

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

BOARD OF EDUCATION

Title of Rule: Regulations Governing Nutritional Requirements for Reimbursable Meals and Competitive Foods and Beverages; Limitations on Competitive Foods and Beverages at Meal Time

Rule Identifier: 200-RICR-20-25-4

Rulemaking Action: Proposed Adoption

Important Dates:

Date of Public Notice: 11/09/2018

Hearing Date: 11/19/2018

End of Public Comment: 12/10/2018

Authority for this Rulemaking:

R.I. Gen. Laws § 16-8-9

R.I. Gen. Laws § 16-8-10

R.I. Gen. Laws § 16-8-10.1

R.I. Gen. Laws § 16-21-7(c)

7CFR210.11(b)

210.19(e)

Summary of Rulemaking Action:

This new proposed regulation replaces the RI Nutrition Requirements 2009 (RINR 2009) Nutrition Criteria for RI School Food Service Programs regulation, which previously set forth state nutrition requirements for reimbursable school meals and limitations on competitive food and beverages at mealtime.

In implementing and enforcing the prior regulation, the School Nutrition Office of the Rhode Island Department of Elementary and Secondary Education has been consistent in enforcing additional requirements which were based on provisions of state law (repealed in 2016) and guidance incorporated into RINR 2009, entitled "RI Healthy Schools Coalition Nutrition Guidelines for School Vending and a la Carte" as well as their understanding of best nutritional practices. The proposed regulation will bring RINR into alignment with current practices and the state-specific nutrition requirements that have consistently been enforced over the last several years. Since there is no change in the actual implementation of the current regulation, there is no fiscal impact that would result from adoption of the proposed regulation.

The new proposed regulation now explicitly sets forth statespecific requirements. Taken together with the federallyimposed nutritional requirements and limitations on competitive foods and beverages, it will maintain high nutrition standards for school

meals that are reimbursed by the USDA and all other food and beverages that are sold on the school campus in Rhode Island.

Additional Information and Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed adoption until December 10, 2018 by contacting the appropriate party at the address listed below:

Angela Teixeira
Board of Education
255 Westminster Street
Providence, RI 02903
angela.teixeira@ride.ri.gov

Public Hearing:

A public hearing, in accordance with R.I. Gen. Laws § 42-35-2.8, to consider the proposed adoption shall be held on November 19, 2018 at 5:00 pm at Juanita Sanchez Complex, 182 Thurbers Avenue, Providence, RI 02905 at which time and place all persons interested therein will be heard. The seating capacity of the room will be enforced and therefore the number of persons participating in the hearing may be limited at any given time by the hearing officer, in order to comply with safety and fire codes.

The place of the public hearing is accessible to individuals who are handicapped. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 401-222-8435 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

Regulatory Analysis Summary and Supporting Documentation:

Since the proposed regulation maintains the status quo with respect to state nutritional requirements and limitations on competitive foods, RIDE has determined that the proposed regulation does not require "any new expenditure of money or increased expenditure of money by a city, town, or school district". Therefore, the requirement in R.I.G.L. § 45-13-9.1 ("Future mandates") which requires that a public body "determine the cost of" a proposed mandate prior to imposing such mandate is not applicable.

Because the proposed regulation merely makes explicit the requirements that have consistently been enforced by the RIDE School Nutrition Office over the past several years, there is no fiscal impact associated with the adoption of the proposed regulation. In the development of the proposed regulation, consideration was given to: (1) alternative approaches, (2) overlap or duplication with other statutory and regulatory provisions, and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based on available information. RIDE has determined that the benefits of the proposed rule are

significant in the improvement of the health of Rhode Island's students and, since the proposed rule merely makes explicit all currently-enforced state nutritional requirements applicable to reimbursable meals and competitive food and beverages, there are no costs associated with adoption of the proposed rule.

RIDE has attached a "Summary of Proposed Changes" since the proposed rule, upon adoption, will supersede the current RINR 2009.

For full regulatory analysis or supporting documentation see agency contact person above.