

Concise Explanatory Statement For Rulemaking Adoption:

Findings required for rulemaking adoption:

Findings MUST include:

- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
- Reasons for any change between the published proposed rule and the final rule; and
- Reasons for not accepting substantive arguments made through public comment.

Specific statutory or other authority authorizing rulemaking:
 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.

Rule adoption date:
 09/09/24

Rule effective date:
 09/24/24

Reasons for adopting rule:

The purpose of the proposed rule is to establish the standards and procedures for certification to implement the Healthy, Hunger-Free Students' Bill of Rights Act.

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. The rule also explains the program's funding mechanism and distribution.

The proposed new rule does the following:

- lists the meal quality improvement requirements that school food authorities must meet in order to obtain certification for their healthy universal school meals' program;
- outlines the process to apply for certification, including the documentation needed; and
- notes the funding distribution for school food authorities who obtain certification and school food authorities who don't obtain certification.

Reasons for any change between the published proposed rule and the final rule:

The department reviewed and considered all written and oral feedback received during the public comment period. Changes between the published proposed rule and the adopted rule include providing clarity on the meal quality improvement requirements that school food authorities need to meet in order to obtain certification for their healthy universal school meals program. For more detail on the changes between the proposed rule and the rule as adopted, reasons for changes, and information as to why the Department may not have accepted comments or suggested changes, please see "6.12.16 NMAC, Response to Public Comment," attached.

Issuing authority (If delegated, authority letter must be on file with ALD):

Name:

Candice Castillo

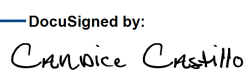
Check if authority has been delegated

Title:

Deputy Cabinet Secretary

Signature: (BLACK ink only OR Digital Signature)

Date signed:

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09/09/24

Response to Public Comment
6.12.16 NMAC, Healthy Universal School Meals

RULE CHANGES	
Section	Change
6.12.16.2 Scope	<ul style="list-style-type: none"> • Remove "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" • Add "school food authorities"
6.12.16.5 Effective Date	<ul style="list-style-type: none"> • Replace "July 1" with "September 24."
6.12.16.6 Objective	<ul style="list-style-type: none"> • Replace "standards" with "accountability measures."
6.12.16.7 Definitions	<ul style="list-style-type: none"> • Subsection A: Delete "'Allowable food' means food items that are unopened and without defects" and replace with the existing definition from subsection C: "'Eligible meals' means meals served to full-price, paid students that qualify for reimbursement under the national school lunch program (NSLP) and the school breakfast program (SBP)." • Subsection B: Delete "'Central kitchen' means a kitchen that consolidates processing and cooking of school meals, after which the prepared meals are transported to onsite school kitchens" and replace with the existing definition from subsection D: "'Federal free meal reimbursement' means the free meal reimbursement rate paid by the United State Department of Agriculture (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." • Subsection C: Replace "'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" with the existing definition from subsection 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 NSLP and the SBP." • Subsection D: Replace "'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" with a new definition: "'Freshly prepared' means meal pattern components that are prepared and cooked for same day consumption utilizing scratch cooking or speed scratch preparation methods." • Subsection E: Replace "'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" with existing definition from subsection G: "'Healthy universal school meals program' means the universal school meals for children program created pursuant to the Healthy Hunger-Free Students' Bill of Rights Act."

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	<ul style="list-style-type: none"> • Subsection F: Delete “‘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” and replace with new definition: “‘Meal pattern components’ means food groups established by the USDA in 7 C.F.R. § 226.20 to provide the basis for the NSLP and SBP meal patterns, each component of which is based on the nutrient content of the food items in each category, which shall include meats or meat alternates, grains, fruits, vegetables, and milk.” • Subsection G: Replace “‘Healthy universal school meals program’ means the meals program created pursuant to the Healthy Hunger-Free Students’ Bill of Rights Act” with a new definition: “‘Meal quality improvement requirements’ means performance standards created to improve school meal quality pursuant to the Healthy Hunger-Free Students’ Bill of Rights Act.” • Subsection H: Replace “‘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” with the existing definition from subsection H: “‘National school lunch program’ or ‘NSLP’ 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.” • Subsection J: Replace “‘Participating school food authority’ means a school food authority that chooses to participate in the New Mexico grown grant program” with a new definition: “‘Reimbursable meal line’” means the designated area in a school where students queue to receive meals that are eligible for reimbursement. • Subsection L: Delete “‘the United States department of the interior’s” • Subsection M: Add new definition: “‘Scratch cooking’ means the use of whole, fresh ingredients that may include, but are not limited to, raw proteins, whole grains, and fresh fruits and vegetables. This preparation method omits the utilization of premade commercial food products.” • Subsection N: Add new definition: “‘Speed scratch’ means the blending of fresh ingredients together with pre-prepared and ready-made minimally processed ingredients that are processed in a way that does not fundamentally alter the product and does not substantially change the nutritional content, to prepare a meal for same day consumption. • Subsection O: Add new definition: “‘Unprocessed and minimally processed products’ means raw or frozen products, products that retain their inherent character, such as shredded carrots or ground beef, and dried products, such as beans, but does not include any products that are heated, cooked or canned.” • Subsection P: Add new definition: “‘Value-added processed products’ means products that are altered from their unprocessed or minimally processed state through preservation techniques, including cooking, baking, or canning.”
<p>6.12.16.8 Healthy Universal School</p>	<ul style="list-style-type: none"> • Title: Delete "Healthy Universal School Meals Program" and change title of section to "Requirements." • Subsection A: Add "that operate the NSLP and the SBP" and delete "pursuant to Section 22-13C-1 et seq. NMSA 1978." • Subsection B: Add "that operate the NSLP and the SBP."

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<p>Meals Program Requirements</p>	<ul style="list-style-type: none"> • Add new Subsection C as follows: “Each school food authority that establishes a healthy universal school meals program shall seek to achieve certification for meal quality improvement requirements by July 1, 2025.” • Add new Subsection D as follows: "Meal quality improvement requirements shall include the following: <ul style="list-style-type: none"> • "(1) 50 percent of all weekly required meal pattern components, with the exception of milk, shall be freshly prepared; and (a) to determine the quantity of meal pattern components necessary to meet requirements, school food authorities must calculate the weekly total of each required component, per grade grouping, for breakfast and lunch; (b) 50 percent of the total number of weekly components per meal pattern component category shall be freshly prepared; (c) if any site in a school food authority operates more than one reimbursable meal line, the 50 percent requirements of freshly prepared meal pattern components must be met for each reimbursable meal line. • "(2) Achievement of the lowest level of food waste, by: (a) permitting students in grades kindergarten through five to have up to twenty minutes of seated lunch time each school day to provide lunch periods that are sufficiently long to give all students adequate time to eat; and (b) requiring share tables 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." • “(3) Utilization of New Mexico-grown foods, pursuant to the following: (a) school food authorities are eligible to receive an incentive grant pursuant to this section to purchase New Mexico-grown, -raised, or -processed products; (b) participating school food authorities may use the amount received pursuant to this paragraph to support implementation of meal quality improvement requirements; (c) school food authorities shall use the money received pursuant to this section to purchase New Mexico-grown, -raised, or -processed products, with a minimum of 75 percent of funds used to purchase unprocessed and minimally processed products, and with up to 25 percent of funds that may be used to purchase value-added processed products; (d) by August 1 of each year, subject to available appropriations, the department shall distribute to each participating school food authority the greater of one thousand dollars or an amount equal to ten cents multiplied by the number of lunches that qualified for federal free meal reimbursement that the participating school food authority served to students in the preceding school year; and (e) when calculating the amount of program funding that is due to a school food authority, the department shall assume that student participation will remain at the same level as the previous year.”
<p>6.12.16.9 Certification of Healthy Universal School Meals Program</p>	<ul style="list-style-type: none"> • Title: Delete "Certification of Healthy Universal School Meals Program" and replace with "Annual Certification Procedures." • Delete "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." • Subsection A: Replace "Eligible and participating schools and school food authorities shall follow certification deadlines as established by the department." with "Each school food authority that operates the healthy universal school meals program shall submit to the department for approval annual certification documentation."

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	<ul style="list-style-type: none"> • Subsection B: Replace "Non-compliance with annual assurances shall result in a lower rate of reimbursement for school food authorities pursuant to department guidance" with "Beginning in 2025, the annual certification documentation for the healthy universal school meals program shall be submitted by a date to be determined by the department, and shall include the following components: (1) breakfast and lunch menus, production records, recipes, and food labels for the selected review period, as determined by the department; (2) subject to available appropriations, documentation that New Mexico-grown foods were purchased and utilized to improve meal quality; (3) documentation that student and family feedback was considered in menu development and recipe improvements; and (4) documentation of efforts to minimize food waste." • Subsection C: Delete all and replace with "The department may contact a school food authority to schedule an on-site visit for monitoring purposes."
<p>6.12.16.10 Compliance with Performance Measures for Certification</p>	<ul style="list-style-type: none"> • Title: Replace "Compliance with Performance Measures for Certification" with "Funding Distribution." • Delete all and replace with "A. The department shall distribute funding to each school food authority that establishes a healthy universal school meals program: (1) In school year 2024-2025, 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 meal served during the applicable budget year. (2) Beginning in school year 2025-2026, to school food authorities that meet meal quality improvement requirements by July 1 each year, the department shall distribute 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. (3) Beginning in school year 2025-2026, to school food authorities that do not meet meal quality improvement requirements by July 1 each year, the department shall distribute 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."
<p>6.12.16.11 Funding Distribution</p>	<ul style="list-style-type: none"> • Delete all and add to section 10.

Response to Public Comment

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Public Comment Period: April 23 – May 29

The New Mexico Public Education Department (PED) received 79 written comments and 20 verbal comments for 6.12.16 NMAC, Healthy Universal School Meals. All substantive comments have been summarized below. Comments that are not substantive in nature or fall outside the scope of the rule have not been included.

Response to Public Comment
6.12.16 NMAC, Healthy Universal School Meals

Summary of Comments	PED Response
Comment expressing support for increasing accessibility to New Mexico grown products for students in school systems, and support for increasing the value of local production.	The department concurs.
Comment expressing support for composting, plate waste studies, food donation, and freshly prepared meals.	While the department concurs with composting and plate waste studies, the specific provisions mentioned in the rule have been removed to allow school food authorities greater autonomy in implementing programs that meet the needs of their students and staff.
Comment expressing concern about the feasibility of quarterly meetings and menu modifications.	Changes to the rule remove explicit quarterly requirements.
Comment of concern that if a school food authority has to stop using its cooperative to purchase products, it could decrease the school food authority's buying power and impact the agreement with the cooperative to purchase a certain percentage of food through the cooperative.	Changes to the rule include removing level 2 provisions that 75 percent of reimbursable national school lunch program and school breakfast program meals must be freshly prepared. Instead, new provisions for school authorities state that 50 percent of all weekly required meal pattern components, with the exception of milk, shall be freshly prepared meals. 50 percent of meal pattern components do not have to meet these requirements, allowing for greater flexibility in certain sourcing processes.
Comments requesting clarification of many terms used in the rule, including requests for definitions of certain terms such as "freshly prepared meals," "freshly made," and "food businesses."	Changes to the rule include definitions for "freshly prepared" and definitions for other relevant terms necessitated by new rule language, and the removal of terms such as "freshly made" and "food businesses." Additionally, definitions no longer relevant to the rule have been removed for clarification purposes.

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<p>Comments requesting overall clarification of rule provisions and a request to review feasibility and reconsider rule implementation.</p>	<p>Changes to the rule include the removal and modification of many requirements for clarification, including:</p> <ul style="list-style-type: none"> • the simplification of two compliance levels into one level; • the modification of freshly prepared requirements to match terminology for certain federal standards already in place; • the modification of provisions regarding the application for annual certification; • the clarification of the funding distribution of the rule to state that differing reimbursement rates, including the paid meal rate, will be put in place starting school year 2025-2026; and • rule language has been simplified where possible, including the removal of language that is no longer relevant in order to meet requirements.
<p>Comments suggesting to phase in requirements over several years to allow for proper preparation, rather than the timeline stipulated in the rule.</p>	<p>The Healthy Hunger-Free Bill of Rights Act was effective on July 1, 2023. School food authorities will receive continued support from the NMPED, including technical support, to ensure proper preparation within the allotted timeline. The NMPED is required by statute to begin distribution of funds, according to two levels of funding, with the 2026 Fiscal Year, which is school year 2025-2026. The Healthy Hunger-Free Students’ Bill of Rights Act does not provide for staggered implementation.</p>
<p>Comment requesting clarification of the term “non-student nutrition personnel.”</p>	<p>Changes to the rule include the removal of this term.</p>
<p>Comment requesting clarity about the phrase "fifty percent of schools in a school food authority."</p>	<p>Changes to the rule include the removal of this phrase.</p>
<p>Comments expressing safety concerns about composting requirements and composting's tendency to attract pests. Additional concerns about composting including the need for significant land, facilities, and management.</p>	<p>Changes to the rule include the removal of all composting provisions. School food authorities may still pursue composting within their own school meal programs.</p>
<p>Comments requesting that nutrition personnel be included in discussions when gathering feedback from students and parents.</p>	<p>Changes to the rule remove specific provisions detailing how feedback from students and parents can be received, although it is still a requirement of the rule, as proper and satisfactory student nutrition is closely linked to better health outcomes and improved academic performance. School food</p>
<p>Comments expressing concern that if required student and parent feedback isn't implemented, it will lead to disappointment.</p>	

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Comments expressing that additional feedback from students and parents on meals served and related processes isn't necessary.	authorities have the option to include student nutrition personnel in the process of gathering feedback.
Comment expressing concern about potential decentralized food preparation in onsite kitchens as opposed to a centralized facility and the cost of installing food preparation equipment and hiring staff at schools.	Changes to the rule include removing provisions around food preparation in an onsite kitchen.
Comment expressing concern over requirements to grow food on campus such as health risks, associated costs, lack of expertise, water availability, and land restraints.	Changes to the rule include removing provisions regarding school-led food growing programs.
Comments that the rule should specify that products must be sourced from New Mexico-grown approved suppliers.	The department requires in guidance that all New Mexico grown purchases are made from an approved vendor on an approved supplier list.
Comments recommending that a rule provision be added that each school food authority designate a Food Safety Manager.	All school food authorities require staff to complete food safety training before working in the kitchen, including Hazard Analysis and Critical Control Point (HACCP) training. School districts have the option of allocating resources to the hiring of a food safety manager.
Comment requesting additional resources for school food authorities, including additional funding and programmatic support, to comply with new rule standards.	The NMPED will monitor rule implementation and engage with school food authorities to determine what funding and resources are needed. The NMPED will continue to provide technical assistance to school food authorities. The Act does not address improvement plans or exemptions, but rather provides for two different funding levels depending upon whether a school food authority meets requirements.
Comments expressing concern that the rule would add more responsibilities to already understaffed school food authorities.	
Comment expressing concern about lack of availability of supplies and suppliers to meet rule requirements.	
Comment of concern that implementing the rule could impose significant financial burdens on schools and school food authorities.	
Comments expressing concerns about CEP funding and the lack of NM-grown funding and that only a portion of expenses will now be covered, which raises concerns about financial sustainability. Encouragement to reinstate New Mexico grown funding as in past years.	

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<p>Comment expressing concern about potential shortages and procurement issues if school food authorities are required to purchase local produce at the rates stipulated in the rule.</p>	
<p>Comment that the rule should include provisions for exemptions and improvement plans if rule provisions are not met.</p>	<p>The NMPED will monitor rule implementation and engage with school food authorities to determine what funding and resources are needed. The Act does not address improvement plans or exemptions, but rather provides for two different funding levels depending upon whether a school food authority meets requirements.</p>
<p>Comment expressing concern with the rule provisions regarding the donation of food, including the timeline for donation.</p>	<p>Pursuant to 22-13C-10 NMSA 1978, allowable food not taken by a student during a regular school meal period must be donated. However, changes to the rule include removing provisions around specific timelines for donation.</p>
<p>Comments expressing concern that that not all regions in the state can meet the rule provisions, including New Mexico-grown product requirements, with available local resources, and concern that New Mexico as a whole does not grow enough food or have long enough growing seasons to consistently meet the requirements.</p>	<p>Changes to rule include removing the required number of New Mexico grown items to be used on a weekly basis. Changes to the rule include adding language for NM-grown provisions from 22-13C-9 NMSA 1978.</p>
<p>Comments expressing concern that the recess before lunch requirement is impractical.</p>	<p>Research shows that holding recess before lunch leads to many benefits for students, such as improved behavior, increased food consumption, and reduced food waste.</p>
<p>Comments expressing concern over both level 1 and level 2 compliance. The requirements are seen as infeasible and overly burdensome for many school food authorities.</p>	<p>Changes to the rule consolidate the two compliance levels into one simplified compliance level.</p>
<p>Comment requesting the rule change the requirements from "items per week" to "servings per week."</p>	<p>Changes to the rule include the removal of the term "items per week." Instead, the metric included is meal pattern components, as defined in federal statute.</p>
<p>Comments requesting clarification and reconsideration of "plate waste studies" provisions.</p>	<p>Changes to the rule include the removal of this term.</p>

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Comment requesting the removal of food preparation provisions for students in the rule.	Changes to the rule include the removal of food preparation provisions for students.
Comment requesting a clear definition for "onsite."	Changes to the rule include the removal of this term.
Comment expressing concern about the inclusion of the word "cafeteria" in the rule, as it is not inclusive of schools, including charter schools, that do not have a designated kitchen.	Changes to the rule include the removal of this term.

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<p>Comments expressing concern that the rule draft doesn't reflect enough input from a writing committee, and suggestion to work with school districts in the future to help them meet the provisions of the rule, including access to local produce.</p>	<p>NMPED considered stakeholder feedback during the rule writing process and is implementing changes to the rule based on public comment that it received.</p>
<p>Comments expressing concern over the economic impact the rule provisions will have on farmers and growers, which also may adversely impact their professional ties to school food authorities. The rule might increase demand without addressing the supply, requiring farmers and growers to access more capital.</p>	<p>Changes to rule include removing the required number of New Mexico grown items to be used on a weekly basis. Changes to the rule include adding language for NM-grown provisions from 22-13C-9 NMSA 1978.</p>
<p>Comment suggesting that the rule should include "culturally appropriate" or "culturally reflective" language for nutrition education.</p>	<p>Changes to the rule include the removal of nutrition education provisions, but school food authorities have the option to implement programming with this language.</p>
<p>Comment that the rule's requirements may not be practical for the unique needs of every school food authority.</p>	<p>Changes to the rule reduce the number of requirements and allow for more flexibility in program implementation.</p>
<p>Comments expressing concern about the rule causing curriculum disruption, because requirements might reduce the learning time available for core academic subjects.</p>	
<p>Comment that the rule may duplicate existing nutrition standards found in other guidance or law.</p>	<p>The rule is being promulgated as a requirement of 22-13C-4 NMSA 1978. Statute is generally not the appropriate place to promulgate the minute and day-to-day details of specific statutorily required programs. Section 22-13C-4 NMSA 1978 directs the department to promulgate rules for the implementation of the program.</p>
<p>Comment expressing concern that rule provisions should be put in statute instead.</p>	
<p>Comments expressing concern about the rule's specific requirements regarding onsite kitchens. Not all schools have onsite kitchens, and feasibility studies that may include onsite visits are recommended before the rule is implemented.</p>	<p>Changes to the rule include the removal of provisions pertaining to onsite kitchens, and the addition of a provision that onsite visits to SFAs may be conducted by NMPED after rule implementation.</p>
<p>Comments expressing concern about the limit for seat time listed in the rule.</p>	<p>Provisions around seated lunch time are in accordance with requirements in 22-13C-10 NMSA 1978.</p>
<p>Comments expressing concern about the availability of educators and challenges in finding educators with the necessary food and nutrition background to meet the rule's requirements.</p>	<p>Changes to the rule include reducing requirements involving food and nutrition education, including requirements for this programming in professional development. While these provisions are still encouraged,</p>

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Comments expressing concern about feasibility of rule requirement to include nutrition education in professional development.	school food authorities have the flexibility to adopt models that meet their needs and capacity.
Comment expressing concern that the rule greatly limits the food that can be served in schools.	Changes to the rule include aligning provisions with required meal pattern components from the USDA, as well as greatly reducing the number of requirements overall.
Comment requesting clarity regarding the rule's funding structure, particularly the point that school food authorities who do not meet quality standards will not receive as much funding, as this will penalize those institutions and not grant them the resources needed to be successful.	The funding structure in the rule is adopted pursuant to 22-13C-4 NMSA 1978.
Comments stipulating that NMPED should make site visits to schools before implementing the rule.	NMPED engaged with stakeholders as rule composition began and may begin to implement site visits following the rule implementation.
Comments expressing concern for freshly prepared provisions in the rule because pre-cooked and pre-baked meals can be healthy.	Changes to the rule include removing level 2 provisions that seventy five percent of reimbursable national school lunch program and school breakfast program meals must be freshly prepared. Instead, new provisions for all school authorities state that fifty percent of all weekly required meal pattern components, with the exception of milk, shall be freshly prepared meals. While fifty percent of meal pattern components do not have to meet this provision, research show that freshly prepared meals typically retain more nutrients compared to pre-cooked or pre-baked meals.
Comment that rule provisions about freshly prepared meals, including provisions for the number of meals that have to be freshly prepared, are not feasible for many reasons, including the proposed implementation timeline.	Changes to the rule include removing level 2 provisions that seventy five percent of reimbursable national school lunch program and school breakfast program meals must be freshly prepared. Instead, new provisions for all school authorities state that fifty percent of all weekly required meal pattern components, with the exception of milk, shall be freshly prepared meals. As this rule is implemented, the NMPED will monitor and provide technical assistance to school food authorities.
Comment that the rule will adversely impact school nutrition departments' relationships with district administration, school administration, and staff.	The rule is being implemented as a requirement for all public schools that operate the national school lunch program and the school breakfast program, rather than nutrition personnel solely.
Comments that some rule provisions are outside the control of nutrition personnel.	

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<p>Comment requesting that rule language be amended to better align with existing laws, including in its scope and requirements. Concern that NMPED and the current rule impede existing laws, including federal laws, as well as local control.</p>	<p>Changes to the rule include amending the scope to stipulate that it pertains to school food authorities who operate the national school lunch program and the school breakfast program. Changes to the rule also include reducing the number of requirements. The rule is being promulgated pursuant to 22-13C-4 NMSA 1978. Requirements in the rule align with federal law.</p>
<p>Comment expressing concern about the impact of the rule on schools such as those in smaller school districts and charter schools, because many operate without a full kitchen and utilize contractors for meal preparation, and the definition for onsite kitchen does not allow for this operation.</p>	<p>Changes to the rule include removing provisions about onsite kitchens.</p>
<p>Comment that food service directors should work with local producers to ensure that needs are met for the school's product demands.</p>	<p>Changes to the rule consolidate the two compliance levels into one simplified compliance level. School food authorities will receive continued support from the NMPED, including training and technical support.</p>
<p>Comments suggesting that the NMPED and school districts partner with outside stakeholders and contractors to ensure that provisions of the rule can be met.</p>	
<p>Comment requesting definition of "approved reviewers."</p>	<p>Changes to the rule include removing the term.</p>
<p>Comment requesting the incentivization of rule provisions rather than the requirement.</p>	<p>Changes to the rule include reducing the number of requirements. The rule is being promulgated pursuant to 22-13C-4 NMSA 1978.</p>
<p>Comment requesting clarification regarding definition for "eligible meals."</p>	<p>There is a definition for eligible meals provided in the rule, and NMPED will work with school food authorities to ensure that there is a unified understanding of the term.</p>