of this statewide initiative cannot be overstated. We have helped over 40 regional food producers gain access to new markets, many of which are NM Grown markets. Without these options, frontier regions in the state would have even worse access to healthy foods than they currently do. The proposed amendments to the Healthy Universal School Meals regulation (6.12.16 NMAC) as currently written would significantly undermine this great work and diminish the capacity that has been built within New Mexico's food system over many years of effort.

As such, we implore you to reconsider the amendments to ensure they do not negatively impact NM Grown markets and the local food producers who rely upon them. These market opportunities are a lifeline for remote communities like ours.

1. Amend the language in [Healthy Universal School Meals \(6.12.16 NMAC\)](#).

1.
 - 6.12.16.10 Compliance for Performance Measures for Certification
 - ***B. Adherence to Level 1 of compliance is demonstrated by the following:***
 - ***(2) School Food Authorities (SFAs) shall offer at least three items on a weekly basis from New Mexico farms, ranches, or***

food businesses.

- Recommendation: Add language. This should indicate that products **must be sourced/purchased from NM Grown Approved Suppliers**. This language addition would be a significant win for program integrity helping to ensure food safety and source verification for locally sourced products.
- Recommendation: Change language. This should be **three servings per week (not three items)**. This language amendment would clarify expectations for SFA's and allow for calculation of product needs based on meal patterns. This would also ensure that a diversity of NM products are purchased at significant volumes.

▪ **(3) School food authorities shall also adhere to one of the following performance measures:**

- **(a) No less than fifty percent of schools in a school food authority shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs. If a single school is its own school food authority, that school shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs.**

- Recommendation: Add language. This should indicate **each School Food Authority (SFA) shall designate a Food Safety manager**. This language addition would ensure that schools are receiving training and technical assistance necessary to mitigate risk and liability for foods grown on school campuses.

▪ **C. Adherence to Level 2 of compliance is demonstrated by the following:**

- **(2) School food authorities shall offer at least four items on a weekly basis from New Mexico farms, ranches, or food businesses.**

- Recommendation: Add language. This should indicate that products **must be**

sourced/purchased from NM Grown Approved Suppliers. This language addition would be a significant win for program integrity helping to ensure food safety and source verification for locally sourced products.

▪ Recommendation: Change language. This should be **four servings per week (not four items)**. This language amendment would clarify expectations for SFA's and allow for calculation of product needs based on meal patterns. This would also ensure that a diversity of NM products are purchased at significant volumes.

▪ **(3) School food authorities shall also adhere to the following performance measures:**

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▪ Recommendation: Add language. This should indicate **each School Food Authority (SFA) shall designate a Food Safety manager**. This language addition would ensure that schools are receiving training and technical assistance necessary to mitigate risk and liability for foods grown on school campuses.

▪ For greater clarity, **we have included a marked up version of the proposed rule language.**

[6.12.16-NMAC_NMFMA.docx](#)

2. Ensure schools have resources needed to be compliant with the new proposed standards, this includes access to programmatic supports developed by the **New Mexico Grown Coalition**, including:

▪
▪
▪ **Nuevo Thursdays**, a NM-based nutrition education

- curriculum and local food promotion program.
- **School Garden Food Safety Training**, an emerging program to help ensure food produced in gardens is grown, harvested and prepared in alignment with federal food safety standards
 - **NM Grown Golden Chile Awards**, a recognition program designed to gather data on farm to school activities taking place across the state and celebrate NM Grown champions.
 - To learn more about the New Mexico Grown Coalition and become a member please visit newmexicogrown.org

2. **Advocate to secure a separate state appropriation for FY26** to fund NM Grown local procurement in the schools through a grant program administered by PED. In FY2024 \$2.3 million dollars were allocated, we recommend increasing that amount to \$3.8 million so that all SFA's can benefit from this additional funding to support compliance within the proposed rule.

Ben Rasmussen
Chief Executive Officer
The National Center for Frontier Communities
The Frontier Food Hub
PO Box 2471
Silver City NM 88061
www.frontierus.org



From: [Matthew Draper](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Healthy Universal School Meals (6.12.16 NMAC)
Date: Saturday, May 25, 2024 5:57:09 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Good afternoon,

I am a farmer located in Albuquerque, New Mexico. My farm provides fresh fruit and vegetables to a number of local markets in central New Mexico, including to a number of school districts and other entities via the New Mexico grown program. I have been in business for 8 years now as a full time farmer, and a large part of my ability to provide healthy, fresh produce to local markets is because of the market access provided by the New Mexico grown program. This program has enabled us small-scale farmers to reach institutional buyers with ease and provided funding for them to purchase our produce at a price that makes our work economically sustainable.

I would like to make sure that during the rule making process for the Health Universal School Meals law that the work of the NM Grown program is recognized and featured as a keystone for the implementation of this law. Thanks to the leadership of the staff at the New Mexico Farmers Marketing Association and other, this program is able to provide food safety training and other support to enable our farms to connect to institutional markets. I encourage the NMPED to make sure that the NMFMA priorities are recognized in the rule-making process so that we may continue to use the food safety and market infrastructure that has been built in recent years using the NM Grown program.

Below, I am going to paste the language proposed by the NMFMA during the rule making process to ensure that the NM grown program continues to thrive and provide small scale farmers like myself access to important institutional markets that allow us keep farming, and to provide healthy food and healthy jobs for our local communities.

Amend the language in [Healthy Universal School Meals \(6.12.16 NMAC\)](#).

- [6.12.16.10 Compliance for Performance Measures for Certification](#)
 - ***B. Adherence to Level 1 of compliance is demonstrated by the following:***
 - ***(2) School Food Authorities (SFAs) shall offer at least three items on a weekly basis from New Mexico farms, ranches, or food businesses.***
 - ***Recommendation:*** Add language. This should indicate that products ***must be sourced/purchased from NM Grown Approved Suppliers.*** This language addition would be a significant win for program integrity helping to ensure food safety and source verification for locally sourced products.
 - ***Recommendation:*** Change language. This should be ***three servings per week (not three items).*** This language amendment would clarify expectations for SFA's and allow for calculation of product needs based on meal patterns. This would also ensure that a diversity of NM products are purchased at significant volumes.

- **(3) School food authorities shall also adhere to one of the following performance measures:**
 - **(a) No less than fifty percent of schools in a school food authority shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs. If a single school is its own school food authority, that school shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs.**
 - Recommendation: Add language. This should indicate **each School Food Authority (SFA) shall designate a Food Safety manager**. This language addition would ensure that schools are receiving training and technical assistance necessary to mitigate risk and liability for foods grown on school campuses.
- **C. Adherence to Level 2 of compliance is demonstrated by the following:**
 - **(2) School food authorities shall offer at least four items on a weekly basis from New Mexico farms, ranches, or food businesses.**
 - Recommendation: Add language. This should indicate that products **must be sourced/purchased from NM Grown Approved Suppliers**. This language addition would be a significant win for program integrity helping to ensure food safety and source verification for locally sourced products.
 - Recommendation: Change language. This should be **four servings per week (not four items)**. This language amendment would clarify expectations for SFA's and allow for calculation of product needs based on meal patterns. This would also ensure that a diversity of NM products are purchased at significant volumes.
 - **(3) School food authorities shall also adhere to the following performance measures:**
 - **(a) No less than fifty percent of schools in a school food authority shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs. If a single school is its own school food authority, that school shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs.**
 - Recommendation: Add language. This should indicate **each School Food Authority (SFA) shall designate a Food Safety manager**. This language addition would ensure that schools are receiving training and technical assistance necessary to mitigate risk and liability for foods grown on school campuses.
- For greater clarity, **we have included a marked up version of the proposed rule language.**
[6.12.16-NMAC_NMFMA.docx](#)

2. Ensure schools have resources needed to be compliant with the new proposed standards, this includes access to programmatic supports developed by the ***New Mexico Grown Coalition***, including:

- ***Nuevo Thursdays***, a NM-based nutrition education curriculum and local food promotion program.
- ***School Garden Food Safety Training***, an emerging program to help ensure food produced in gardens is grown, harvested and prepared in alignment with federal food safety standards
- ***NM Grown Golden Chile Awards***, a recognition program designed to gather data on farm to school activities taking place across the state and celebrate NM Grown champions.
- To learn more about the New Mexico Grown Coalition and become a member please visit newmexicogrown.org

3. Advocate to secure a separate state appropriation for FY26 to fund NM Grown local procurement in the schools through a grant program administered by PED. In FY2024 \$2.3 million dollars were allocated, we recommend increasing that amount to \$3.8 million so that all SFA's can benefit from this additional funding to support compliance within the proposed rule.

Thank you for your time and attention.

Sincerely,

Matthew Draper
North Valley Organics
Albuquerque, NM

From: [CJ Gaddis](#)
To: [FeedBack, Rule, PED; mherrera@riograndefoundation.org](#)
Subject: [EXTERNAL] Feedback on PED school lunch proposal
Date: Sunday, May 26, 2024 2:40:29 PM

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Policy and Legislative Affairs Division
New Mexico Public Education Department
300 Don Gaspar Ave., Room 121
Santa Fe, New Mexico 87501

Dear PED Rule Feedback,

We all want high quality food items available for school meals, but we have serious concerns about the specifics of PED's latest proposal, which emphasizes on-site gardening and food preparation as a means of supplying New Mexico schools with food. Specifically, the costs associated with the specific provisions would likely be astronomical and could result in food safety issues and even fire hazards. We encourage PED to "go back to the drawing board" and come up with alternative regulations that balance food quality and freshness with safety and reasonable cost concerns.

Our son's school tried this a number of years ago and ran into various health code rules that could not be overcome. Items received through a grant had to be donated since his school could not use the food grown at his school. Please be realistic before mandating this for all!

Sincerely,

Ernie and CJ Gaddis _____

Sent from my iPhone

From: [Mike Johnson](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Feedback: 6.12.16 NMAC, Healthy Universal School Meals
Date: Sunday, May 26, 2024 10:36:52 PM
Attachments: [LAPS Rule Change SB4.pdf](#)

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To Whom It May Concern,

Attached are comments from our school district regarding the proposed rule changes for 6.12.16 NMAC, Healthy Universal School Meals. Thank you for the opportunity for Los Alamos Public Schools (LAPS) to submit our comments.

Sincerely,

Mike Johnson

--

Michael (Mike) Madrid Johnson
Assistant Superintendent for Safety and Operations
Los Alamos Public Schools
Work: 505-663-2236
Cell: 505-412-8535
2075 Trinity Drive
Los Alamos, NM 87544

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Los Alamos Public Schools (LAPS)
2075 Trinity Dr. Los Alamos, NM, 87544

To: Policy and Legislative Affairs Division
New Mexico Public Education Department 300 Don Gaspar Ave., Room 121
Santa Fe, New Mexico 87501

E-Mail Address Rule.Feedback@ped.nm.gov

From: Los Alamos Public Schools

Regarding: New Rule 6.12.16 NMAC, Healthy Universal School Meals

Date: 5.23.24

To Whom it May Concern,

Los Alamos Public Schools (LAPS) is committed to ensuring free and healthy meals for all students as stated in Senate Bill 4 (SB4). Our school district along with our food management company has made substantial investments utilizing funding from our operational budgets to guarantee that all students receive meals in accordance with the National School Lunch Program (NSLP). We have successfully passed all certifications, regulations and reviews associated with the NSLP in our first year of the program.

As a district we are very concerned by the additional and unnecessary requirements/changes that have recently been proposed to SB4. These rule changes go beyond our capabilities to provide meals to students due to inadequate state funding and limited resources available in our location. We are primarily concerned with the following proposed rule changes:

1. The lack of a clear definition of what "*Freshly Prepared*" means and the required percentages of meals that must meet this requirement.
2. The requirement that at least 3 items on a weekly basis must come from New Mexico farms and ranches due to the increased cost and availability of these items in our rural/non-agricultural area.
3. The requirement that no less than 50% of schools shall grow food on campus to be incorporated into meals. Due to the geographic location of our district and limited resources this is a goal that we cannot achieve.
4. The incorporation of "*Additional Measures*" as stated in level 1 that go well beyond the acceptable scope and intentions of SB4.

Requiring that at least half of all meals must be freshly prepared will lead to increased costs in equipment and push our food service program past the point of its capabilities. We have one central kitchen and numerous satellite kitchens that require us to prepare and move food very quickly to the school sites. Our number one issue in the district is hiring

sufficient staff to meet the needs of the Healthy Universal School Meals program. By adding the additional requirement of at least 50% of the meals needing to be freshly prepared, we will be unable to provide enough meals to students in a timely fashion. Even if the definition of “freshly prepared” was defined in the rule this requirement would limit our ability to provide the USDA required meals on time.

We as a district have strong concerns pertaining to the incorporation of items from New Mexico growers and ranches. We fully support using New Mexico growers when it is feasible and adequately funded, but believe that it will be extremely difficult to acquire enough locally grown items for many rural/non-agriculturally located school districts such as ours. New Mexico's main crops are pecans, chiles, wheat, hay and corn. At this time New Mexico lacks enough agricultural diversity and quantity to meet this requirement. LAPS is located in Northern New Mexico, which has a limited growing season and fewer farms and ranches compared to other locations in the state. The cost to acquire localized products will increase with demand, placing a further burden on our program that is already running in a deficit due to insufficient state funding. We request that you stay with the original verbiage of SB4 and incentivize using New Mexico growers as opposed to penalizing districts that cannot partake of this option.

Growing food on campus to be incorporated into meals is an unrealistic goal for our district due to a variety of reasons, including lack of suitable soil, sufficient amount of water and a limited growing season. The amount of labor and time that it would take to maintain these gardens would be cost prohibitive and take essential resources away from critical programs. In theory growing produce on school sites sounds like a good idea, but in practice would be impossible to do at this scale and would bring very little to improving school meals. Moreover this would draw away critical resources from essential educational programs.

Lastly, the entire section of the “Additional Performance Measures” of Level One has very little to do with the improvement of food quality and/or food distribution. It focuses on areas that are already addressed through other state agencies/departments. This section seems out of place and moves away from the true intent of SB4. Already, schools are required to have a state approved wellness policy that focuses on the physical and socio-emotional well being of students. Focusing on the well-being of the student should always be the focus, not on composting programs, waste plate studies or the incorporation of nutritional education into teacher professional development as stated in the additional performance measures of the proposed rule change.

Los Alamos Public Schools will continue to support the original intent of SB4 of providing every student with a healthy meal. However, we strongly disagree with the added measures in the rule change since they will strain our food service program beyond its ability to meet the needs of our students. The current rule changes require a school district to choose all the requirements in either level one or two in order to receive state funding. These rule changes demonstrate a system with the intent to penalize as opposed to incentivize. These proposed changes assume that all districts have the same level of resources available to them and disregards equity issues. Please do not allow SB4 to be politicized with underfunded rules and regulations that cater to special interest groups and do not align with its original intent and purpose of SB4.

Respectfully,

Michael Madrid Johnson
Assistant Superintendent for Safety and Operations
Los Alamos Public Schools

From: [Ellen Specter](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] feedback for 6.12.16 NMAC, Healthy Universal School Meals
Date: Monday, May 27, 2024 2:37:15 PM

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May 27, 2024

This comment addresses my **opposition** to New Rule 6.12.16 NMAC, Healthy Universal School Meals as currently formulated.

I am the Vice President of the Los Alamos Board of Education. LAPS strongly supports ensuring free and healthy meals for *all* students as stated in Senate Bill 4 (SB4). I appreciate the intent of many of the provisions such as bolstering New Mexico food producers, setting up share tables and donating unused food.

However, in its totality this rule change imposes **impossible to meet UNFUNDED MANDATES**, oversteps PED's authority, usurps local school board authority and presents so many hurdles that it jeopardizes the intent of SB4. While rules and procedures for implementing SB4 are required, the current rule change proposal *sets districts up for failure*. Furthermore, the USDA already provides a rigorous set of rules and requirements for healthy meals.

If PED decides to proceed with the rule change, the language must be **amended** to prevent extremely harmful unintended consequences.

INCENTIVIZE NEW REQUIREMENTS

New requirements should be incentivized with bonus funds to pay for sustaining compliance and fostering success. For example, districts that have capacity for a *composting program* would need extra funding to implement and sustain these efforts. This could perhaps be achieved with incentive funds. Penalizing districts for failure to achieve unattainable requirements is unethical and antithetical to the intent of SB4.

ENSURE THAT REQUIREMENTS ARE ACHIEVABLE

Many of the rules are not achievable due to geography, climate and lack of funding and staffing.

Example 1: the requirement *for school sites to grow food on site*. Even if staff could be found (which is already a huge challenge for food services), the growing season in Northern New Mexico is short and schools are not in session for most of it.

How will PED provide funding to build greenhouses and to hire staff to grow produce? How will PED provide the necessary training to grow food efficiently, effectively and safely?

Example 2: the requirement to *offer at least three items on a weekly basis from New Mexico farms, ranches, or food businesses*

New Mexico Food producers do not have capacity to provide all districts with affordable

options. Furthermore, rural and remote schools will face barriers in delivery of these products. This is one of many equity challenges in this rule change.

How will PED provide funding for the higher costs of New Mexico products?

Example 3: the requirement to *prepare meals on site*. Only one of our school sites has a commercial kitchen. Over the past 10 years, most of our schools have been rebuilt or remodeled, but there has never been adequate funding to include commercial kitchens.

How will PED provide funding for building commercial kitchens at each school site?

REALISTIC TIMELINES AND WAIVER PROCESS:

Please provide 3-5 years for full implementation. In the meantime, rescind penalties for inability to meet requirements. Furthermore, PED needs to implement a waiver process for unattainable requirements based on geography, climate and economics.

OVERSTEPPING AUTHORITY

In this rule change, PED is usurping local control and burdening districts.

Example 1: the requirement of *print or digital resources promoting locally sourced nutrition education at cafeterias and monthly culinary or nutrition education during the school day or during out-of-school time at all elementary and secondary schools*. The specifics of curriculum delivery are decided at the local level. Furthermore, nutrition education is already covered in health education standards.

How will PED fund these educational resources? Why would PED impose the burden of “locally sourced” materials?

Example 2: the requirement to *incorporate food and nutrition education into teacher and school staff professional development training on a quarterly basis*. Professional development is developed by local decision making.

How will PED fund extra staff hours for PD? How will PED develop the training materials?

Example 3: the requirement to hold *recess before lunch at least two days during the school week*. This has absolutely no bearing on nutrition. Furthermore, scheduling decision such as this are not in PED’s purview. There is absolutely no logical reason to mandate this kind of micromanagement. This kind of overreach is unacceptable.

ADEQUATE FUNDING

Before imposing a broad range of unfunded mandates, PED needs to implement a rigorous cost study of these requirements and a cost-benefit analysis. *Adequate funding MUST be provided to districts for each requirement.*

POORLY DEFINED TERMS

Another major problem with this rule change is ambiguity and unclear language. Rules must be clearly defined.

Example 1: What does “freshly prepared” mean?

There could be vast and cost prohibitive consequences of this definition.

How will PED provide adequate funding for the increased costs of freshly prepared meals?

Example 2: What does “plate waste study” mean?

How will PED provide technical support for plate waste studies? How will PED provide adequate funding for these studies?

UNINTENDED CONSEQUENCES RESULTING IN TEACHER LAYOFFS AND RESOURCES DIVERTED FROM EDUCATION

If PED withholds reimbursement for the mandatory meals as a result of unattainable requirements, LAPS would be forced into a dire position of laying off teachers to make up for the millions of dollars in lost funds. This would result in larger class sizes and poorer educational outcomes.

The burdens of these regulations will most certainly divert time, energy and resources away from our primary obligation of educating students.

In conclusion, please amend this rule change to address these issues. Furthermore, PED must provide adequate funding to implement all new requirements as well as sufficient time, an incentive-based approach and a waiver process to ensure equity.

Sincerely,

Ellen Specter,
Vice President, Los Alamos School Board



This email has been sent from a verified laschools.net user.

From: [Sandra Kemp](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Purposed Rule-Healthy Universal School Meals
Date: Tuesday, May 28, 2024 8:02:44 AM
Attachments: [Public Comment Healthy Universal School Meals 28.docx](#)

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Sandra Kemp
Albuquerque Public Schools
Food & Nutrition Services
800 Louisiana Blvd NE
Albuquerque, NM 87108
505-345-5661 38201

Healthy Universal School Meals- is great for our New Mexico Students. Providing healthy meals is what school nutrition professionals do daily. We are already following procurement, nutritional, environmental rules and regulations. Implementation of the proposed rule language would be a burden to many school nutrition programs. Being able to feed all students, with no stigma attached, is a great benefit to students. We should be proud to have New Mexico along with Vermont, Minnesota, Michigan, Massachusetts, Maine, Colorado, and California that are providing basic needs meals, to our students. Meals should be free for students as is transportation and books.

The concerns with the proposed rule standards as Executive Director of Albuquerque Public Schools Food & Nutrition Department include:

6.12.16.9 Beginning July 1, 2025 this would indicate that starting July 1, 2024 this would set the standard rates for reimbursement for the SY 25-26. Procurement (Bids,RFP's) have already been completed for 24-25 school year.

Additionally has farming production increased to meet the demands for NM Schools for SY 24-25?

C. Define non-student nutrition personnel- that will be conducting the internal audits.

16.12.16.10

- B. (1) The term "freshly prepared" clearly defined- used throughout this document.
- (2) Three items weekly- limited supply of products grown in New Mexico that can meet the volume of school districts in the state continuously through the school year.
Define-food business manufacture or broad line? Both make positive impacts on New Mexico economy.
- (3) (a) Fifty percent of Albuquerque schools would be 70 sites. Who will be responsible to teach proper growing techniques? Who will ensure no potential contamination in school gardens out of school time?
How much land, water to have enough for ALL students to partake.
Is this part of teacher duties or who will provide oversight to school gardens? SFA's along with teachers are stretched already.
- (4) (a) Shall have up to 20 minutes- currently some have 10 minutes or less SFA's do not set the schedules for meal periods.
- (b) Albuquerque has many students on special diets including allergies. Allowing parents (home prepared items) to be included on the share table could potentially harm a student. Share tables should only be for food prepared by the SFA.
- (c) Monthly donation of unused food- having enough facilities that will pick up – not all schools have means or space to have food pantries. Holding for a month is not reasonable nor safe.
- (5) (a) All students shall be offered recessed before lunch on two days during the school week.
Lunch schedules are not completed by SFA.
- (b) Plate waste studies on a quarterly basis- time burden to do quarterly, when schools run on 10 month calendars.
- (c) Composting can cause issues of insects, rodents and possible fires
- (6) Quarterly term referenced for feedback. Time burden on SFA's and does not line up with menu planning.
- (7) (a) Quarterly term is used again regarding feedback, time burden on SFA's again not lining up with menu planning.
- (b) Formal feedback to school leadership needs to include SFA and again term quarterly used-time burden.
- (c) APS menus are done in October of the current year to be used for following year. This allows time for procurement requirements, board approval and to begin getting food for the next school year. Term quarterly used- again doesn't line up with planning.
- (d) Schools (70 schools for Level 1 and 105 Level 2) as menus are developed for the district. If it is a

- potential new item how to legally procure enough for the school(s) taste testing for district wide.
- (8) (a) SFA's do not control curriculum nor district calendar for professional development on a "quarterly basis".
 - (b) Curriculum is not controlled by SFA's to include culinary or nutrition education in or out of school for both elementary and secondary.
 - (c) Middle and high school engage in food preparation- who will pay for food handler permit, who Schedules what class will students be taken out of?
 - (d) Again quarterly basis term for education activities, and again SFA does not control curriculum.

Please work with School Nutrition Professional to rethink what should be included in the rules. Let us get back to the intention of the name - Healthy Universal School Meals that School Nutrition Professionals already provide.

Sandra Kemp
Albuquerque Public Schools
Food & Nutrition Services
800 Louisiana Blvd NE
Albuquerque, NM 87108
505-345-5661 38201



From: [Genevieve Avraham](#)
To: [FeedBack, Rule, PED; +mherrera@riograndefoundation.org](#)
Subject: [EXTERNAL] Feedback on PED school lunch proposal
Date: Tuesday, May 28, 2024 11:40:18 AM

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Policy and Legislative Affairs Division
New Mexico Public Education Department
300 Don Gaspar Ave., Room 121
Santa Fe, New Mexico 87501

Dear PED Rule Feedback,

We all want high quality food items available for school meals, but I have serious concerns about the specifics of PED’s latest proposal, which emphasizes on-site gardening and food preparation as a means of supplying New Mexico schools with food. Specifically, the costs associated with the specific provisions would likely be astronomical and could result in food safety issues and even fire hazards. I encourage PED to “go back to the drawing board” and come up with alternative regulations that balance food quality and freshness with safety and reasonable cost concerns.

Sincerely,
Genevieve Avraham

From: [Jennifer Guy](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] New Rule 6.12.16 NMAC, Healthy Universal School Meals
Date: Tuesday, May 28, 2024 11:50:48 AM
Attachments: [SB 4 Proposed Rule.docx.pdf](#)

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To: Policy and Legislative Affairs Division
New Mexico Public Education Department 300 Don Gaspar Ave., Room 121
Santa Fe, New Mexico 87501

E-Mail Address Rule.Feedback@ped.nm.gov

From: Los Alamos Public Schools

Regarding: New Rule 6.12.16 NMAC, Healthy Universal School Meals

Date: 5.23.24

To Whom it May Concern,

Los Alamos Public Schools (LAPS) remains committed to ensuring free and healthy meals for all students as stated in Senate Bill 4 (SB4). We have worked hard this year to build a program with our provider, Chartwells, to successfully pass all certifications, regulations and reviews associated with the NSLP in our first year of the program.

I was very concerned to see the additional and unnecessary requirements/changes that have recently been proposed to SB4. These rule changes go beyond our capabilities to provide meals to students due to inadequate state funding and limited resources available in our location. I understand that rules are necessary to ensure proper implementation of the statute but am deeply concerned that the proposed rules create an unnecessary burden and make serving meals to all children much, much more difficult.

Specifically, we need a definition of what “Freshly Prepared” means, a more specific definition around the required percentages, and a clear definition of waivers for school emergencies and construction.

The greatest concern comes from the requirement that 3 items on a weekly basis must come from New Mexico farms and ranches. While we wholeheartedly support New Mexico Farms and Ranches, requiring 3 items a week from the beginning is a hardship for many districts including Los Alamos. We are concerned about the cost and availability of these items for our district. I would like to see additional clarification in the rule of how NMPED will reimburse the district for this additional cost increase and a waiver process if we are unable to secure the food items. The rule committee may also consider a slower phase in for this requirement in order to ensure food supply chains are stable throughout the state and our growers are able to meet the demand in a cost effective manner. Currently, Los Alamos gets 1 cent over the cost of each meal. This means that we operate at a loss for food services. We are almost solely reliant on state funding and cannot afford further

unreimbursed expenses. If our state funding is put in jeopardy, we would have to find the money in other ways to be compliant with the law which would most likely result in a decrease in staff and increase in class sizes. I respectfully request clarification in the language of the rule around compliance, consequences if we are not able to find NM grown food to meet the requirements, and a clear plan for how NMPED will reimburse for the additional expense.

Another great concern is the requirement that no less than 50% of schools shall grow food on campus to be incorporated into meals. Due to the geographic location of our district and limited resources this is a goal that we cannot achieve. We certainly cannot meet this over the course of 1 year. We do not have gardens in place, we would need to develop a plan for managing wildlife especially deer, bears, and the increase in Mountain Lion population this will likely bring, and we would need a soil/gardening expert to advise on the basalt and lack of soil in our area.

Lastly, the entire section of the “Additional Performance Measures” of Level One seems out of place and has very little to do with the improvement of food quality and/or food distribution. It focuses on areas that are already addressed through other state agencies/departments. Schools are required to have a state approved wellness policy that focuses on the physical and socio-emotional well being of students. When students go to recess, composting programs, and nutrition education should not fall under this rule. Adding these types of requirements adds additional paperwork and oversight for things that are already required in other places of our operations, by other statutes, and in other NMPED initiatives. I am also very concerned about the lack of funding for these measures. As stated above, we are already struggling financially to support this program. As it is funded, there is no additional allocation for hiring someone to conduct plate studies or run composting programs. A composting program large enough to cover the school meals, would be a big undertaking and is not realistic in the timeline proposed by the rule. We would need expert advice on location, wildlife safety, and management of the program. I respectfully ask NMPED to consider a more realistic timeframe for implementation of these things and a phase in approach. NMPED may consider incentivizing these items to give districts the opportunity to explore how to implement them successfully.

In closing, Los Alamos Public Schools will continue to support the original intent of SB4 of providing every student with a healthy meal. This is an important law that we lobbied for and wholeheartedly supported from the beginning. However, the added measures in the rule change will make it very difficult for LAPS to continue to have a successful food service program. These measures will strain our food service program beyond its ability to meet the needs of our students. The current rule changes require a school district to choose all the requirements in either level one or two in order to receive state funding. I am deeply concerned that these rule changes may bring unintended consequences that have dramatic effect on our district and huge financial penalties. These proposed changes assume that all districts have the same level of resources available to them. These rules do not align with the original intent and purpose of SB4 and will ultimately be at odds with ensuring all children in New Mexico can eat for free at school.

Respectfully,

Jennifer Guy
Superintendent

Los Alamos Public Schools

--

Jennifer Guy

*Superintendent
Los Alamos Public Schools*



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To: Policy and Legislative Affairs Division
New Mexico Public Education Department 300 Don Gaspar Ave., Room 121
Santa Fe, New Mexico 87501

E-Mail Address Rule.Feedback@ped.nm.gov

From: Los Alamos Public Schools

Regarding: New Rule 6.12.16 NMAC, Healthy Universal School Meals

Date: 5.23.24

To Whom it May Concern,

Los Alamos Public Schools (LAPS) remains committed to ensuring free and healthy meals for all students as stated in Senate Bill 4 (SB4). We have worked hard this year to build a program with our provider, Chartwells, to successfully pass all certifications, regulations and reviews associated with the NSLP in our first year of the program.

I was very concerned to see the additional and unnecessary requirements/changes that have recently been proposed to SB4. These rule changes go beyond our capabilities to provide meals to students due to inadequate state funding and limited resources available in our location. I understand that rules are necessary to ensure proper implementation of the statute but am deeply concerned that the proposed rules create an unnecessary burden and make serving meals to all children much, much more difficult.

Specifically, we need a definition of what “Freshly Prepared” means, a more specific definition around the required percentages, and a clear definition of waivers for school emergencies and construction.

The greatest concern comes from the requirement that 3 items on a weekly basis must come from New Mexico farms and ranches. While we wholeheartedly support New Mexico Farms and Ranches, requiring 3 items a week from the beginning is a hardship for many districts including Los Alamos. We are concerned about the cost and availability of these items for our district. I would like to see additional clarification in the rule of how NMPED will reimburse the district for this additional cost increase and a waiver process if we are unable to secure the food items. The rule committee may also consider a slower phase in for this requirement in order to ensure food supply chains are stable throughout the state and our growers are able to meet the demand in a cost effective manner. Currently, Los Alamos gets 1 cent over the cost of each meal. This means that we operate at a loss for food services. We are almost solely reliant on state funding and cannot afford further unreimbursed expenses. If our state funding is put in jeopardy, we would have to find the money in other ways to be compliant with the law which would most likely result in a decrease in staff and increase in class sizes. I respectfully request clarification in the language of the rule around compliance, consequences if we are not able to find NM grown food to meet the requirements, and a clear plan for how NMPED will reimburse for the additional expense.

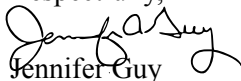


Another great concern is the requirement that no less than 50% of schools shall grow food on campus to be incorporated into meals. Due to the geographic location of our district and limited resources this is a goal that we cannot achieve. We certainly cannot meet this over the course of 1 year. We do not have gardens in place, we would need to develop a plan for managing wildlife especially deer, bears, and the increase in Mountain Lion population this will likely bring, and we would need a soil/gardening expert to advise on the basalt and lack of soil in our area.

Lastly, the entire section of the “Additional Performance Measures” of Level One seems out of place and has very little to do with the improvement of food quality and/or food distribution. It focuses on areas that are already addressed through other state agencies/departments. Schools are required to have a state approved wellness policy that focuses on the physical and socio-emotional well being of students. When students go to recess, composting programs, and nutrition education should not fall under this rule. Adding these types of requirements adds additional paperwork and oversight for things that are already required in other places of our operations, by other statutes, and in other NMPED initiatives. I am also very concerned about the lack of funding for these measures. As stated above, we are already struggling financially to support this program. As it is funded, there is no additional allocation for hiring someone to conduct plate studies or run composting programs. A composting program large enough to cover the school meals, would be a big undertaking and is not realistic in the timeline proposed by the rule. We would need expert advice on location, wildlife safety, and management of the program. I respectfully ask NMPED to consider a more realistic timeframe for implementation of these things and a phase in approach. NMPED may consider incentivizing these items to give districts the opportunity to explore how to implement them successfully.

In closing, Los Alamos Public Schools will continue to support the original intent of SB4 of providing every student with a healthy meal. This is an important law that we lobbied for and wholeheartedly supported from the beginning. However, the added measures in the rule change will make it very difficult for LAPS to continue to have a successful food service program. These measures will strain our food service program beyond its ability to meet the needs of our students. The current rule changes require a school district to choose all the requirements in either level one or two in order to receive state funding. I am deeply concerned that these rule changes may bring unintended consequences that have dramatic effect on our district and huge financial penalties. These proposed changes assume that all districts have the same level of resources available to them. These rules do not align with the original intent and purpose of SB4 and will ultimately be at odds with ensuring all children in New Mexico can eat for free at school.

Respectfully,



Jennifer Guy

Superintendent

Los Alamos Public Schools

From: [Beth Fair](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Public Comment 6.12.16 Healthy Universal School Meal
Date: Tuesday, May 28, 2024 12:06:29 PM
Attachments: [Proposed rule with my comments.docx](#)

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Dear Sir or Ma'am,

Thank you for taking the time to read through my concerns. Please consider to revise these proposed rules to be more achievable by districts across the state and please include an increase for funding for the personel it would require to achieve the proposed rules.

Thank you again,

Beth Fair, FSD

Elida Municipal Schools

6.12.16.7 DEFINITIONS:

- A. "Allowable food" means food items that are unopened and without defects. [Produce doesn't grow consistently](#)
- B. "Central kitchen" means a kitchen that consolidates processing and cooking of school meals, after which the prepared meals are transported to onsite school kitchens.
- C. "Eligible meals" means meals served to full-price, paid students that qualify for reimbursement under the national school lunch program and the school breakfast program. [What about the students that don't have to pay?](#)
- D. "Federal free meal reimbursement" means the free meal reimbursement paid by the USDA under 42 U.S.C. 1759a for meals that qualify for reimbursement pursuant to the national school lunch program and the school breakfast program.
- E. "Federal paid meal reimbursement rate" means the paid reimbursement rate as set annually by the USDA under 42 U.S.C. 1759a for meals that qualify for reimbursement under the national school lunch program and the school breakfast program.
- F. "Food service management company" means a company which a school food authority may contract with to manage its food service operations in one or more of its schools.
- G. "Healthy universal school meals program" means the meals program created pursuant to the Healthy Hunger-Free Students' Bill of Rights Act.
- H. "National school lunch program" means the federally assisted meal program that provides nutritious, **low-cost**, or free lunches to children in public schools, private schools, and residential childcare institutions. [We already do this. Scratch cooking isn't low cost](#)
- I. "Paid meal rate" means the paid student rate reported by the department to the USDA based on the average paid meal rate charged by school food authorities in the prior school year.
- J. "Participating school food authority" means a school food authority that chooses to participate in the New Mexico grown grant program. [Not all schools participate in this program](#)
- K. "School breakfast program" means the federally assisted meal program that provides reimbursement to states to operate nonprofit breakfast programs in schools and residential childcare institutions
- L. "School food authority" means school districts, charter schools, the United States department of the interior's bureau of Indian education schools, tribally controlled schools, and private schools that operate the national school lunch program and the school breakfast program.

[6.12.16.7 NMAC – N, 7/1/2024]

6.12.16.8 HEALTHY UNIVERSAL SCHOOL MEALS PROGRAM REQUIREMENTS:

A. All public schools shall establish a healthy universal school meals program, pursuant to Section 22-13C-1 et seq. NMSA 1978. [We already do this](#)

B. Bureau of Indian education schools, tribally controlled schools, and private schools may establish a healthy universal school meals program to offer high-quality meals at no charge to students provided that state and federal funding is available, and the school complies with applicable state and federal laws.

[6.12.16.8 NMAC – N, 7/01/2024]

6.12.16.9 CERTIFICATION OF HEALTHY UNIVERSAL SCHOOL MEALS PROGRAMS:

School food authorities running a healthy universal school meals program shall submit to the department annually a certification that attests that required performance measures are met. Beginning July 1, 2025, the certification of compliance shall include assurances that performance measures will have been met on or before July 1. [We already do monthly reporting and have administrative reviews to comply with set regulations.](#)

A. Eligible and participating schools and school food authorities shall follow certification deadlines as established by the department.

B. Non-compliance with annual assurances shall result in a lower rate of reimbursement for school food authorities pursuant to department guidance. [Taking away money from the districts with already restricted finances to operate is a good solution?](#)

C. The certification shall include the total meals served in the previous year and other supportive documentation from approved reviewers. Supportive documentation may include, but is not limited to, menus, **student satisfaction assessments**, and internal audits conducted by non-student nutrition personnel. [Will their assessments be taken into consideration? Non- student nutrition personnel have no understanding of nutrition requirements to effectively conduct an audit.](#)

[6.12.16.9 NMAC – N, 7/1/2024]

6.12.16.10 COMPLIANCE WITH PERFORMANCE MEASURES FOR CERTIFICATION:

A. Certification is demonstrated by compliance with one of two levels.

B. Adherence to level 1 of compliance is demonstrated by the following:

(1) No less than 50 percent of reimbursable national school lunch program and school breakfast program meals, including the entrée and grains, prepared each week, shall be **freshly prepared meals** at an onsite kitchen prepared by the school food authority, the central kitchen, a vendor, or a food service management company. [Districts are in unique locations across the state and will not be able to achieve this completely.](#)

(2) School food authorities shall offer at least three items on a weekly basis from New Mexico farms, ranches, or food businesses. [Districts that participate in NM Grown already to the best to achieve this and serve NM Grown products as often as possible.](#)

(3) School food authorities shall also adhere to one of the following performance measures:

(a) No less than fifty percent of schools in a school food authority shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs. If a single school is its own school food authority, that school shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs. [Districts do not have an adequate space or facilities for the amount of food needed to be grown for weekly harvesting and consumption of multiple food items.](#)

(b) No less than fifty percent of schools in a school food authority shall have cafeterias with print or digital resources promoting locally sourced nutrition education. If a single school is its own school food authority, that school shall have at least one cafeteria with print or digital resources promoting locally sourced nutrition education. [This we can do!](#)

(4) School food authorities shall also adhere to the below performance measures:

(a) All students, kindergarten through grade five, shall have up to 20 minutes of seat time to eat lunch, not including time spent walking to or from class, waiting in line, or going to recess. Schools shall provide sufficient lunch periods that are long enough to give all students adequate time to eat. [This is in the Wellness Policy](#)

(b) Share tables shall be provided where food service staff, students, and parents may return unopened allowable food daily at most exit points in the cafeteria. [Food does not need to be returned after it has been through a parent. Food should stay on campus in operating hours.](#)

(c) Schools shall have a system for monthly donation of unused food to students or community-based organizations. [There is no unused food monthly it is utilized in the cafeteria as much as possible.](#)

(5) School food authorities shall also adhere to at least one of the following performance measures:

(a) All students, kindergarten through grade five, shall be offered recess before lunch at least two days during the school week. [What happens outside the cafeteria is the administration's decision.](#)

(b) At least fifty percent of schools in a school food authority shall engage in plate waste studies on a quarterly basis. If a single school is its own school food authority, that school shall engage in plate waste studies on a quarterly basis. [I do not have the resources to teach this and I am not a licensed teacher.](#)

(c) At least fifty percent of schools in a school food authority shall have a composting program in place. If a single school is its own school food authority, that school shall have a composting program in place. [This can be a hazard and unsafe if not done properly.](#)

(6) On at least a quarterly basis, school food authorities shall actively engage students and families in food and nutrition services through formal processes to incorporate their feedback within food and nutrition services. [Our menus are already perfected and no need for outside feedback.](#)

(7) School food authorities shall also adhere to two of the following performance measures.

(a) Empaneling an advisory council that shall consider student and family input and shall meet with school food authority administration on a quarterly basis. [This is in the wellness policy.](#)

(b) Inviting students and families to provide formal feedback to school leadership on meal quality on a quarterly basis.

(c) Inviting students and families to provide formal feedback to school food authorities on menu design, including the addition of new items, on a quarterly basis. [Menus are already a working component of the kitchen and no further input is needed.](#)

(d) Schools shall conduct taste tests for both breakfast and lunch menu items on a quarterly basis. [We do this with the Nuevo Thursdays and NM Grown](#)

(8) School food authorities shall also adhere to two of the following performance measures. (

a) Schools shall incorporate food and nutrition education into teacher and school staff professional development training on a quarterly basis. [I do not have any control on instruction during staff development days.](#)

(b) Schools shall monthly include culinary or nutrition education during the school day or during out-of-school time at all elementary and secondary schools. [We do not have the facilities to have elementary students included in any kind of culinary environment to learn and there is not room in the kitchen for students to learn any culinary skills.](#)

(c) Schools shall monthly ensure that middle and high school students engage in food preparation for breakfast, lunch, or snacks. [My kitchen is not big enough to have several students helping to prepare meals effectively and safely while preparing for the entire school.](#)

(d) All schools shall have access to nutrition education activities on a quarterly basis. [This can be done.](#)

C. Adherence to level 2 of compliance is demonstrated by the following.

(1) Seventy five percent or greater of reimbursable national school lunch program meals and school breakfast program meals, including the entrée and grains, prepared each week, shall be freshly prepared meals at an onsite kitchen prepared by the school food authority, the central kitchen, vendor, or food service management company. [50% is unachievable, 75% would be impossible](#)

(2) All school food authorities shall adhere to the below requirements:

(a) All schools shall offer more than four items weekly from New Mexico farms, ranches, or food businesses. [Will more funding be available for this? Rural areas will not have the finances to support this.](#)

(b) No less than fifty percent of schools shall grow food on campus with monthly incorporation of produced food into breakfast, lunch, or snack programs. If a single school is its own school food authority, that school shall grow food on campus with monthly incorporation of produced food into breakfast, lunch, or snack programs. [Again, not adequate growing space for the amount needed.](#)

(c) No less than fifty percent of schools shall have a comprehensive, schoolwide educational program that provides nutrition education to students. If a single school is its own school food

authority, that school shall have a comprehensive, schoolwide educational program that provides nutrition education to students. *I am not a licensed teacher and our students have a full schedule without adding more.*

(3) All school food authorities shall adhere to the below requirements:

(a) All students, kindergarten through grade five, shall have up to 20 minutes of seat time to eat lunch, not including time spent walking to or from class or waiting in line. Schools shall provide sufficient lunch periods that are long enough to give all students adequate time to eat. *This is not in my control.*

(b) Share tables shall be provided where food service staff, students, and parents may return unopened, allowable food daily at all exit points in the cafeteria. *Parents have no need to be returning food, especially if it leaves campus. Students will be eating during instruction times instead of paying attention.*

(c) Schools shall have a system for weekly or daily donation of unused food to students or community-based organizations. *There is no unused food, it is used by nutrition staff for student use at various times.*

[6.12.16.10 NMAC – N, 7/1/2024]

6.12.16.11 FUNDING DISTRIBUTION:

A. The department shall distribute funding to each school food authority that establishes a healthy universal school meals program as follows:

(1) for school food authorities that meet the meal quality improvement requirements established by this rule each year, the department shall distribute to each such school food authority an amount that 6.12.16 NMAC 4 is equal to the federal free meal reimbursement rate multiplied by the total number of eligible meals served during the applicable budget year, minus an amount equal to the federal paid meal reimbursement for eligible meals served during the applicable budget year; or

(2) for school food authorities that do not meet the meal quality improvement requirements established by this rule by July 1 each year, the department shall distribute to each such school food authority an amount that is equal to the paid meal rate multiplied by the total number of eligible meals served during the applicable budget year. *Less funding but still required to freshly prepare at least 50%, the cost of food still doesn't change. We won't have the finances to make up the cost difference.*

B. School food authorities shall use funding to purchase commodities necessary to improve meal quality, including food and other consumables, equipment, staffing, labor needs or training and technical assistance. *If at least 50% is to be freshly prepared will this not eliminate commodities? Few items are sent to the school in raw form. Food items that are delivered are already prepared and will just need to be reheated. Districts order commodity foods a year in advance and will have no knowledge what will be delivered.*

[6.12.16.11 NMAC – N, 7/1/2024] HISTORY OF 6.12.16 NMAC: [RESERVED]

From: [Donna Detweiler](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Rule Feedback for: 6.12.16 NMAC, Healthy Universal School Meals
Date: Tuesday, May 28, 2024 1:55:57 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Dear PED,

I teach gardening at Kirtland Elementary, (APS) and heartily support the proposed rules.

16.12.16.10.B(5)(c) I am particularly big on the composting requirements, as I see much food waste in the school dumpsters, and we have plenty of space on campus to site a compost station away from the buildings and playgrounds so that health and sanitation standards are not compromised.

16.12.16.10.B.(4)(b) Some of this discarded food is still in wrappers and could be offered to other hungry students on a sharing table, and if not taken there could go to the school pantry for families in need, or to the community fridge a few blocks north.

16.12.16.10.B(5)(b) I think quarterly plate waste studies would help the Central Kitchen better match their deliveries with actual needs at individual schools.

16.12.16.10.B(3)(a) The food production rule is the only one I think will be difficult for some schools. Without a dedicated employee or volunteer like me to supervise food growing, few will be able to incorporate school-grown food into the cafeteria offerings. At KES we have produced and sent home with garden students: radishes, greens, onions, peas, tomatoes, chiles, corn, pumpkins, squash, watermelons, basil, and beans. But there's no way we could have provided enough food to feed the whole student body.

Thx so much for your consideration of this proposal!

Donna Detweiler
505-249-1713

From: [Donna Detweiler](#)
To: [FeedBack, Rule, PED](#)
Cc: [Ellen Dueweke](#); [Emily Key](#)
Subject: [EXTERNAL] Rule Feedback for: 6.12.16 NMAC, Healthy Universal School Meals
Date: Tuesday, May 28, 2024 2:03:20 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I teach garden at Kirtland Elementary (APS) and enthusiastically support this rule because using fresh, local food should reduce the amount of plastic that students are exposed to and that the world has too much of already. Thx for taking my comment.
Donna Detweiler

From: [Alicia Chavez](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] 6.12.16 NMAC, Healthy Universal School Meals
Date: Tuesday, May 28, 2024 2:32:59 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Hello,

Here is my feedback to the rules.

6.12.16.10 B 2: This rule is really hard for rural schools throughout New Mexico that struggle to have local produce delivered to their school. This puts unnecessary weight, cost and responsibility, sometimes on non-cafeteria employees, to travel to other towns to obtain local food. I suggest lowering the requirement to 1 item per week.

This is also an opportunity to strengthen the food system in NM to meet these needs. Working with school districts to outline where there are weaknesses (ie transportation, availability) in the food system that the system can fix to support the schools' access to local produce. I wonder if there is a process to make edits to these rules as the NM food system is edited for better access.

6.12.16.10 B 3: schools need additional funding to grow and process the school-grown produce; as well as training on how to properly process the school-grown produce. I suggest lowering the requirement or, ideally, allow time for schools to build out this programming before requiring it as a means to accessing more funding.

Thank you!

Alicia Chavez | FoodCorps

Impact & Partnerships Lead, NM | She/Her/Hers

[FoodCorps.org](https://www.foodcorps.org)
(505)490-0854

From: [Howard Hutchinson](#)
To: [FeedBack, Rule, PED](#); mherrera@riograndefoundation.org
Subject: [EXTERNAL] Feedback on PED school lunch proposal
Date: Tuesday, May 28, 2024 5:38:42 PM

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Policy and Legislative Affairs Division
New Mexico Public Education Department
300 Don Gaspar Ave., Room 121
Santa Fe, New Mexico 87501

Dear PED Rule Feedback,

We all want high quality food items available for school meals, but I have serious concerns about the specifics of PED's latest proposal, which emphasizes on-site gardening and food preparation as a means of supplying New Mexico schools with food. Specifically, the costs associated with the specific provisions would likely be astronomical and could result in food safety issues and even fire hazards. I encourage PED to "go back to the drawing board" and come up with alternative regulations that balance food quality and freshness with safety and reasonable cost concerns.

Sincerely,

Howard Hutchinson
62 Wild Horse Road
Glenwood, NM 88039
505-379-9243

From: [Lori Webster](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Feedback for 6.12.16 NMAC, Healthy Universal School Meals
Date: Wednesday, May 29, 2024 8:01:35 AM
Attachments: [6.12.16-NMAC Healthy Universal Meals Rule Feedback PCSNM PEC.pdf](#)

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I am writing to provide feedback on 6.12.16 NMAC Healthy Universal School Meals. While I respect the intent of the rule to promote healthy meals for students, I would submit that school meals are already bound by a significant body of rules and law from the USDA, and that the state stands to gain little and lose much from adding more onerous rules to an already complicated and difficult program.

It was just one year ago that schools had to adjust to serving significantly more meals due to the expansion of universal free school meals. Now, the department wants to require schools to grow food on campus and compost waste in order to qualify for full reimbursement of the cost of providing meals to students. If a school cannot meet these requirements, the reimbursements they receive from the state will be reduced. Where does the department think the funding to make up the shortfall will come from? It will come from classrooms and students, and ultimately will come at the cost of academic progress.

6.12.16.10 B (1). Many schools, including mine, were not designed with full kitchens, only serving kitchens. The proposed rule does not take into account the variety of school designs and does not clearly define "onsite." A rule that does not take into account the variety of school designs across New Mexico is inequitable. This also applies to references in the rules to cafeterias. Not every school serves meals in a cafeteria, nor is a cafeteria required by any school building code or USDA regulation.

6.12.10.B (2): The rule does not seem to take into account difficulties schools and food service vendors will have with procuring New Mexico foods. Applying consequences to schools in the form of reduced funding for issues of sourcing and procurement outside of their control is counterproductive to the goals for universal school meals.

6.12.10.B (3)(a): Requiring schools to grow food on campus introduces food safety and food handling requirements past the capacity of most schools to manage. It also imposes significant unfunded costs for labor, supplies and infrastructure. While a school garden can be a valuable learning opportunity, it should not be required, nor should composting programs.

[6.12.16.11](#): The procedures for determining if schools meet meal quality improvements per this regulation is unclear, and there is no process for a school to come back into compliance if it is found wanting. Considering that this rule could have very significant impacts to the budget of a school or district, clarity and process is very important.

The rule seems to be written from the perspective of a larger district, with the provision that 50% or 75% of the schools in a district can be in compliance. However, it overlooks the fact that many charter schools are single-school School Food Authorities, and therefore have to comply with every provision in the rule.

I sincerely hope the Department takes this input and spends more time developing rules that

make sense from an operational standpoint across the state and for a variety of different types of schools. At a minimum, these changes should be phased in stages over three years. Additionally, the Department should provide extra funding to schools that meet these criteria, instead of proposing to reduce funding to schools that have not yet met these criteria. The amount schools currently receive for school meals is already barely adequate to provide health and appealing meals. Reducing school meal reimbursements will only lead to the opposite of what the Department claims to seek.

Thank you for the time and the opportunity to offer comments.

In partnership, Lori

--

Director, Mountain Mahogany Community School

(505) 341-1424

l.webster@mountainmahogany.org

Every Child, Every Chance, Every Day



Dear members of the Policy and Legislative Affairs Division of the NM Public Education Department:

Public Charter Schools of New Mexico and the New Mexico Public Education Commission are writing with feedback and input on the proposed rulemaking for NMAC 6.12.16 "Healthy Universal School Meals." In partnership and collaboration, we are providing recommended resolutions to the proposed rule as the PED only has authority to define quality school meals and place requirements on school food authorities in so far as the statute directs 22-13C-4(E):

22-13C-4E. The department shall promulgate rules necessary for implementation of this section, including rules providing for:

- (1) meal quality improvement requirements for the program, which **may** include purchasing New Mexico-produced food, freshly preparing scratch-cooked foods, providing culturally relevant meals and engaging student and family voices and choices in menu development; and*
- (2) procedures for annual certification.*

We would like to highlight that the current language uses "may," not "shall," and should be considered when promulgating the proposed rule.

Please note that there are 10 points of feedback listed below, as well as proposed resolutions for each point.

Feedback Point #1: Lack of Rule Clarity Regarding Applicable Schools

Proposed Rule Component: In the proposed rule, the department uses language that is not aligned with statute. The rule proposes:

6.12.16.2 Scope:

All school districts and charter schools, bureau of Indian education schools, tribally controlled schools, state-supported schools, state-sponsored schools, private schools, and residential childcare institutions that operate the national school lunch program and the school breakfast program.

6.12.16.8 Healthy Universal School Meals Program Requirements:

A. All public schools shall establish a healthy universal school meals program, pursuant to Section 22-13C-1 et seq. NMSA 1978.

Issue/Concern: The scope and requirements of the rule do not clearly define which schools this rule applies to. The scope of the proposed rule is aligned with New Mexico statute language, however the language in the program requirements, as written, reads as though all schools must establish a healthy universal school meals program. New Mexico State law does not require all public schools to establish a healthy universal school meals program but allows for public schools to *choose* to do so if they so desire. This is articulated in current New Mexico statute under 22-13C-4 (A):

22-13C-4. Universal school meals for children

A. Public school districts and charter schools operating the national school lunch program and the school breakfast program shall establish a program to offer high-quality meals at no charge to all students. Bureau of Indian education schools, tribally controlled schools and private schools operating the national school lunch and the school breakfast program may establish a program to offer high-quality meals at no charge to students. All participating school food authorities shall offer one breakfast and one lunch at no cost to students during each school day to any student who requests a meal without consideration of the student's eligibility for a federally funded free or reduced-price meal, with a maximum of one free meal for each meal service period.



Proposed Resolution to Address Issue/Concern: Reword 6.12.16.8.A. to read as follows:

All public schools that operate a national school lunch program and the school breakfast program shall establish a healthy universal school meals program—comply with the requirements of this promulgated rule.

Feedback Point #2: Level Consolidation

Proposed Rule Component: The rule proposes two levels of compliance for certification:

6.12.16.10. Compliance with performance measures for certification:

A. Certification is demonstrated by compliance with one of two levels.

Issue/Concern: The proposed rule creates two different levels of compliance for certification with no differentiation of reimbursement status. The concern regarding two levels of compliance is that it will set a precedent for inequitable funding after schools have incurred significant financial costs to implement the universal meal program.

Proposed Resolution to Address Issue/Concern: Remove Level 2 in its entirety. The rule should not have two distinct levels regarding compliance for certification. The rule should only set forth overall compliance measures to fulfill the requirements of the Healthy Universal School Meals Program. The compliance requirements should simply include a menu of options from which the school food authority may choose, to not only streamline the certification process, but to also allow for the unique needs of local communities to be met.

Feedback Point #3: Onsite Kitchens

Proposed Rule Component: The proposed rule requires that school meals be freshly prepared in an onsite kitchen. The rule uses the following language regarding onsite kitchens:

6.12.16.10 B (1). No less than 50 percent of reimbursable national school lunch program and school breakfast program meals, including the entrée and grains, prepared each week, shall be freshly prepared meals at an onsite kitchen prepared by the school food authority, the central kitchen, a vendor, or a food service management company.

6.12.16.10 C (1). Seventy five percent or greater of reimbursable national school lunch program meals and school breakfast program meals, including the entrée and grains, prepared each week, shall be freshly prepared meals at an onsite kitchen prepared by the school food authority, the central kitchen, vendor, or food service management company.

Issue/Concern: Most charter schools are the “school food authority.”

Furthermore, most charter schools, even those housed in district buildings, are also not equipped with a full kitchen. Several charter schools have contracted food vendor services that deliver hot meals to campus for breakfast and lunch, while others may receive meals from their local school districts. The language in the rule and the sentence structure conveys that even if a school uses a vendor, that vendor must prepare the food at the onsite kitchen. The rule does not clearly define that the onsite kitchen pertains to the source of where the breakfast and lunch meals are being prepared.

Proposed Resolution to Address Issue/Concern: Reword the onsite kitchen meal preparation requirements as follows:

6.12.16.10 B (1). and 6.12.16.10 C (1).of reimbursable national school lunch program meals and school breakfast program meals, including the entrée and grains, prepared each week, shall be freshly prepared meals. ~~at an onsite kitchen prepared by the school food authority, the central kitchen, vendor, or food service management company.~~



Feedback Point #4: 3 Items on a Weekly Basis from NM Farms or Businesses

Proposed Rule Component: The rule proposes the following requirements for certification:

6.12.10.B (2) School food authorities shall offer at least three items on a weekly basis from New Mexico farms, ranches, or food businesses.

6.12.10.C (2) (a) All schools shall offer more than four items weekly from New Mexico farms, ranches, or food businesses.

Issue/Concern: In the proposed rule, the department uses language that is not aligned with statute. Again, current New Mexico statute uses the language “may” not “shall” in 22-13C-4E when referring to New Mexico-produced food. Furthermore, there is a concern about the capacity of local ranchers and farmers to supply all local food authorities with the required New Mexico grown foods.

22-13C-4E. The department shall promulgate rules necessary for implementation of this section, including rules providing for:

(1) meal quality improvement requirements for the program, which may include purchasing New Mexico-produced food, freshly preparing scratch-cooked foods, providing culturally relevant meals and engaging student and family voices and choices in menu development;

Proposed Resolution to Address Issue/Concern: Requirement 6.12.10.B (2) and 6.12.10.C (2) (a) for certification should be removed.

Feedback Point #5: Growing Food on Campus

Proposed Rule Component: The rule proposes that school food authorities “shall” grow food on campus as an option for a performance measure:

6.12.10.B (3)(a) No less than fifty percent of schools in a school food authority shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs. If a single school is its own school food authority, that school shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs.

6.12.10.C(2)(b) No less than fifty percent of schools shall grow food on campus with monthly incorporation of produced food into breakfast, lunch, or snack programs. If a single school is its own school food authority, that school shall grow food on campus with monthly incorporation of produced food into breakfast, lunch, or snack programs.

Issue/Concern: This is an unrealistic requirement that would not be able to be fulfilled by most New Mexico schools. Many schools, especially charter schools, do not have the facilities, staff, land, or funding mechanism to grow food on campus. Additionally, the growing and harvesting season is often outside of the traditional school year. The investment in the infrastructure needed to grow food year round (i.e., greenhouse) would be immense and there is no funding available to make these investments. Due to the requirements in the rule that food be made “fresh and from scratch,” there are additional concerns that even food grown in summer months could not be processed and frozen to be used during the winter meals.

Proposed Resolution to Address Issue/Concern: This component should be removed as a performance measure option to demonstrate certification compliance.



Feedback Point #6: Use of the word “cafeteria.”

Proposed Rule Component: The rule uses the term “cafeteria” in 6.12.16.10.A(3)(b); 6.12.16.10.A(4)(b); and 6.12.16.10.C(3)(b).

Issue/Concern: Many charter schools do not have a designated cafeteria.

Proposed Resolution to Address Issue/Concern: Change the term “cafeteria” to “school campus.”

Feedback Point #7: Monthly Donation

Proposed Rule Component: The rule attempts to establish the frequency of unused food donations:

6.12.16.10.(B)(4)(c) Schools shall have a system for monthly donation of unused food to students or community-based organizations.

Issue/Concern: Schools have varying food storage capacity, staffing, transportation, and schedules and should have the autonomy to determine when they will donate unused food. New Mexico statute does not specify a timeline for the donation of unused food items:

22-13C-10. B. share tables shall- be provided where food service staff, students and parents may return allowable food. Allowable food placed on the share tables that is not taken by a student during the course of a regular school meal period shall be donated to students, food banks or other nonprofit charitable organizations.

Proposed Resolution to Address Issue/Concern: Remove the monthly requirement and default to the statute which allows any timeline to donate unused food.

Feedback Point #8: Performance measures options are not aligned with statute.

Proposed Rule Component: The rule proposes for school food authorities to adhere to at least one of three performance measures:

Option 1 - Recess Before Lunch Two Days a Week

The rule attempts to establish recess requirements in grades K through 5:

6.12.16.10.(B)(5)(a) All students, kindergarten through grade five, shall be offered recess before lunch at least two days during the school week.

Issue/Concern: Schools have a variety of scheduling needs and should be allowed to schedule recess when appropriate based on the needs of the school community. The New Mexico statute does not specify recess requirements regarding lunch:

22-13C-10. A. students in grades kindergarten through five shall be allowed to have up to twenty minutes of seated lunch time each school day to provide sufficient lunch periods that are long enough to give all students adequate time to eat.

Option 2 - Plate Waste Study Requirement

The rule attempts to have schools engage in a “plate-waste” study.

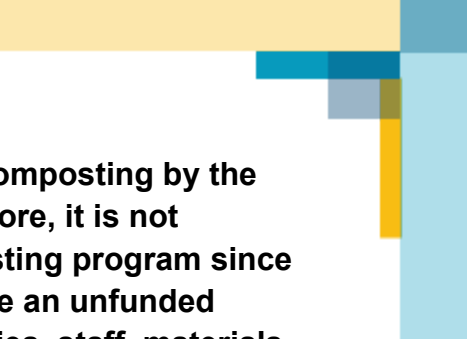
6.12.16.10.(B)(5)(b) At least fifty percent of schools in a school food authority shall engage in plate waste studies on a quarterly basis. If a single school is its own school food authority, that school shall engage in plate waste studies on a quarterly basis.

Issue/Concern: There is currently no definition or guidance on what a “plate-waste” study is, in law or in the department. New Mexico statute 22-13C-10 *Addressing Food Waste* does not refer to “plate waste study.”

Option 3 - Composting Requirement

The rule attempts to require schools to establish a composting program.

6.12.16.10.(B)(5)(c) At least fifty percent of schools in a school food authority shall have a composting program in place. If a single school is its own school food authority, that school shall have a composting program.



Issue/Concern: New Mexico statute does not refer to composting by the school food authority to address food waste. Furthermore, it is not possible for all charter schools to implement a composting program since most are their own school food authority. This would be an unfunded requirement option that would require additional facilities, staff, materials, and security. An additional issue around public health and safety safeguards is an imminent concern (e.g., vermin, homelessness, student accessibility).

Proposed Resolution to Address Issue/Concern: All three options under 6.12.16.10.B (5) are not aligned with statute and should be removed from the proposed performance measures.

Feedback Point #9: Community Engagement and Feedback

Proposed Rule Component: Sections 6.12.16.10.(B)(6); 6.12.16.10.(B)(7); and 6.12.16.10.(B)(8) attempt to require such things as menu feedback from stakeholders on a quarterly basis, taste tests for both breakfast and lunch, food and nutrition education into staff professional development, and food preparation by middle and high school students, to name a few.

Issue/Concern: The rule proposes requirements that are not aligned with New Mexico statute and is an overreach by the department. Again, New Mexico statute uses the language “may” not “shall” in 22-13C-4E when referring to student and family voices:

22-13C-4E. The department shall promulgate rules necessary for implementation of this section, including rules providing for:

- (1) meal quality improvement requirements for the program, which **may** include purchasing New Mexico-produced food, freshly preparing scratch-cooked foods, providing culturally relevant meals and engaging student and family voices and choices in menu development;*

Proposed Resolution to Address Issue/Concern: Remove the adherence from the proposed rule. The appropriate place for the rule requirements described in 6.12.16.10.(B)(6); 6.12.16.10.(B)(7); and 6.12.16.10.(B)(8) are in the nutritional educational standards and not in the distribution of breakfast and lunch meals.

Feedback Point #10: Funding and Noncompliance of Meal Quality Improvement Requirements

Proposed Rule Component: In the proposed rule, the department attempts to establish how the distribution of funding to each school food authority will be determined:

6.12.16.11 Funding Distributions

A. *The department shall distribute funding to each school food authority that establishes a healthy universal school meals program as follows:*

(1) for school food authorities that meet the meal quality improvement requirements established by this rule each year, the department shall distribute to each such school food authority an amount that is equal to the federal free meal reimbursement rate multiplied by the total number of eligible meals served during the applicable budget year, minus an amount equal to the federal paid meal reimbursement for eligible meals served during the applicable budget year; or

(2) for school food authorities that do not meet the meal quality improvement requirements established by this rule by July 1 each year, the department shall distribute to each such school food authority an amount that is equal to the paid meal rate multiplied by the total number of eligible meals served during the applicable budget year.

Issue/Concern: Schools would have incurred significant financial costs to implement the universal meal program without the ability to correct or improve compliance with certification requirements.

Proposed Resolution to Address Issue/Concern: In the proposed rule, there is no improvement plan for schools that have not met the meal quality improvement requirements. The schools that do not meet the requirements should be put on an improvement plan so that they can get back into compliance to receive full funding. For example: If schools comply, they will receive full reimbursement for all meals. If schools do not comply the schools may still get full reimbursement but placed on a probationary year to meet compliance standards. By the third year, if schools are still not in compliance with meal quality improvement requirements, then the school would not receive the full reimbursement for all meals.

Thank you for your willingness to hear our input as well as your consideration of our proposed resolutions.

Regards,

Public Charter Schools of New Mexico and the New Mexico Public Education Commission



From: [Tommy Casados](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Proposed Rule 6.12.16 NMAC, Healthy Universal School Meals
Date: Wednesday, May 29, 2024 9:39:14 AM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Hello. My name is Tommy Casados. My family and I are New Mexico Beef producers with an on farm USDA inspected processing and distribution facility in Tierra Amarilla. The proposed rule, 6.12.16 NMAC, is exciting for NM food producers and for the quality of food children around the state will be able to get. However, being approved suppliers in the NM Grown Program, we feel that additional requirements be included in the rule that will aid in maintaining the integrity of NM Grown and getting verified NM grown foods into school meals. Below are the specific sections of the rule and wording recommendations we feel should be included.

1. Amend the language in [Healthy Universal School Meals \(6.12.16 NMAC\)](#).

- 6.12.16.10 Compliance for Performance Measures for Certification
 - **B. Adherence to Level 1 of compliance is demonstrated by the following:**
 - **(2) School Food Authorities (SFAs) shall offer at least three items on a weekly basis from New Mexico farms, ranches, or food businesses.**
 - Recommendation: Add language. This should indicate that products **must be sourced/purchased from NM Grown Approved Suppliers**. This language addition would be a significant win for program integrity helping to ensure food safety and source verification for locally sourced products.
 - Recommendation: Change language. This should be **three servings per week (not three items)**. This language amendment would clarify expectations for SFA's and allow for calculation of product needs based on meal patterns. This would also ensure that a diversity of NM products are purchased at significant volumes.
 - **(3) School food authorities shall also adhere to one of the following performance measures:**
 - **(a) No less than fifty percent of schools in a school food authority shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs. If a single school is its own school food authority, that school shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs.**
 - Recommendation: Add language. This should indicate **each School Food Authority (SFA) shall designate a Food Safety manager**. This language addition would ensure that schools are receiving training and technical assistance necessary to mitigate risk and liability for foods grown on school campuses.

- C. **Adherence to Level 2 of compliance is demonstrated by the following:**
 - **(2) School food authorities shall offer at least four items on a weekly basis from New Mexico farms, ranches, or food businesses.**
 - Recommendation: Add language. This should indicate that products **must be sourced/purchased from NM Grown Approved Suppliers**. This language addition would be a significant win for program integrity helping to ensure food safety and source verification for locally sourced products.
 - Recommendation: Change language. This should be **four servings per week (not four items)**. This language amendment would clarify expectations for SFA's and allow for calculation of product needs based on meal patterns. This would also ensure that a diversity of NM products are purchased at significant volumes.
 - **(3) School food authorities shall also adhere to the following performance measures:**
 - **(a) No less than fifty percent of schools in a school food authority shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs. If a single school is its own school food authority, that school shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs.**
 - Recommendation: Add language. This should indicate **each School Food Authority (SFA) shall designate a Food Safety manager**. This language addition would ensure that schools are receiving training and technical assistance necessary to mitigate risk and liability for foods grown on school campuses.
 - For greater clarity, **we have included a marked up version of the proposed rule language.**
[6.12.16-NMAC_NMFMA.docx](#)

2. Ensure schools have resources needed to be compliant with the new proposed standards, this includes access to programmatic supports developed by the **New Mexico Grown Coalition**, including:

- **Nuevo Thursdays**, a NM-based nutrition education curriculum and local food promotion program.
- **School Garden Food Safety Training**, an emerging program to help ensure food produced in gardens is grown, harvested and prepared in alignment with federal food safety standards
- **NM Grown Golden Chile Awards**, a recognition program designed to gather data on farm to school activities taking place across the state and celebrate NM Grown champions.

- To learn more about the New Mexico Grown Coalition and become a member please visit newmexicogrown.org

3. Advocate to secure a separate state appropriation for FY26 to fund NM Grown local procurement in the schools through a grant program administered by PED. In FY2024 \$2.3 million dollars were allocated, we recommend increasing that amount to \$3.8 million so that all SFA's can benefit from this additional funding to support compliance within the proposed rule.

From: [Valery Ratliff-Parker](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Rule Feedback for: 6.12.16 Healthy Universal School Meals
Date: Wednesday, May 29, 2024 11:26:35 AM
Attachments: [6.12.16-NMAC Healthy Universal Meals Rule Feedback PCSNM PEC.pdf](#)

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Note: When submitting feedback, we kindly request that you specify which rule(s) you are submitting feedback for. This is especially helpful when the Department is accepting feedback for multiple proposed rules at the same time.

Please see the attached letter regarding rule feedback for 6.12.16 Healthy Universal School Meals



Dear members of the Policy and Legislative Affairs Division of the NM Public Education Department:

Public Charter Schools of New Mexico and the New Mexico Public Education Commission are writing with feedback and input on the proposed rulemaking for NMAC 6.12.16 "Healthy Universal School Meals." In partnership and collaboration, we are providing recommended resolutions to the proposed rule as the PED only has authority to define quality school meals and place requirements on school food authorities in so far as the statute directs 22-13C-4(E):

22-13C-4E. The department shall promulgate rules necessary for implementation of this section, including rules providing for:

- (1) meal quality improvement requirements for the program, which **may** include purchasing New Mexico-produced food, freshly preparing scratch-cooked foods, providing culturally relevant meals and engaging student and family voices and choices in menu development; and*
- (2) procedures for annual certification.*

We would like to highlight that the current language uses "may," not "shall," and should be considered when promulgating the proposed rule.

Please note that there are 10 points of feedback listed below, as well as proposed resolutions for each point.

Feedback Point #1: Lack of Rule Clarity Regarding Applicable Schools

Proposed Rule Component: In the proposed rule, the department uses language that is not aligned with statute. The rule proposes:

6.12.16.2 Scope:

All school districts and charter schools, bureau of Indian education schools, tribally controlled schools, state-supported schools, state-sponsored schools, private schools, and residential childcare institutions that operate the national school lunch program and the school breakfast program.

6.12.16.8 Healthy Universal School Meals Program Requirements:

A. All public schools shall establish a healthy universal school meals program, pursuant to Section 22-13C-1 et seq. NMSA 1978.

Issue/Concern: The scope and requirements of the rule do not clearly define which schools this rule applies to. The scope of the proposed rule is aligned with New Mexico statute language, however the language in the program requirements, as written, reads as though all schools must establish a healthy universal school meals program. New Mexico State law does not require all public schools to establish a healthy universal school meals program but allows for public schools to *choose* to do so if they so desire. This is articulated in current New Mexico statute under 22-13C-4 (A):

22-13C-4. Universal school meals for children

A. Public school districts and charter schools operating the national school lunch program and the school breakfast program shall establish a program to offer high-quality meals at no charge to all students. Bureau of Indian education schools, tribally controlled schools and private schools operating the national school lunch and the school breakfast program may establish a program to offer high-quality meals at no charge to students. All participating school food authorities shall offer one breakfast and one lunch at no cost to students during each school day to any student who requests a meal without consideration of the student's eligibility for a federally funded free or reduced-price meal, with a maximum of one free meal for each meal service period.



Proposed Resolution to Address Issue/Concern: Reword 6.12.16.8.A. to read as follows:

All public schools that operate a national school lunch program and the school breakfast program shall establish a healthy universal school meals program—comply with the requirements of this promulgated rule.

Feedback Point #2: Level Consolidation

Proposed Rule Component: The rule proposes two levels of compliance for certification:

6.12.16.10. Compliance with performance measures for certification:

A. Certification is demonstrated by compliance with one of two levels.

Issue/Concern: The proposed rule creates two different levels of compliance for certification with no differentiation of reimbursement status. The concern regarding two levels of compliance is that it will set a precedent for inequitable funding after schools have incurred significant financial costs to implement the universal meal program.

Proposed Resolution to Address Issue/Concern: Remove Level 2 in its entirety. The rule should not have two distinct levels regarding compliance for certification. The rule should only set forth overall compliance measures to fulfill the requirements of the Healthy Universal School Meals Program. The compliance requirements should simply include a menu of options from which the school food authority may choose, to not only streamline the certification process, but to also allow for the unique needs of local communities to be met.



Feedback Point #3: Onsite Kitchens

Proposed Rule Component: The proposed rule requires that school meals be freshly prepared in an onsite kitchen. The rule uses the following language regarding onsite kitchens:

6.12.16.10 B (1). No less than 50 percent of reimbursable national school lunch program and school breakfast program meals, including the entrée and grains, prepared each week, shall be freshly prepared meals at an onsite kitchen prepared by the school food authority, the central kitchen, a vendor, or a food service management company.

6.12.16.10 C (1). Seventy five percent or greater of reimbursable national school lunch program meals and school breakfast program meals, including the entrée and grains, prepared each week, shall be freshly prepared meals at an onsite kitchen prepared by the school food authority, the central kitchen, vendor, or food service management company.

Issue/Concern: Most charter schools are the “school food authority.”

Furthermore, most charter schools, even those housed in district buildings, are also not equipped with a full kitchen. Several charter schools have contracted food vendor services that deliver hot meals to campus for breakfast and lunch, while others may receive meals from their local school districts. The language in the rule and the sentence structure conveys that even if a school uses a vendor, that vendor must prepare the food at the onsite kitchen. The rule does not clearly define that the onsite kitchen pertains to the source of where the breakfast and lunch meals are being prepared.

Proposed Resolution to Address Issue/Concern: Reword the onsite kitchen meal preparation requirements as follows:

6.12.16.10 B (1). and 6.12.16.10 C (1).of reimbursable national school lunch program meals and school breakfast program meals, including the entrée and grains, prepared each week, shall be freshly prepared meals. ~~at an onsite kitchen prepared by the school food authority, the central kitchen, vendor, or food service management company.~~



Feedback Point #4: 3 Items on a Weekly Basis from NM Farms or Businesses

Proposed Rule Component: The rule proposes the following requirements for certification:

6.12.10.B (2) School food authorities shall offer at least three items on a weekly basis from New Mexico farms, ranches, or food businesses.

6.12.10.C (2) (a) All schools shall offer more than four items weekly from New Mexico farms, ranches, or food businesses.

Issue/Concern: In the proposed rule, the department uses language that is not aligned with statute. Again, current New Mexico statute uses the language “may” not “shall” in 22-13C-4E when referring to New Mexico-produced food. Furthermore, there is a concern about the capacity of local ranchers and farmers to supply all local food authorities with the required New Mexico grown foods.

22-13C-4E. The department shall promulgate rules necessary for implementation of this section, including rules providing for:

(1) meal quality improvement requirements for the program, which may include purchasing New Mexico-produced food, freshly preparing scratch-cooked foods, providing culturally relevant meals and engaging student and family voices and choices in menu development;

Proposed Resolution to Address Issue/Concern: Requirement 6.12.10.B (2) and 6.12.10.C (2) (a) for certification should be removed.

Feedback Point #5: Growing Food on Campus

Proposed Rule Component: The rule proposes that school food authorities “shall” grow food on campus as an option for a performance measure:

6.12.10.B (3)(a) No less than fifty percent of schools in a school food authority shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs. If a single school is its own school food authority, that school shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs.

6.12.10.C(2)(b) No less than fifty percent of schools shall grow food on campus with monthly incorporation of produced food into breakfast, lunch, or snack programs. If a single school is its own school food authority, that school shall grow food on campus with monthly incorporation of produced food into breakfast, lunch, or snack programs.

Issue/Concern: This is an unrealistic requirement that would not be able to be fulfilled by most New Mexico schools. Many schools, especially charter schools, do not have the facilities, staff, land, or funding mechanism to grow food on campus. Additionally, the growing and harvesting season is often outside of the traditional school year. The investment in the infrastructure needed to grow food year round (i.e., greenhouse) would be immense and there is no funding available to make these investments. Due to the requirements in the rule that food be made “fresh and from scratch,” there are additional concerns that even food grown in summer months could not be processed and frozen to be used during the winter meals.

Proposed Resolution to Address Issue/Concern: This component should be removed as a performance measure option to demonstrate certification compliance.



Feedback Point #6: Use of the word “cafeteria.”

Proposed Rule Component: The rule uses the term “cafeteria” in 6.12.16.10.A(3)(b); 6.12.16.10.A(4)(b); and 6.12.16.10.C(3)(b).

Issue/Concern: Many charter schools do not have a designated cafeteria.

Proposed Resolution to Address Issue/Concern: Change the term “cafeteria” to “school campus.”

Feedback Point #7: Monthly Donation

Proposed Rule Component: The rule attempts to establish the frequency of unused food donations:

6.12.16.10.(B)(4)(c) Schools shall have a system for monthly donation of unused food to students or community-based organizations.

Issue/Concern: Schools have varying food storage capacity, staffing, transportation, and schedules and should have the autonomy to determine when they will donate unused food. New Mexico statute does not specify a timeline for the donation of unused food items:

22-13C-10. B. share tables shall- be provided where food service staff, students and parents may return allowable food. Allowable food placed on the share tables that is not taken by a student during the course of a regular school meal period shall be donated to students, food banks or other nonprofit charitable organizations.

Proposed Resolution to Address Issue/Concern: Remove the monthly requirement and default to the statute which allows any timeline to donate unused food.

Feedback Point #8: Performance measures options are not aligned with statute.

Proposed Rule Component: The rule proposes for school food authorities to adhere to at least one of three performance measures:

Option 1 - Recess Before Lunch Two Days a Week

The rule attempts to establish recess requirements in grades K through 5:

6.12.16.10.(B)(5)(a) All students, kindergarten through grade five, shall be offered recess before lunch at least two days during the school week.

Issue/Concern: Schools have a variety of scheduling needs and should be allowed to schedule recess when appropriate based on the needs of the school community. The New Mexico statute does not specify recess requirements regarding lunch:

22-13C-10. A. students in grades kindergarten through five shall be allowed to have up to twenty minutes of seated lunch time each school day to provide sufficient lunch periods that are long enough to give all students adequate time to eat.

Option 2 - Plate Waste Study Requirement

The rule attempts to have schools engage in a “plate-waste” study.

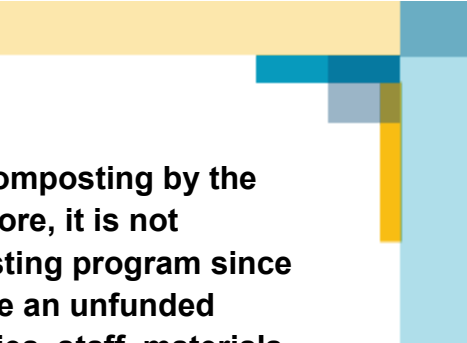
6.12.16.10.(B)(5)(b) At least fifty percent of schools in a school food authority shall engage in plate waste studies on a quarterly basis. If a single school is its own school food authority, that school shall engage in plate waste studies on a quarterly basis.

Issue/Concern: There is currently no definition or guidance on what a “plate-waste” study is, in law or in the department. New Mexico statute 22-13C-10 *Addressing Food Waste* does not refer to “plate waste study.”

Option 3 - Composting Requirement

The rule attempts to require schools to establish a composting program.

6.12.16.10.(B)(5)(c) At least fifty percent of schools in a school food authority shall have a composting program in place. If a single school is its own school food authority, that school shall have a composting program.



Issue/Concern: New Mexico statute does not refer to composting by the school food authority to address food waste. Furthermore, it is not possible for all charter schools to implement a composting program since most are their own school food authority. This would be an unfunded requirement option that would require additional facilities, staff, materials, and security. An additional issue around public health and safety safeguards is an imminent concern (e.g., vermin, homelessness, student accessibility).

Proposed Resolution to Address Issue/Concern: All three options under 6.12.16.10.B (5) are not aligned with statute and should be removed from the proposed performance measures.

Feedback Point #9: Community Engagement and Feedback

Proposed Rule Component: Sections 6.12.16.10.(B)(6); 6.12.16.10.(B)(7); and 6.12.16.10.(B)(8) attempt to require such things as menu feedback from stakeholders on a quarterly basis, taste tests for both breakfast and lunch, food and nutrition education into staff professional development, and food preparation by middle and high school students, to name a few.

Issue/Concern: The rule proposes requirements that are not aligned with New Mexico statute and is an overreach by the department. Again, New Mexico statute uses the language “may” not “shall” in 22-13C-4E when referring to student and family voices:

22-13C-4E. The department shall promulgate rules necessary for implementation of this section, including rules providing for:

- (1) meal quality improvement requirements for the program, which **may** include purchasing New Mexico-produced food, freshly preparing scratch-cooked foods, providing culturally relevant meals and engaging student and family voices and choices in menu development;*

Proposed Resolution to Address Issue/Concern: Remove the adherence from the proposed rule. The appropriate place for the rule requirements described in 6.12.16.10.(B)(6); 6.12.16.10.(B)(7); and 6.12.16.10.(B)(8) are in the nutritional educational standards and not in the distribution of breakfast and lunch meals.

Feedback Point #10: Funding and Noncompliance of Meal Quality Improvement Requirements

Proposed Rule Component: In the proposed rule, the department attempts to establish how the distribution of funding to each school food authority will be determined:

6.12.16.11 Funding Distributions

A. *The department shall distribute funding to each school food authority that establishes a healthy universal school meals program as follows:*

(1) for school food authorities that meet the meal quality improvement requirements established by this rule each year, the department shall distribute to each such school food authority an amount that is equal to the federal free meal reimbursement rate multiplied by the total number of eligible meals served during the applicable budget year, minus an amount equal to the federal paid meal reimbursement for eligible meals served during the applicable budget year; or

(2) for school food authorities that do not meet the meal quality improvement requirements established by this rule by July 1 each year, the department shall distribute to each such school food authority an amount that is equal to the paid meal rate multiplied by the total number of eligible meals served during the applicable budget year.

Issue/Concern: Schools would have incurred significant financial costs to implement the universal meal program without the ability to correct or improve compliance with certification requirements.

Proposed Resolution to Address Issue/Concern: In the proposed rule, there is no improvement plan for schools that have not met the meal quality improvement requirements. The schools that do not meet the requirements should be put on an improvement plan so that they can get back into compliance to receive full funding. For example: If schools comply, they will receive full reimbursement for all meals. If schools do not comply the schools may still get full reimbursement but placed on a probationary year to meet compliance standards. By the third year, if schools are still not in compliance with meal quality improvement requirements, then the school would not receive the full reimbursement for all meals.

Thank you for your willingness to hear our input as well as your consideration of our proposed resolutions.

Regards,

Public Charter Schools of New Mexico and the New Mexico Public Education Commission



NEW MEXICO
Food & Agriculture
POLICY COUNCIL

May 28, 2024

Policy and Legislative Affairs Division
New Mexico Public Education Department
300 Don Gaspar Ave., Room 121
Santa Fe, New Mexico 87501

RE: Proposed Rule for Healthy Universal School Meals (6.12.16 NMAC)

To Whom It May Concern:

The New Mexico Food & Agriculture Policy Council, in partnership with Farm to Table New Mexico, a broad coalition of community-based and agricultural-specific organizations committed to ensure the entire local food ecosystem is supported holistically, has serious reservations about the current rule draft and in the spirit of collaboration and partnership, propose a series of amendments designed to include an important stakeholder group excluded from the current draft, the farmers and ranchers of New Mexico.

In our work, we have been committed to New Mexico's school nutrition programs for over two decades. We have taken lead over the years and continue to be partners in the New Mexico Grown Program that links New Mexico School Food Authorities with local farmers and ranchers to purchase their farm raised products for school meals. Student nutrition and fresh wholesome meals for all children are a priority for us and a guiding principle fundamental to our collective work. Additionally, we work to find important market opportunities New Mexico's farmers' and ranchers strengthening our local economy. The New Mexico Grown Program has been instrumental in meeting these important goals to benefit New Mexico.

We collectively believe that the initial foundation for building the draft rule left out a significant stakeholder group's input - our local farmers, ranchers, and agricultural community. The collective has been successful in leveraging millions of dollars in time, infrastructure, and resources to build the supply capacity of our farming community in various regions across the State. Based on our mission and goals and our fear of the local infrastructure collapsing, we are requesting your consideration of your Healthy Universal School Meals Act rulemaking following recommendations:

For greater clarity, we have attached a marked up version of the [proposed rule language](#).

To learn more about our organizations visit our websites:

- New Mexico Food & Agriculture Policy Council: [New Mexico Food & Agriculture Policy Council – The NMFAPC is a statewide coalition which focuses on policy initiatives that create healthy food and agriculture systems in New Mexico. \(nmfoodpolicy.org\)](#)
- Farm to Table: [Farm to Table \(farmtotablenm.org\)](#)
- New Mexico Grown Coalition: [New Mexico Grown](#)

We want to make sure schools have the resources needed to provide fresh locally grown and raised, and culturally significant foods. Farm to Table and the NM Food & Ag Policy Council want every student to be nourished with meals and that those meals include New Mexico grown and raised foods. In closing we recognize that a successful relationship is about connecting New Mexico's agricultural producers and the students, through school meals and education programs. This is of major economic benefit to New Mexico's agricultural community. We recognize these programs take time and major efforts. There will be additional challenges as this program will face as it grows, and we look forward to being if support to meet the needs of New Mexico's children and agricultural community.

Please feel free to contact us at (505) 660-8403 if you have questions or would like to learn about our policy and advocacy work over the last two decades. Thank you for your consideration of our friendly amendments.

Sincerely,

A handwritten signature in black ink, appearing to read "Pam Roy". The signature is fluid and cursive, with a large initial "P" and "R".

Pam Roy
Executive Director and Policy Director

A STRONG COALITION OF PARTNERS, ORGANIZATIONS AND INDIVIDUALS

We, the undersigned, request your full support of the New Mexico Food & Agriculture Policy Council's and partner organizations' proposed amendments to the Healthy Universal School Meals Rulemaking Proceedings:

Sandra Almand, Los Ranchos 87107

Trista Alters, Food is Free Albuquerque, Albuquerque 87112

Katie Coakley, PhD RDN, Albuquerque 87104

Ian Colburn, Solarpunk Farm, Albuquerque 87105

Brent Crowe, Tohatchi, 87325

Sally Davis, Albuquerque 87106

Donna Detweiler, Kirtland Elementary School Garden, Albuquerque 87106

Ellen Dueweke, Albuquerque 87111

Beth Fair, Elida Municipal Schools, Elida 88116

Anna Farrier, Cooking With Kids, Santa Fe 87502

Ella Joan Fenoglio, Albuquerque 87110

Joanne Frey, Santa Fe 87508

Lawrence D. Gallegos, Latino Farmers and Ranchers International Inc., Santa Fe 87508

Selece Gathings, San Juan County Early Childhood Coalition, San Juan County 87401

Jeremy Gathings, Gathings Gardens LLC, Bloomfield 87413

Roger Gonzales, Southwest Key Programs, Inc., Statewide 87144

Alma Grijalva, Cobre, Bayardn, 88022

Kirsten Hansen, New Mexico Farmers' Marketing Association, Santa Fe 87508

Helen Henry, Farm to Table NM, Santa Fe 87507

Samantha Hilborn-Naluai, Rodale Institute, Espanola 87532

Sherry Hooper, The Food Depot, northern NM 87507

Carol Horwitz, White Duck Farm, Ribera 87560

Donna House, Alcalde 87566

Isabelle Jenniches, New Mexico Healthy Soil Working Group, Santa Fe 87505

Darshan Jessop, Santa Fe 87507

Marie E. Johnson, NM Food & Agriculture Policy Council, Bloomfield 87413

Noreen Kelly, DFSA, Church Rock 87311

Melanie Kirby, Institute of American Indian Arts, Santa Fe and Taos 87505 & 87579

Eduardo Krasilovsky, Santa Fe 87508

Amy Larsen, Espanola 87532

Y-M Lee, Ramah 87357

Myria Mandell, Guadalupe Healthy Kids Healthy Communities, Santa Rosa 88435

Edith Martinez, Farm to Table NM, Santa Fe 87507

Steven McFadden, DeepAgroecology.org, Albuquerque 87123

Angela Merkert, Alliance for Local Economic Prosperity, Albuquerque, NM 87114

Judith Messal, Albuquerque 87114

Denise Miller, NM Farmers' Marketing Association Santa Fe 87505

Jacqueline Montoya, San Juan College Harvest Food Hub, Farmington Grower's Market, and 100% San Juan Community, Farmington 87401

Bonnie Murphy Regional Farm to Food Bank/The Food Depot, Santa Fe 87507

Carlos Navarro, Interfaith Hunger Coalition, Albuquerque 87123

Andrew Neighbour, Desert Verde Farm, Santa Fe, NM 87507

Wendy Ogden, Santa Fe 87508

Christine Ortiz, SPIRIT of Hidalgo, Lordsburg 88045

Debbie Ortiz, Partnership for a Healthy Torrance Community, Moriarty /Torrance County 87035

Pamela Otero, Albuquerque 87104

Patricia Pantano, Camino de Paz School & Farm, Santa Cruz NM 87567

Alice Perez, The Community Pantry, Gallup 87305

Kierstan Pickens, Agua Fria Village 87507

Eugene Pickett, Black Farmers and Ranchers New Mexico Global, Jarales 87023

Margie Plummer, Portales 88130

Cecilia Popp, Santa Fe 87506

Joe Raborn, Cozy Cat Farmstead, Rio Rancho 87124

Courtney Rich, Healthy Neighborhoods, Albuquerque, Albuquerque 87104

Victoria Roanhorse, Albuquerque 87107

Mercedes Rodriguez, TCEDC, Taos 87571

Cristina Rogers, Barelax, Albuquerque, 87102

Carla Rosin, Santa Fe 87505

Shanna Sasser, Santa Fe 87501

Emma Simmons, Santa Fe 87501

Courtney Squyres, SquyreStudio Microfarm, Alamogordo 88310

Lan Stong, Las Cruces 88007

Barbara Storper, FoodPlay Productions, Santa Fe 87507

Valari Taylor, Rio Rancho 87144

JoAnn Velasquez, Guadalupe County Health Council/Healthy Kids Healthy Communities, Santa Rosa 88435

Thalia Venerable, Santa Fe 87505

Erica Villegas, Bayard 88023

Anthony Wagner, Wagner Farms, Corrales 87048

Martha Wilder, Santa Fe 87505

Susan Wilger, Susan Wilger Consulting, LLC, Santa Fe 87505

Clyde Williamson, Roswell 88203

Barak Wolff, Santa Fe 87506

Chili Yazzie, Shiprock Traditional Farmers Cooperative, Shiprock 87420

Dana Yost, Roadrunner Food Bank, Albuquerque 87109

August Young, A La Madre Farms, El Guique 87566

Tyler Zander, Taos 87571

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 12 PUBLIC SCHOOL ADMINISTRATION - HEALTH AND SAFETY
PART 16 HEALTHY UNIVERSAL SCHOOL MEALS

6.12.16.1 ISSUING AGENCY: Public Education Department, hereinafter the department.
[6.12.16.1 NMAC – N, 7/1/2024]

6.12.16.2 SCOPE: All school districts and charter schools, bureau of Indian education schools, tribally controlled schools, state-supported schools, state-sponsored schools, private schools, and residential childcare institutions that operate the national school lunch program and the school breakfast program.
[6.12.16.2 NMAC – N, 7/1/2024]

6.12.16.3 STATUTORY AUTHORITY: Sections 9-24-8, 22-2-1, 22-2-2, 22-13-13, 22-13-13.2, and 22-13C-1 et seq. NMSA 1978.
[6.12.16.3 NMAC – N, 7/1/2024]

6.12.16.4 DURATION: Permanent.
[6.12.16.4 NMAC – N, 7/1/2024]

6.12.16.5 EFFECTIVE DATE: July 1, 2024, unless a later date is cited in the history note at the end of a section.
[6.12.16.5 NMAC – N, 7/1/2024]

6.12.16.6 OBJECTIVE: To establish the standards and procedures for certification to implement the Healthy, Hunger-Free Students' Bill of Rights Act, Section 22-13C-1 et seq. NMSA 1978.
[6.12.16.6 NMAC – N, 7/1/2024]

6.12.16.7 DEFINITIONS:

- A. "Allowable food"** means food items that are unopened and without defects.
 - B. "Central kitchen"** means a kitchen that consolidates processing and cooking of school meals, after which the prepared meals are transported to onsite school kitchens.
 - C. "Eligible meals"** means meals served to full-price, paid students that qualify for reimbursement under the national school lunch program and the school breakfast program.
 - D. "Federal free meal reimbursement"** means the free meal reimbursement paid by the USDA under 42 U.S.C. 1759a for meals that qualify for reimbursement pursuant to the national school lunch program and the school breakfast program.
 - E. "Federal paid meal reimbursement rate"** means the paid reimbursement rate as set annually by the USDA under 42 U.S.C. 1759a for meals that qualify for reimbursement under the national school lunch program and the school breakfast program.
 - F. "Food service management company"** means a company which a school food authority may contract with to manage its food service operations in one or more of its schools.
 - G. "Healthy universal school meals program"** means the meals program created pursuant to the Healthy Hunger-Free Students' Bill of Rights Act.
 - H. "National school lunch program"** means the federally assisted meal program that provides nutritious, low-cost, or free lunches to children in public schools, private schools, and residential childcare institutions.
 - I. "Paid meal rate"** means the paid student rate reported by the department to the USDA based on the average paid meal rate charged by school food authorities in the prior school year.
 - J. "Participating school food authority"** means a school food authority that chooses to participate in the New Mexico grown grant program.
 - K. "School breakfast program"** means the federally assisted meal program that provides reimbursement to states to operate nonprofit breakfast programs in schools and residential childcare institutions.
 - L. "School food authority"** means school districts, charter schools, the United States department of the interior's bureau of Indian education schools, tribally controlled schools, and private schools that operate the national school lunch program and the school breakfast program.
- [6.12.16.7 NMAC – N, 7/1/2024]

6.12.16.8 HEALTHY UNIVERSAL SCHOOL MEALS PROGRAM REQUIREMENTS:

- A. All public schools shall establish a healthy universal school meals program, pursuant to Section 22-13C-1 et seq. NMSA 1978.
 - B. Bureau of Indian education schools, tribally controlled schools, and private schools may establish a healthy universal school meals program to offer high-quality meals at no charge to students provided that state and federal funding is available, and the school complies with applicable state and federal laws.
- [6.12.16.8 NMAC – N, 7/01/2024]

6.12.16.9 CERTIFICATION OF HEALTHY UNIVERSAL SCHOOL MEALS PROGRAMS: School food authorities running a healthy universal school meals program shall submit to the department annually a certification that attests that required performance measures are met. Beginning July 1, 2025, the certification of compliance shall include assurances that performance measures will have been met on or before July 1.

- A. Eligible and participating schools and school food authorities shall follow certification deadlines as established by the department.
 - B. Non-compliance with annual assurances shall result in a lower rate of reimbursement for school food authorities pursuant to department guidance.
 - C. The certification shall include the total meals served in the previous year and other supportive documentation from approved reviewers. Supportive documentation may include, but is not limited to, menus, student satisfaction assessments, and internal audits conducted by non-student nutrition personnel.
- [6.12.16.9 NMAC – N, 7/1/2024]

6.12.16.10 COMPLIANCE WITH PERFORMANCE MEASURES FOR CERTIFICATION:

- A. Certification is demonstrated by compliance with one of two levels.
- B. Adherence to level 1 of compliance is demonstrated by the following:
 - (1) No less than 50 percent of reimbursable national school lunch program and school breakfast program meals, including the entrée and grains, prepared each week, shall be freshly prepared meals at an onsite kitchen prepared by the school food authority, the central kitchen, a vendor, or a food service management company.
 - (2) School food authorities shall offer at least three items servings on a weekly basis or 10% annually of their food supply line item sourced and/or purchased from New Mexico farms, ranches, or food businesses from the New Mexico Grown Approved Suppliers.
 - (3) School food authorities shall also adhere to one of the following performance measures:
 - (a) No less than fifty percent of schools in a school food authority shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs. If a single school is its own school food authority, that school shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs.
 - (b) No less than fifty percent of schools in a school food authority shall have cafeterias with print or digital resources promoting locally sourced nutrition education. If a single school is its own school food authority, that school shall have at least one cafeteria with print or digital resources promoting locally sourced nutrition education.
 - (4) School food authorities shall also adhere to the below performance measures:
 - (a) All students, kindergarten through grade five, shall have up to 20 minutes of seat time to eat lunch, not including time spent walking to or from class, waiting in line, or going to recess. Schools shall provide sufficient lunch periods that are long enough to give all students adequate time to eat.
 - (b) Share tables shall be provided where food service staff, students, and parents may return unopened allowable food daily at most exit points in the cafeteria.
 - (c) Schools shall have a system for monthly donation of unused food to students or community-based organizations.
 - (5) School food authorities shall also adhere to at least one of the following performance measures:
 - (a) All students, kindergarten through grade five, shall be offered recess before lunch at least two days during the school week.
 - (b) At least fifty percent of schools in a school food authority shall engage in plate waste studies on a quarterly basis. If a single school is its own school food authority, that school shall engage in plate waste studies on a quarterly basis.

(c) At least fifty percent of schools in a school food authority shall have a composting program in place. If a single school is its own school food authority, that school shall have a composting program in place.

(6) On at least a quarterly basis, school food authorities shall actively engage students and families in food and nutrition services through formal processes to incorporate their feedback within food and nutrition services.

(7) School food authorities shall also adhere to two of the following performance measures.

(a) Empaneling an advisory council that shall consider student and family input and shall meet with school food authority administration on a quarterly basis.

(b) Inviting students and families to provide formal feedback to school leadership on meal quality on a quarterly basis.

(c) Inviting students and families to provide formal feedback to school food authorities on menu design, including the addition of new items, on a quarterly basis.

(d) Schools shall conduct taste tests for both breakfast and lunch menu items on a quarterly basis.

(8) School food authorities shall also adhere to two of the following performance measures.

(a) Schools shall incorporate food and nutrition education into teacher and school staff professional development training on a quarterly basis.

(b) Schools shall monthly include culinary or nutrition education during the school day or during out-of-school time at all elementary and secondary schools.

(c) Schools shall monthly ensure that middle and high school students engage in food preparation for breakfast, lunch, or snacks.

(d) All schools shall have access to nutrition education activities on a quarterly basis.

C. Adherence to level 2 of compliance is demonstrated by the following.

(1) Seventy five percent or greater of reimbursable national school lunch program meals and school breakfast program meals, including the entrée and grains, prepared each week, shall be freshly prepared meals at an onsite kitchen prepared by the school food authority, the central kitchen, vendor, or food service management company.

(2) All school food authorities shall adhere to the below requirements:

(a) All schools shall offer more than four items servings weekly or 10% annually of their food supply line item sourced and/or purchased from New Mexico farms, ranches, or food businesses from the New Mexico Grown Approved Suppliers.

(b) No less than fifty percent of schools shall grow food on campus with monthly incorporation of produced food into breakfast, lunch, or snack programs. If a single school is its own school food authority, that school shall grow food on campus with monthly incorporation of produced food into breakfast, lunch, or snack programs.

(c) No less than fifty percent of schools shall have a comprehensive, schoolwide educational program that provides nutrition education to students. If a single school is its own school food authority, that school shall have a comprehensive, schoolwide educational program that provides nutrition education to students.

(3) All school food authorities shall adhere to the below requirements:

(a) All students, kindergarten through grade five, shall have up to 20 minutes of seat time to eat lunch, not including time spent walking to or from class or waiting in line. Schools shall provide sufficient lunch periods that are long enough to give all students adequate time to eat.

(b) Share tables shall be provided where food service staff, students, and parents may return unopened, allowable food daily at all exit points in the cafeteria.

(c) Schools shall have a system for weekly or daily donation of unused food to students or community-based organizations.

[6.12.16.10 NMAC – N, 7/1/2024]

6.12.16.11 FUNDING DISTRIBUTION:

A. The department shall distribute funding to each school food authority that establishes a healthy universal school meals program as follows:

(1) for school food authorities that meet the meal quality improvement requirements established by this rule each year, the department shall distribute to each such school food authority an amount that

is equal to the federal free meal reimbursement rate multiplied by the total number of eligible meals served during the applicable budget year, minus an amount equal to the federal paid meal reimbursement for eligible meals served during the applicable budget year; or

(2) for school food authorities that do not meet the meal quality improvement requirements established by this rule by July 1 each year, the department shall distribute to each such school food authority an amount that is equal to the paid meal rate multiplied by the total number of eligible meals served during the applicable budget year.

B. School food authorities shall use funding to purchase commodities necessary to improve meal quality, including food and other consumables, equipment, staffing, labor needs or training and technical assistance. [6.12.16.11 NMAC – N, 7/1/2024]

HISTORY OF 6.12.16 NMAC: [RESERVED]

DRAFT

I have been working in child nutrition 27 years with APS. My degree from Purdue University is in Restaurant, Hotel Institutional Management. I have seen many changes the biggest being Healthy Hunger free kids act back in 2010. Some of the original act was revised, as it did not work. Let us all think and come together with those who run the program daily to see what can be accomplished and look at what the bill was intended to do PROVIDE Healthy meals for ALL of our student

School nutrition programs, have many oversight agencies with different program and various rules and regulations. USDA oversees NSLP, SBP, ASP, FFVP and Seamless summer – meal patterns, calories, fats and sodium are written in federal rule. We have onsite visits from USDA inspectors to ensure product purchased has been inspected and safe for our students. Environmental Health department oversight which including City, County and State, PED Administrative reviews. Procurement reviews, federal, state and district procurement rules for purchasing all our goods, Community Eligibility Programs, NM Grown, Valley Cluster, and the USDA ECECD programs including At Risk Diners, Summer Foodservice Programs, Infants and Snacks.

We do not have time nor is staff to implement what expected on a quarterly basis.

Freshly prepared needs defining-

Farmers need to increase production before 50% is even obtainable. It is VERY difficult to find enough NM Grown products to meet APS needs even in the fall.

I am not a teacher, nor a farmer I am a school nutrition professional. We are in the business of providing healthy meals to our students. The basic concept of a business revenue has to balance with expenses. APS Food & Nutrition is responsible to run a financially independent program and not to take money from APS operational budget.

Is the additional funding enough to compensate the workload? In October 2023 in APS non CEP school there was 16,304 paid students. Out of those 5742 were already DC. That is 35% and with the 1.6 multiplier, it would bring it up to 56%.

I am proud of my staff this school year over 3.9 million breakfast 5.8 lunches 1.1 million snacks have been served- We look forward to continuing to provide Healthy Meals to all of our students this summer and beyond.

Thank you

Sandra Kemp
Executive Director Albuquerque Public Schools
Food & Nutrition Department
Kemp_s@aps.edu
505-252-3146



6.12.16 NMAC, Healthy Universal School Meals

Concern: 50% Freshly Prepared meals for Level 1, 75% Freshly Prepared meals for Level 2 for all school breakfast and lunch meals.

Fact: We are required to serve Breakfast after the Bell according to NM Administrative Code Section 6.12.9.8. The best way for my district is in the classroom. Breakfast in the Classroom has proven more students eat breakfast, which helps with their learning. Breakfast is individually wrapped and placed in totes, delivered to each classroom where the teacher distributes the reimbursable meal around 8:15am. Most of the totes are delivered between 6:30am – 7:30am. I have a central kitchen which prepares meals for 11 elementary schools. My district serves about 8000 breakfast meals each morning. Providing even 50% of Breakfast meals freshly prepared would not be possible.

Impact: Freshly prepared Breakfast meals would require current staff to work longer hours or hire additional staff. Neither are in a Student Nutrition Department's budget.

The kitchens in my district do not have enough equipment, gas, electricity or space to cook breakfast meals and lunch meals during the same hours. Students would be required to come to the cafeteria, taking more instruction time and less students would eat. The goal is to feed students so their education is enhanced.

The requirements in this Proposed rulemaking are unrealistic. As a Student Nutrition Director, I am committed to serving the students in my district, healthy food. I serve freshly prepared meals as often as possible and I use as much NM Grown products as I can. This bill should be what the legislators voted on: Free Breakfast and Lunch meals for all students and healthier meals.

Action: NMPED reject the current rules as written.

May 21, 2024

Public Comment to address proposed rules for 6.12.16 NMEC, Healthy Universal School Meals

To Whom It May Concern:

There are many of the requirements that are to be done “quarterly”. From meetings to menu modifications, I do not feel this to be realistic. Being in the school nutrition industry, the amount of daily work is substantial. To have the surveys and menu modifications and meetings with students, staff, and parents and community take place four times a year is unrealistic.

The requirements are too extreme for on-site gardening and food preparation as a means of supplying New Mexico schools with food. The cost, the labor and not to mention the extreme temperatures would keep most schools from fulfilling the requirements in New Mexico.

We are asking you to please go back to the drawing board and work with other SFA's to come up with better and more realistic guidelines.

Thank you,

Lisa Rhoades

Carlsbad Municipal Schools

Food Service Manager

As a School Nutrition Director in a large school district, I have many concerns regarding the rules proposed for Healthy Universal Free Meals.

1. The intent of the law was to close the gap in meal availability to students. The intent was to make sure that New Mexico fed students for free as part of the school day, much like New Mexico provides books for free. Books are issued to students without burdensome rules on the districts. This is a given expectation to each student, that they will be provided with the tools needed to achieve academic success, meals are now included in that expectation.
2. I personally believe that when NM Lawmakers voted unanimously to pass this law, they were NOT of the understanding that personal agendas and political beliefs would be made a part of the rules behind the legislation. It is painfully clear that the current rules were written with a personal or political agenda in mind. The thought behind the rules did not include or consult actual school nutrition departments. Had the rule writers listened, they would not have suggested such harsh and unrealistic methods by which to determine how much funding a school receives for simply feeding students.
3. The rules as written are more restrictive than current USDA meal pattern and nutrient standards. The current rules disqualify many items that USDA has approved for usage. For example, the current rules state that schools are not in compliance if more than 50% of every item served is pre-cooked, pre-baked, pre-packaged. Somehow the rule writers have the misconception that pre-cooked, pre-baked, and pre-packaged items are not healthy or high quality. The 70% meal participation that I see daily, proves this to be incorrect.
4. Rule writers failed to listen when the nutrition directors included in the planning meetings voiced concerns regarding how difficult their standards would be to achieve. The rule writers failed to consider that all food for school food programs is planned and ordered up to a year in advance due to volume. All USDA commodity processed items are purchased and planned for the next school year in February. It is simply too late for the 24-25 school year to make any changes.
5. Please consider rejecting the current rules as written. Please consider creating a team of experienced school nutrition professionals to add to the process. Please consider a gradual, tiered approach to certification. Perhaps like USDA follows, allowing 5 years to reach new sodium standards. This

- approach would allow school nutrition departments to plan and create ways to meet the standards that are revised by school nutrition experts in the field.
6. These rules were modeled after California. However, the New Mexico rules as they are currently written, are even more strict. They go far beyond what California has enacted in their rules. I urge the committee to remember that just because it works for one state, that does NOT preclude that it will work for New Mexico. There are so many factors that have NOT been considered, that I implore you to reject the rules and require a revision.

6.12.16 Healthy Universal School Meals

Good Afternoon I am Rosalinda Sanchez from Dexter Consolidated Schools.

Concern: Actively engage students and families in food and nutrition services through formal processes to incorporate their feedback. Empaneling an advisory council that shall consider student and family input and shall meet quarterly. Inviting students and families to provide formal feedback to school leadership on meal quality and menu design on a quarterly basis. Allowing students to engage in the food preparation. Incorporating food and nutrition education into teacher and school staff professional development training. Monthly include culinary or nutrition education during the school day or during out-of-school time at all elementary and secondary schools.

Fact: Student Nutrition is under USDA's rules and regulations. Parents and students have no idea of the rules and regulations we go through to put food on the tray. Student nutrition directors order their commodities about 1 year in advance. We must give the vendors a forecast on the food items for the year. We can't change in the middle of the year. Most people do not understand meal quality. Student Nutrition staff are not certified educators and cannot be in charge of students. We have no control over professional development trainings. Budget does not allow for these extra expenses.

Impact: Directors and staff do not have extra time in their very busy day. Instead of doing the job we are paid to do, we would be doing jobs which have nothing about preparing the food on the tray. If parents or students make suggestions about food they want on the menu, they will expect it to be on the menu, even if it doesn't meet USDA nutritional.

My staff tries their best. They are kitchen workers. Most don't cook at home. Many don't read and this is their 1st job. They receive negative comments already, they don't need to be scrutinized by outside people on a quarterly basis. USDA requires following the nutritional guidelines. We must design our menu to meet the regulations. My staff asks the students regularly what foods they like and what they don't. We have tastings to get feedback on new products.

These proposed requirements are unrealistic.

ACTION: NMPED Please reject the current proposed rules

6.12.16 Healthy Universal School Meals

Good Afternoon, I am Shelley Montgomery Food Service Director from Dexter Consolidated schools. I have concerns about the Healthy Universal School Meals rules. It has always been the goal of Dexter Consolidated Schools to serve quality, healthy and delicious meals. Concern: The way this bill is written it will only cover 24% the “paid rate” of students in my district because of CEP (Community Eligibility Provision). This money might cover the required 3 items per week of NM Grown items if there were no other rules. Considering the part of NM Dexter is located in I can purchase fruit and veggies from August through October with no delivery charges. After October I would have to purchase NM beef, fruit and vegetables from other parts of the state that include large delivery charges. But even if my district was 100% free I would still have to follow these rules and not receive any extra money. 24% or 100 % We should not be given rules that are not funded!!!!

Fact: My district’s budget does not allow for overtime and the district does not have enough money budgeted to hire more staff.

The rules must cover 100% of students with no extra money for the 75% “free rate” students. With these rules calling for 50% freshly prepared cooking, gardens, composting, food waste studies, food safety manager, nutrition education to all district staff, large amounts formal student nutrition activities and education, all the formal quarterly feedback meetings and surveys, and putting all of that together, will take more money and more staffing.

Meeting the \$4.35 per student for all students is the same as 0% funding.

NMPED Please reject these proposed rules.

Healthy Universal School Meals 6.12.16.1

To Whom It May Concern,

Thank you for the opportunity to comment on Healthy Universal School Meals rule proposal. I am the Food Service Director/Cafeteria Manager at Elida Municipal Schools. I would like to strongly oppose the proposed rules regarding the Healthy Universal School Meals.

My concern is serving New Mexico grown food items at least three times weekly. While being a current and past recipient of grant funding from New Mexico Grown, funding is extremely limited and to be utilized within 2-3 months of being awarded and during the growing season, as well as products within a reasonable distance during to obtain fresh produce. The produce that is purchased whether from NM grown vendors or a food supply company, specific items are not obtainable year round to accommodate the proposed requirements. Food items are purchased weekly and daily. Many districts do not have adequate food storage space to store more food. Our menus are created to be diverse for the student population and not all students will consume green and red chile and beans. While these are widely utilized New Mexico products they are not palatable to all student populations, especially if served repeatedly three times weekly, will result in more food waste.

The proposed rule would also affect our school gardens. All schools in the state will struggle to grow produce effectively to meet the proposed requirement to serve three times weekly or even daily. A sufficient garden to comply with the proposed rule would be unachievable for districts to obtain a large enough section of land with adequate water supply and facilities. Land and plants would have to be maintained daily by multiple people, which is impossible for cafeteria staff or any current school staff to achieve this. School districts in the state simply do not have the funds to adequately meet this requirement.

In summary, please consider to revise these proposed rules to be more achievable by front line Certified Nutrition staff. Current nutrition staff across New Mexico do their very best to present food items to be appetizing and appealing to students.

Sincerely,

Beth Fair
Food Service Director/Cafeteria Manager

Elida Municipal Schools

From: [Melanie Colgan](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] New Rule 6.12.16 NMAC, Healthy Universal School Meals
Date: Wednesday, May 29, 2024 1:40:45 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

To Whom it May Concern,

I am writing to express my concerns regarding the recently proposed requirements / changes to SB4, and their potential negative impacts on Los Alamos Public Schools (LAPS). While the goal of providing free, healthy meals to all students is commendable and fully supported by LAPS, several aspects of this rule change present significant challenges for our schools.

1. Financial Burden: My greatest concern is the requirement that three items per week must come from New Mexico farms and ranches. While I fully support New Mexico agriculture, starting with a mandate for three items weekly poses a significant challenge for our district. I'm worried about the cost and availability of these items. Clarification is needed on how the New Mexico Public Education Department (NMPED) will reimburse districts for the additional costs and on the waiver process if we cannot secure the required food items. The rule committee should consider a phased approach to ensure food supply chains are stable and growers can meet demand in a cost - effective manner. Currently, LAPS receives only one cent over the cost of each meal, meaning we operate our food services at a loss. We rely heavily on state funding and cannot bear further unreimbursed expenses. If state funding is jeopardized, we would have to find alternative funding sources, likely resulting in staff reductions, increased class sizes, and the elimination of academic programs and extracurricular activities. LAPS respectfully requests clarification on compliance, consequences for not meeting the NM - grown food requirements, and a clear reimbursement plan from NMPED for the additional costs.

2. Resource Allocation: The additional resources required to implement this rule, such as hiring more staff to build, tend, and harvest gardens, manage wildlife issues, conduct plate studies, and to run a large - scale composting program will exceed our district's already limited resources. This diversion of resources could adversely affect the quality of education and the overall school experience for our students.

3. Operational Challenges: The logistics of compliance with the "Additional Performance Measures" are daunting. Adding these requirements increases paperwork and oversight for tasks already mandated elsewhere, without additional funding. Establishing a large - scale composting program is unrealistic within the proposed timeline, and we would need expert guidance on location, wildlife safety, and program management. We urge NMPED to consider a more realistic implementation timeframe and a phased approach, possibly incentivizing these initiatives to allow districts to explore effective implementation.

In conclusion, Los Alamos Public Schools will continue to support the original intent of SB4 in providing every student with a free, healthy meal. However, the implementation of the proposed rule changes will lead to unintended negative consequences for Los Alamos Public Schools. I urge you to reconsider these proposed changes and allow for more flexible, locally tailored solutions that better consider the varying levels of resources across districts.

Thank you for your attention to this important matter.

Respectfully,

Melanie Colgan
Los Alamos Public School Board President



This email has been sent from a verified laschools.net user.

From: [Amanda Aragon](#)
To: [FeedBack, Rule, PED](#)
Cc: [Dominica Chavez](#)
Subject: [EXTERNAL] Feedback: 6.12.16 NMAC, Healthy Universal School Meals
Date: Wednesday, May 29, 2024 2:31:33 PM
Attachments: [NMKidsCAN 6.12.9 NMAC Letter -signed.pdf](#)

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Good afternoon,

Please find a letter attached, with our feedback on 6.12.16 NMAC, Healthy Universal School Meals.

Thank you.



Amanda Aragon
Executive Director

C: [505.980.4436](tel:505.980.4436)
[P.O. Box 27217](#)
[Albuquerque, NM 87125](#)
[@AmandaRAragon](#)

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May 29, 2024

Policy & Legislative Affairs Division
New Mexico Public Education Department
300 Don Gaspar Avenue
Santa Fe, NM 87501

Re: 6.12.16 NMAC, Healthy Universal School Meals

To whom it may concern,

NewMexicoKidsCAN would like to express our opposition to proposed rule, 6.12.16 NMAC, Healthy Universal Schools.

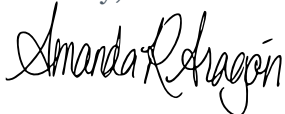
While we believe in and support ensuring that our students have access to locally grown, healthy food to support their growth and development, we also recognize that our state is in the midst of an education crisis. It is critical that our school administrators focus on the most urgent matters related to improving academic outcomes including ensuring classroom instruction is high quality, providing meaningful professional development, and developing relationships with staff, students and families.

By mandating that schools prepare meals on-site, source the majority of their food from local farmers, grow food and compost on campus to comply with this rule, the department is not only taking away valuable time from our school administrators but also straining our already limited resources.

Additionally, due to the extreme challenges that facilities pose for charter schools, many do not have the ability to have an onsite kitchen, which is why many of them partner with qualified small businesses to prepare meals for their students. Charter schools should not be punished for struggling to secure facilities for their students that meet the requirements of this proposed rule and local businesses should not be punished by losing revenue due to this rule.

Our main focus must be improving student outcomes. By requiring school leaders to learn to compost and farm, the department will be diverting time, attention, and resources away from addressing our state's education crisis.

Sincerely,



Amanda R. Aragon
Executive Director

From: [Helen Henry](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Healthy Universal School Meals Rulemaking
Date: Wednesday, May 29, 2024 3:15:39 PM
Attachments: [NMFAPC Universal School Meals Rulemaking Recommendations.pdf](#)

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To Whom It May Concern - please find attached the NM Food & Agriculture Policy Council's recommendations for the Healthy Universal School Meals rulemaking. This letter was signed onto by over 80 individuals and organizations. This letter has also been presented and submitted by Roger Gonzales on behalf of the Council.

Thank you for your consideration,

Helen

Helen Henry
Farm to Table
Design and Systems Support
505-204-6182
www.farmtotablenm.org



From: [Gudgel, Rachel](#)
To: [FeedBack, Rule, PED](#)
Cc: [Armstrong, Gail](#); [Montoya, Rod](#); [Martinez, Alan](#); [Hedin, Ryan](#)
Subject: Healthy Universal Meals
Date: Wednesday, May 29, 2024 3:04:05 PM
Attachments: [Universal Free Meals Public Comment.pdf](#)

Attached, please find written comments from House Republican leadership on the department's proposed Healthy Universal School Meals rule.



State of New Mexico
House of Representatives

STATE CAPITOL
Santa Fe

May 29, 2024

Public Education Department
Policy and Legislative Affairs Division
300 Don Gaspar Ave., Room 121
Santa Fe, New Mexico 87501

Re: Proposed Healthy Universal School Meals Regulation - Public Comment

During the 2023 legislative session, Senator Padilla introduced Senate Bill 4 – a bill that was introduced to ensure every public school student receives a healthy school breakfast and lunch at no cost to the student. The bill additionally established a minimum state distribution for all districts and charters that participate in the breakfast and lunch programs and a maximum distribution for each district and charter that establishes a healthy meal program that complies with standards adopted by PED. The funding distribution established by SB4 was intended to be used by districts and charters to improve meal quality, including the purchase of things like kitchen equipment and locally-grown food. We understand the funding distribution established by SB4 is in addition to the federal funds each school district and charter school receives.

The 2023 Legislature unanimously supported SB4 and its elimination of copayments for students and their families for school breakfast and lunch programs and the funding allocation intended to support schools in improving meal quality. We are, however, concerned that PED's proposed rule attempts to establish unreasonable meal quality improvement requirements that school districts and charter schools must meet to be eligible for the maximum funding distribution. We have reviewed the existing public comments posted on PED's website and share in many of the concerns raised in those comments.

We are particularly concerned with the proposed program requirements and performance measures that districts and charters will have to meet to receive the maximum funding distribution. Specifically, the program requirements and performance measures that PED is proposing for level 1 compliance and the proposed program requirements for level 2 compliance (there do not appear to be any performance measures established for level 2 compliance based on the language of the rule) will be difficult, if not impossible, for many public schools to comply with. While districts and charters will be able to select particular performance measures for level 1 compliance, many of the choices will lead to significant administrative burden, take away from schools' core mission of educating children, and will quite frankly be nearly impossible to comply with. Level 2 compliance is more restrictive and does not provide districts or charters the ability to choose

between any performance measures. Likely, districts and charters will have a more difficult time meeting the proposed level 2 compliance.

PED's current proposal does not reflect what was anticipated by the Legislature and far exceeds reasonable expectations of our public schools. Those districts and charters unable to meet the proposed standards established for level 1 or level 2 compliance will be left with the minimum funding distribution established by SB4, which, in some instances will not cover the cost of providing free meals to students as required by SB4. It was also not the Legislature's intent that the maximum funding distribution established by SB4 be used, in whole or in part, to comply with burdensome administrative requirements mandated by PED; rather, the Legislature intended the additional dollars be used to directly support healthy meals for children.

We are further concerned that the administrative burden of complying with these proposed rules will take our educators away from their core mission of educating students. Our state constitution established public schools to provide a uniform system to educate our children. For more than two decades we have measured educational outcomes by our students' math and reading scores and graduation rates, which all fall at the bottom of national rankings. In fact, Judge Singleton pointed to New Mexico's low reading and math scores to justify her finding that New Mexico is not meeting its obligation to ensure students are college and career ready in the *Martinez* and *Yazzie* sufficiency lawsuit. Many of the measures the department is attempting to mandate in this proposed rule will create an undue administrative burden on districts and charters statewide, ultimately taking money and resources out of the classroom and further hindering learning for our students.

We respectfully request the department go back to the drawing board and work collaboratively with districts and charters to develop program requirements and performance measures that are achievable, are closely aligned with the goals of the enabling legislation, and that support health meals in public schools.

Sincerely,



Rod Montoya
State Representative
District 1



Alan Martinez
State Representative
District 23



Gail Armstrong
State Representative
District 49

From: [Kimberly Ritterhouse](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Rule Feedback for:
Date: Wednesday, May 29, 2024 3:31:20 PM
Attachments: [NSLP Letter.docx](#)

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Please find the feedback for 6.12.16 "Healthy Universal School Meals" attached.

Thank you,
Kimberly Ritterhouse
Executive Director
Red River Valley Charter School

Dear members of the Policy and Legislative Affairs Division of the NM Public Education Department:

I am writing to make it known that I, Kimberly Ritterhouse, executive director of Red River Valley Charter School support the opinions and suggestions of the Public Charter Schools of New Mexico and the New Mexico Public Education Commission regarding the following feedback and input on the proposed rulemaking for NMAC 6.12.16 "Healthy Universal School Meals." In partnership and collaboration, we are providing recommended resolutions to the proposed rule as the PED only has authority to define quality school meals and place requirements on school food authorities in so far as the statute directs 22-13C-4(E):

22-13C-4E. The department shall promulgate rules necessary for implementation of this section, including rules providing for:

(1) meal quality improvement requirements for the program, which may include purchasing New Mexico-produced food, freshly preparing scratch-cooked foods, providing culturally relevant meals and engaging student and family voices and choices in menu development; and

(2) procedures for annual certification. We would like to highlight that the current language uses "may," not "shall," and should be considered when promulgating the proposed rule.

I agree with the ten points and feedback presented by the Public Charter Schools of New Mexico and the New Mexico Public Education Commission

Feedback Point #1: Lack of Rule Clarity Regarding Applicable Schools Proposed Rule Component:

In the proposed rule, the department uses language that is not aligned with statute. The rule proposes:

6.12.16.2 Scope: All school districts and charter schools, bureau of Indian education schools, tribally controlled schools, state-supported schools, state-sponsored schools, private schools, and residential childcare institutions that operate the national school lunch program and the school breakfast program.

6.12.16.8 Healthy Universal School Meals Program Requirements: A. All public schools shall establish a healthy universal school meals program, pursuant to Section 22-13C-1 et seq. NMSA 1978.

Issue/Concern: The scope and requirements of the rule do not clearly define which schools this rule applies to. The scope of the proposed rule is aligned with New Mexico statute language, however the language in the program requirements, as written, reads as though all schools must establish a healthy universal school meals program. New Mexico State law does not require all public schools to establish a healthy universal school meals program but allows for public schools to choose to do so if they so desire. This is articulated in current New Mexico statute under 22-13C-4 (A): 22-13C-4. Universal school meals for children A. Public school districts and charter schools operating the national school lunch program and the school breakfast program shall establish a program to offer high-quality meals at no charge to all students. Bureau of Indian education schools, tribally controlled schools and private schools operating the national school lunch and the school breakfast program may establish a program to offer high-quality meals at no charge to students. All participating school food authorities shall offer one breakfast and one lunch at no cost to students during each school day to any student who requests a

meal without consideration of the student's eligibility for a federally funded free or reduced-price meal, with a maximum of one free meal for each meal service period.

Proposed Resolution to Address Issue/Concern: Reword 6.12.16.8.A. to read as follows: All public schools that operate a national school lunch program and the school breakfast program shall establish a healthy universal school meals program comply with the requirements of this promulgated rule.

Feedback Point #2: Level Consolidation Proposed Rule Component: The rule proposes two levels of compliance for certification: 6.12.16.10. Compliance with performance measures for certification: A. Certification is demonstrated by compliance with one of two levels. Issue/Concern: The proposed rule creates two different levels of compliance for certification with no differentiation of reimbursement status. The concern regarding two levels of compliance is that it will set a precedent for inequitable funding after schools have incurred significant financial costs to implement the universal meal program. Proposed Resolution to Address Issue/Concern: Remove Level 2 in its entirety. The rule should not have two distinct levels regarding compliance for certification. The rule should only set forth overall compliance measures to fulfill the requirements of the Healthy Universal School Meals Program. The compliance requirements should simply include a menu of options from which the school food authority may choose, to not only streamline the certification process, but to also allow for the unique needs of local communities to be met.

Feedback Point #3: Onsite Kitchens Proposed Rule Component: The proposed rule requires that school meals be freshly prepared in an onsite kitchen. The rule uses the following language regarding onsite kitchens: 6.12.16.10 B (1). No less than 50 percent of reimbursable national school lunch program and school breakfast program meals, including the entrée and grains, prepared each week, shall be freshly prepared meals at an onsite kitchen prepared by the school food authority, the central kitchen, a vendor, or a food service management company. 6.12.16.10 C (1). Seventy five percent or greater of reimbursable national school lunch program meals and school breakfast program meals, including the entrée and grains, prepared each week, shall be freshly prepared meals at an onsite kitchen prepared by the school food authority, the central kitchen, vendor, or food service management company. Issue/Concern: Most charter schools are the "school food authority." Furthermore, most charter schools, even those housed in district buildings, are also not equipped with a full kitchen. Several charter schools have contracted food vendor services that deliver hot meals to campus for breakfast and lunch, while others may receive meals from their local school districts. The language in the rule and the sentence structure conveys that even if a school uses a vendor, that vendor must prepare the food at the onsite kitchen. The rule does not clearly define that the onsite kitchen pertains to the source of where the breakfast and lunch meals are being prepared. Proposed Resolution to Address Issue/Concern: Reword the onsite kitchen meal preparation requirements as follows: 6.12.16.10 B (1). and 6.12.16.10 C (1)...of reimbursable national school lunch program meals and school breakfast program meals, including the entrée and grains, prepared each week, shall be freshly prepared meals. at an onsite kitchen prepared by the school food authority, the central kitchen, vendor, or food service management company.

Feedback Point #4: 3 Items on a Weekly Basis from NM Farms or Businesses Proposed Rule Component: The rule proposes the following requirements for certification: 6.12.10.B (2) School food authorities shall offer at least three items on a weekly basis from New Mexico farms, ranches, or food businesses. 6.12.10.C (2) (a) All schools shall offer more than four items weekly from New Mexico farms, ranches, or food businesses. Issue/Concern: In the proposed rule, the department uses language that is not aligned with statute. Again, current New Mexico statute uses the language “may” not “shall” in 22-13C-4E when referring to New Mexico-produced food. Furthermore, there is a concern about the capacity of local ranchers and farmers to supply all local food authorities with the required New Mexico grown foods. 22-13C-4E. The department shall promulgate rules necessary for implementation of this section, including rules providing for: (1) meal quality improvement requirements for the program, which may include purchasing New Mexico-produced food, freshly preparing scratch-cooked foods, providing culturally relevant meals and engaging student and family voices and choices in menu development; Proposed Resolution to Address Issue/Concern: Requirement 6.12.10.B (2) and 6.12.10.C (2) (a) for certification should be removed.

Feedback Point #5: Growing Food on Campus Proposed Rule Component: The rule proposes that school food authorities “shall” grow food on campus as an option for a performance measure: 6.12.10.B (3)(a) No less than fifty percent of schools in a school food authority shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs. If a single school is its own school food authority, that school shall grow food on campus with seasonal incorporation of produced food into breakfast, lunch, or snack programs. 6.12.10.C(2)(b) No less than fifty percent of schools shall grow food on campus with monthly incorporation of produced food into breakfast, lunch, or snack programs. If a single school is its own school food authority, that school shall grow food on campus with monthly incorporation of produced food into breakfast, lunch, or snack programs. Issue/Concern: This is an unrealistic requirement that would not be able to be fulfilled by most New Mexico schools. Many schools, especially charter schools, do not have the facilities, staff, land, or funding mechanism to grow food on campus. Additionally, the growing and harvesting season is often outside of the traditional school year. The investment in the infrastructure needed to grow food year-round (i.e., greenhouse) would be immense and there is no funding available to make these investments. Due to the requirements in the rule that food be made “fresh and from scratch,” there are additional concerns that even food grown in summer months could not be processed and frozen to be used during the winter meals. Proposed Resolution to Address Issue/Concern: This component should be removed as a performance measure option to demonstrate certification compliance.

Feedback Point #6: Use of the word “cafeteria.” Proposed Rule Component: The rule uses the term “cafeteria” in 6.12.16.10.A(3)(b); 6.12.16.10.A(4)(b); and 6.12.16.10.C(3)(b). Issue/Concern: Many charter schools do not have a designated cafeteria. Proposed Resolution to Address Issue/Concern: Change the term “cafeteria” to “school campus.” Feedback Point #7: Monthly Donation Proposed Rule Component: The rule attempts to establish the frequency of unused food donations: 6.12.16.10.(B)(4)(c) Schools shall have a system for monthly donation of unused food to students or community-based organizations. Issue/Concern: Schools have varying food storage capacity, staffing, transportation, and

schedules and should have the autonomy to determine when they will donate unused food. New Mexico statute does not specify a timeline for the donation of unused food items: 22-13C-10. B. share tables shall- be provided where food service staff, students and parents may return allowable food. Allowable food placed on the share tables that is not taken by a student during the course of a regular school meal period shall be donated to students, food banks or other nonprofit charitable organizations. Proposed Resolution to Address Issue/Concern: Remove the monthly requirement and default to the statute which allows any timeline to donate unused food.

Feedback Point #8: Performance measures options are not aligned with statute. Proposed Rule Component: The rule proposes for school food authorities to adhere to at least one of three performance measures: Option 1 - Recess Before Lunch Two Days a Week The rule attempts to establish recess requirements in grades K through 5: 6.12.16.10.(B)(5)(a) All students, kindergarten through grade five, shall be offered recess before lunch at least two days during the school week. Issue/Concern: Schools have a variety of scheduling needs and should be allowed to schedule recess when appropriate based on the needs of the school community. The New Mexico statute does not specify recess requirements regarding lunch: 22-13C-10. A. students in grades kindergarten through five shall be allowed to have up to twenty minutes of seated lunch time each school day to provide sufficient lunch periods that are long enough to give all students adequate time to eat. Option 2 - Plate Waste Study Requirement The rule attempts to have schools engage in a “plate-waste” study. 6.12.16.10.(B)(5)(b) At least fifty percent of schools in a school food authority shall engage in plate waste studies on a quarterly basis. If a single school is its own school food authority, that school shall engage in plate waste studies on a quarterly basis. Issue/Concern: There is currently no definition or guidance on what a “plate-waste” study is, in law or in the department. New Mexico statute 22-13C-10 Addressing Food Waste does not refer to “plate waste study.” Option 3 - Composting Requirement The rule attempts to require schools to establish a composting program. 6.12.16.10.(B)(5)(c) At least fifty percent of schools in a school food authority shall have a composting program in place. If a single school is its own school food authority, that school shall have a composting program.

Issue/Concern: New Mexico statute does not refer to composting by the school food authority to address food waste. Furthermore, it is not possible for all charter schools to implement a composting program since most are their own school food authority. This would be an unfunded requirement option that would require additional facilities, staff, materials, and security. An additional issue around public health and safety safeguards is an imminent concern (e.g., vermin, homelessness, student accessibility). Proposed Resolution to Address Issue/Concern: All three options under 6.12.16.10.B (5) are not aligned with statute and should be removed from the proposed performance measures. Feedback Point #9: Community Engagement and Feedback Proposed Rule Component: Sections 6.12.16.10.(B)(6); 6.12.16.10.(B)(7); and 6.12.16.10.(B)(8) attempt to require such things as menu feedback from stakeholders on a quarterly basis, taste tests for both breakfast and lunch, food and nutrition education into staff professional development, and food preparation by middle and high school students, to name a few. Issue/Concern: The rule proposes requirements that are not aligned with New Mexico statute and is an overreach by the department. Again, New Mexico statute uses the language “may” not “shall” in 22-13C-4E when referring to student and family voices: 22-13C-4E. The department shall promulgate rules necessary for implementation of this section, including rules providing for: (1) meal quality

improvement requirements for the program, which may include purchasing New Mexico-produced food, freshly preparing scratch-cooked foods, providing culturally relevant meals and engaging student and family voices and choices in menu development; Proposed Resolution to Address Issue/Concern: Remove the adherence from the proposed rule. The appropriate place for the rule requirements described in 6.12.16.10.(B)(6); 6.12.16.10.(B)(7); and 6.12.16.10.(B)(8) are in the nutritional educational standards and not in the distribution of breakfast and lunch meals.

Feedback Point #10: Funding and Noncompliance of Meal Quality Improvement Requirements Proposed Rule Component: In the proposed rule, the department attempts to establish how the distribution of funding to each school food authority will be determined: 6.12.16.11 Funding Distributions A. The department shall distribute funding to each school food authority that establishes a healthy universal school meals program as follows: (1) for school food authorities that meet the meal quality improvement requirements established by this rule each year, the department shall distribute to each such school food authority an amount that is equal to the federal free meal reimbursement rate multiplied by the total number of eligible meals served during the applicable budget year, minus an amount equal to the federal paid meal reimbursement for eligible meals served during the applicable budget year; or (2) for school food authorities that do not meet the meal quality improvement requirements established by this rule by July 1 each year, the department shall distribute to each such school food authority an amount that is equal to the paid meal rate multiplied by the total number of eligible meals served during the applicable budget year. Issue/Concern: Schools would have incurred significant financial costs to implement the universal meal program without the ability to correct or improve compliance with certification requirements. Proposed Resolution to Address Issue/Concern: In the proposed rule, there is no improvement plan for schools that have not met the meal quality improvement requirements. The schools that do not meet the requirements should be put on an improvement plan so that they can get back into compliance to receive full funding. For example: If schools comply, they will receive full reimbursement for all meals. If schools do not comply the schools may still get full reimbursement but placed on a probationary year to meet compliance standards. By the third year, if schools are still not in compliance with meal quality improvement requirements, then the school would not receive the full reimbursement for all meals. Thank you for your willingness to hear our input as well as your consideration of our proposed resolutions.

Regards,

Kimberly Ritterhouse
Executive Director
Red River Valley Charter School

From: Jessica Swan
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Healthy and universal school meals for all
Date: Wednesday, May 29, 2024 12:41:18 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

To whom it may concern:

We understand the importance of continuing to build our small scale farming, economy through sustainable and regenerative food justice, and providing our people with nutrient, dense healthy food while they are in our early childhood, schools and senior centers. We encourage you to continue strong support of New Mexico grown products in all of our institutions.

We advocate for funds to be specifically allocated for schools to apply to buy locally grown and raised products.

Healthy Universal School Meals (6.12.16 NMAC) <<https://farmtotablenm.ourpowerbase.net/civCRM/MAILING/URL?u=758&qid=51323>>

Thank you for your attention.

Get Outlook for iOS <<https://aka.ms/o0ukef>>

From: Tony
To: [FeedBack, Rule, PED](#)
Cc: [Antonio Jaurigue](#)
Subject: [EXTERNAL] Opposition to universal lunch rule change
Date: Wednesday, May 29, 2024 1:39:30 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Thank you for the opportunity to provide my comment. My name is Antonio Jaurigue. I am a former school board member, parent of three current students, and the spouse of a special ed teacher. I am writing to express my strong opposition to the proposed rule change by the New Mexico Public Education Department regarding the funding of universal free lunch programs.

This rule change, which threatens to withdraw funding from schools that do not meet certain quality standards, is fundamentally flawed, and overlooks the current realities faced by our schools. Firstly, the mandate for all meals to be cooked on-site is unfeasible for many schools. A significant number of our schools lack the proper kitchen facilities to prepare meals for hundreds of students daily. Upgrading these facilities would require substantial investments, which our already underfunded schools simply cannot afford.

Moreover, the proposal that each school must maintain a garden to grow food for student meals is equally impractical. While the idea of school gardens is commendable, the expectation that they can produce sufficient food to feed an entire student body is unrealistic. Most school sites do not have the space, resources, or expertise to manage such gardens at the scale required to support hundreds of students.

These additional requirements would place an undue burden on our schools, diverting limited resources away from educational priorities and forcing them to focus on meeting unrealistic food preparation standards. This could lead to a reduction in the quality of education and overall student experience.

Universal free lunch programs are essential for ensuring that every student has access to nutritious meals, which is a basic need and a legal mandate. Instead of penalizing schools that are already struggling with insufficient funding, we should be looking for ways to support them in meeting nutritional standards without imposing impossible requirements.

I urge the Public Education Department to reconsider this rule change and work collaboratively with schools to develop more practical and supportive solutions. Let's ensure that our focus remains on providing high-quality education and essential services to all students, without adding unnecessary hurdles that could jeopardize their well-being and academic success.

Thank you,

Antonio R Jaurigue

From: [Lauren Coupland](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] 6.12.16 NMAC, Healthy Universal School Meals
Date: Wednesday, May 29, 2024 4:31:53 PM

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To: Policy and Legislative Affairs Division
New Mexico Public Education Department [300 Don Gaspar Ave., Room 121](#)
[Santa Fe, New Mexico 87501](#)

E-Mail Address Rule.Feedback@ped.nm.gov

From: Los Alamos Public Schools

Regarding: New Rule 6.12.16 NMAC, Healthy Universal School Meals

To whom it may concern,

Like most of us, I was thrilled when Senate Bill 4 was passed last year. **Free, healthy meals for students are essential to learning.** I joined the Los Alamos School Board in January of 2024, and discovered the difficulty of increasing the scale of food service while meeting USDA requirements. Our district has worked hard to rise to the challenge of implementing a new food service plan in the few months between Senate Bill 4, and the start of the school year.

I was therefore dismayed to see this rule change that would increase the requirements for reimbursement, **several of which come at increased cost without commensurate funding increase.** A cost study analysis is needed to discover the costs to districts. **It is extremely discouraging to have the goal posts moved without adequate time to prepare once again.**

While freshly prepared, New Mexico grown food and school garden programs all sound wonderful, they require resources and planning that is not feasible in the current time scale. Districts have varying needs, resources, and limitations. Sourcing New Mexico Grown food

that complies with USDA requirements, that is available, cost effective and within the ability of our current food service contracts would require careful planning as well as increased funding.

There needs to be a slower onboarding process to allow us to make changes the right way. Creating functional partnerships with New Mexico growers is not something that can occur overnight.

Other provisions, such as requiring school gardens to supplement the meal programs require land, climate, soil, water, and staff. In northern New Mexico, our growing season is much shorter than in the southern part of the state, and does not align with our school year.

This would also require us to repurpose land at our school sites, reducing playground space. The cost of staff labor, utilities for watering, infrastructure such as greenhouses, all need to come from somewhere.

How can districts be expected to make such a major investment? I struggle to see how these requirements could be met without moving funding from other important student needs, such as materials, qualified teachers, lower class sizes, enrichment and remediation programs.

We all wish that we could do and fund everything. I appreciate the lofty ideals of these rules, but as then Governor Mario Cuomo stated - "You campaign in poetry. You govern in prose." We all want poetry. Our needs are in prose. Ideals won't create infrastructure, pay New Mexico farmers a livable wage, and create enough local food supply to comply with this rule.

We share the goals of healthy nutritious fresh meals for all students. We need the time, infrastructure and support to be able to implement these changes.

Sincerely,
Lauren Coupland (she/her)
Board Member
Los Alamos Public Schools
District 3



This email has been sent from a verified laschools.net user.

From: Elizabeth Cull
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Healthy Universal School Meals Requirements
Date: Wednesday, May 29, 2024 4:59:33 PM

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It is my understanding that districts that are 100% CEP do not receive any additional funding to implement these new requirements. There is no incentive to do it. In addition, we are not receiving the NM Grown grant money separately since it is now rolled into our regular reimbursement. This is going to hurt farmers because with no extra funding, districts are not going to buy extra items outside of their budget.

6.12.16.10 Compliance with performance measures for certification

B(1) Freshly prepared meals needs to be better explained. What is considered scratch vs speed scratch? What is proposed for breakfast in the classroom since that is a requirement?

B(3) Districts don't have funds to have garden coordinators to grow food on campus. This needs to be defined more clearly as to exactly what that means.

B(4) (a) Are administrators aware of the new requirements as most food service departments do not determine feeding schedules for the school sites?

B(4) (c) Monthly donations are logistically challenging. This needs to be better defined as to what would count as a donation.

Elizabeth (Betsy) Cull
Director, Student Nutrition

Santa Fe Public Schools

<<https://docs.google.com/uc?export=download&id=0B8z9h-cHmPfEdVpZeFh6Vmk1czQ&revid=0B8z9h-cHmPfETUM1blJRZzc3Ukh3UHZpMGJiU3AwOVF1emhVPQ>>

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