# INITIAL STATEMENT OF REASONS

SCHOOL NUTRITION PROGRAMS

## INTRODUCTION

In 1976, the State Board of Education (SBE) adopted articles 2, 3 and 4 found in the California Code of Regulation (CCR), title 5 (5 CCR), division 1, chapter 15, subchapter 1. Article 2 included section 15510, which provided definitions for mandatory meals for needy pupils and sections 15530, 15531, 15532, 15533, 15534 and 15535 in article 3 specified the scope, eligibility, procedures and criteria for filing and approving applications, procedure for funding, and procedure for project management of Nutrition Education Program grants. Article 4 sections 15551, 15556, 15562, 15563, 15564 and 15565 contained definitions, payment of reimbursement claims, type of meals eligible for reimbursement, meal requirements for needy students, claim reimbursement procedures and notification of changes in reimbursement rates for school lunches and breakfasts. In 2008, the SBE adopted article 6, which included sections 15575, 15576, 15577 and 15578. These sections provided definitions for foods and beverages, and food and beverages restrictions.

Articles 2, 3 and 4 of 5 CCR have not been updated since their adoption in 1976. Article 6 of 5 CCR has not been updated since its adoption in 2008. Therefore, upon review of these regulations in 5 CCR, the CDE determined that amendments were necessary to bring these regulations into alignment with the related Code of Federal Regulations (C.F.R.) and to be consistent with current practices for the school nutrition programs administered by the California Department of Education (CDE). The CDE also determined a need for a definition of fluid milk substitutes, as the National School Lunch and School Breakfast Programs allow for the provision and reimbursement of fluid milk substitutes served to students who require this type of beverage due to a disability or medical need.

The CDE also determined that article 3 should be repealed. These 6 CCR sections are related to the Nutrition Education and Training (NET) program, which was established under the Child Nutrition Act of 1966 (Child Nutrition Act), Public Law 89-642. Under 42 U.S.C. section 1787, effective January 4, 1995, funds were authorized to make grants to all states for a nutrition education program that targets school children, teachers, parents, and food service workers. Between its inception in 1977 and 1994, the NET program had time-limited authorization and funding (averaging $5 million per year), which was provided via annual appropriations. In 1994, the Child Nutrition Act was amended by Public Law 103-448 to make NET permanent and funding of $10 million annually was mandated for the program. However, on August 22, 1996, the Child Nutrition Act was amended by Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and repealed 42 U.S.C. section 1787, restored NET to temporary status, and again made funding for it subject to appropriations. The Personal Responsibility and Work Opportunity Act categorized NET as a discretionary spending program. Since mandatory funds cannot be used to fund a discretionary program, NET has been without a funding source since Federal Fiscal Year (FFY) 1996-97. Due to the lack of a federal funding source since FFY 1997-98, the relevant 5 CCR sections 15530 through 15535 are proposed to be deleted.

In 1991, the SBE adopted 5 CCR, section 4610. This section provides the purpose and scope of the Uniform Complaint Procedures for the child nutrition programs administered by the CDE. In 2020, the SBE adopted article 7 of 5 CCR, which included sections 15580, 15581, 15582, 15583 and 15584. These sections define the scope of the article 7, describe the process for filing a complaint, state the requirement to refer complaints to the U.S. Department of Agriculture (USDA), and define the local educational agency investigation procedures and complainant appeal rights to the CDE as well as the CDE investigation and appeal procedures. Article 7 was adopted to implement Education Code (EC) section 33315(a)(2) regarding complaints relating to child nutrition programs established pursuant to EC sections 49490 through 49570. In 2020, the Early Childhood Development Act of 2020 (Sen. Bill No. 98, Stats. 2020, ch.24,) authorized the transfer of childcare and development programs administered by the CDE to the California Department of Social Services effective July 1, 2021. Therefore, upon review of this regulation, the CDE determined that amendments were necessary to bring 5 CCR section 4610 into alignment with current state law and EC sections.

## PROBLEM AGENCY INTENDS TO ADDRESS

The CDE identified regulations pertaining to school nutrition programs to be amended and updated to bring 5 CCR into alignment with current C.F.R. and EC to provide effective and consistent implementation of school nutrition program requirements statewide.

## BENEFITS ANTICIPATED FROM REGULATORY ACTION

The anticipated benefits from updating the regulations are:(1) effective and consistent implementation of school nutrition program requirements statewide; (2) alignment with CDE nutrition program procedures, federal regulations, and state statutes; (3) consistency between federal and state regulations and statutes; and (4) repealing state regulations pertaining to federal programs that are no longer receiving funding.

## SPECIFIC PURPOSE OF EACH SECTION – GOV. CODE SECTION 11346.2(b)(1)

General changes were made to the proposed regulations to include grammatical edits and renumbering and/or relettering to reflect deletions or additions.

The specific purpose of each adoption or amendment, and the rationale for the determination that each adoption or amendment is reasonably necessary to carry out the purpose of which it is proposed, together with a description of the public problem, administrative requirement, or other condition or circumstance that each adoption or amendment is intended to address, is as follows:

### SECTION 4610

**Section 4610(c)(1)** is amended to provide the correct title 7 of the C.F.R. (7 C.F.R.) citations because the current citation, 7 C.F.R. 215.1(a) is incorrect. This citation is replaced with the correct citation, 7 C.F.R. 215.11(e). In addition, the Early Childhood Development Act of 2020 (Sen. Bill No. 98, Stats. 2020, ch. 24) authorized the transfer of childcare and development programs, including the Child and Adult Care Food Program, administered by the CDE to the California Department of Social Services effective July 1, 2021; as a result, 7 C.F.R. section 226.6(n) is deleted.

### SECTION 15510

**Section 15510(a)** is amended to reference EC section 49531. The current citation to EC section 49553 refers to EC section 49531 for the definition of a “nutritionally adequate meal;” thus, the CDE determined that the best practice is to cite directly to EC section 49531.

**Section 15510(b)** is amended to reflect the current income parameters for free and reduced-price meals to be in alignment in accordance with the guidelines issued by the Office of Management and Budget and title 42 of the United States Code, (U.S.C.), chapter 13, section 1758(b)(1)(A).

**Section 15510(c)** is deleted because it is now included in the proposed amendments for section 15510(b).

**Section 15510(d)** is deleted as the definition of school day already exists in EC section 49501.5; thus, it would be repetitive to include the definition in 5 CCR.

**Section 15510 Note section** is amended to add reference to 42 U.S.C. section 1758 per amendments made to section 15510(b) for alignment with federal statute. This is necessary to maintain consistency between federal and state regulations.

**ARTICLE 3, Sections 15530, 15531, 15532, 15533, 15534 and 15335** are deleted. The Nutrition Education and Training (NET) Program was established under the Child Nutrition Act of 1966 (Child Nutrition Act), Public Law 89-642. Under 42 U.S.C. section 1787, effective January 4, 1995, funds were authorized to make grants to all states for a nutrition education program that targets school children, teachers, parents, and food service workers. Between its inception in 1977 and 1994, the NET program had time-limited authorization and funding (averaging $5 million per year), which was provided via annual appropriations. In 1994, the Child Nutrition Act was amended by Public Law 103-448 to make NET permanent and funding of $10 million annually was mandated for the program. However, on August 22, 1996, the Child Nutrition Act was amended by Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and repealed 42 U.S.C. section 1787, restored NET to temporary status, and again made funding for it subject to appropriations. The Personal Responsibility and Work Opportunity Act categorized NET as a discretionary spending program.

Since mandatory funds cannot be used to fund a discretionary program, NET has been without a funding source since Federal Fiscal Year (FFY) 1996-1997. Due to the lack of a federal funding source since FFY 1996-1997, and the fact that NET has not been funded since FFY 1997-1998, the relevant 5 CCR sections 15530, 15531, 15532, 15533, 15534 and 15535 are proposed to be deleted. Should the program receive federal funding in the future, the CDE will engage in the rulemaking process to establish regulations to re-implement the program.

### SECTION 15551

**Section 15551(a)** is amended to include “the Permanent Single Agreement.” Section 210.9(b) of 7 C.F.R.requires the School Lunch Program Application-Agreement and the School Breakfast Program Application-Agreement between the CDE and the child nutrition entity to be a Permanent Single Agreement because the CDE administers multiple Child Nutrition Programs (CNPs). This addition is necessary to align 5 CCR with 7 C.F.R*.* section 210.9(b) and maintain consistency between state and federal regulations.

**Section 15551(c)** is amended to revise the definition of “child nutrition entity” to conform to and align with the federal regulations, in which a child nutrition entity is a school food authority as defined in federal regulations 7 C.F.R*.* sections 210.2, 215.2, 220.2, 225.2, and 250.2. This amendment is necessary to maintain consistency between state and federal regulations.

**Section 15551(d)** is amended to update the definition of “child nutrition program” to conform with the definition of child nutrition program in the Permanent Single Agreement and to exclude ECsections 49540 through 49546, inclusive, for the Child and Adult Care Food Program (CACFP), from the revised definition. The CDE no longer administers the CACFP (7 C.F.R*.,* § 226); this program is now administered by the California Department of Social Services as a result of the Early Childhood Development Act of 2020.

**Section 15551 Note section** is amended to add reference to 7 C.F.R*.* sections 210.2 and 220.2 to align with federal regulations. This is necessary to maintain consistency between federal and state regulations.

### SECTION 15556

**Section 15556(a)** is amended to reflect the 60-day monthly claim submission deadline required by 7 C.F.R. sections 210.8(b)(1) and 220.11(b). This amendment is necessary to align 5 CCR with 7 C.F.R. sections 210.8(b)(1) and 220.11(b) and maintain consistency between state and federal regulations.

**Section 15556(b)** is amended to reflect the current CDE monthly claim submission procedures for agency notification of claim-filing status.

**Section 15556(c)** is amended to reflect the 60-day monthly claim submission deadline required by 7 C.F.R. sections 210.8(b)(1) and 220.11(b). This amendment is necessary to align 5 CCR with 7 C.F.R. sections 210.8(b)(1) and 220.11(b) and maintain consistency between state and federal regulations.

**Section 15556 Note section** adds the missing Note section to include citations for authority and reference to EC sections 33031, 49531 and 49551, and 7 C.F.R. sections 210.8 and 220.11.

### PROPOSED SECTION 15560

**Proposed Section 15560(a)** is added to include the definition of “fluid milk substitute.**”** This definition is added to align 5 CCR with 7 C.F.R*.* section 210.10(d)(3) to maintain consistency between state and federal regulations. Units of measure for Vitamins A and D are amended to include the microgram equivalent of International Units to maintain consistency with USDA milk crediting resources and change per the proposed rule FNS-2019-0007 Simplifying Meal Service and Monitoring Requirements in the National School Lunch and School Breakfast Programs.

**Proposed Section 15560(b)** is added to include the requirements for when a fluid milk substitute must be provided to a student with a disability or for a medical reason. This new section is added to align 5 CCR with 7 C.F.R*.* section 210.10(m)(1) to maintain consistency between state and federal regulations.

**Proposed Section 15560(c)** is added to include the requirements of when a student may receive a fluid milk substitute for a non-disability reason. This new section is needed to align 5 CCR with 7 C.F.R. sections 210.10(m)(2)(i) and (ii)(B), and 210.10(m)(3) to maintain consistency between state and federal regulations.

**Proposed Section 15560(d)** is added to include the requirement that a child nutrition entity must inform the CDE if the child nutrition entity chooses to offer fluid milk substitutes for non-disabled students. This new section is needed to align 5 CCR with 7 C.F.R*.* section 210.10(m)(2)(ii)(A) to maintain consistency between state and federal regulations.

**Proposed Section 15560 Note** is added pursuant to Government Code section 11346.2(a)(2).

### SECTION 15562

**Section 15562(a)** is amended to reflect that the term “reimbursement” applies to both state and federal reimbursement, and to correctly reflect that 5 CCR section 15558 only applies to lunch requirements and 5 CCR section 15559 only applies to breakfast requirements. Former 5 CCR section 15560 is deleted because the section applied to special breakfast, which was repealed on September 26, 2019.

**Former Section 15562(b)** is deleted because the amended section 15562(a) makes the current section 15562(b) redundant.

**Renumbered Section 15562(b), formerly Section 15562(c)** is amended to delete repealed section15560 and to update the list of acceptable medical professionals that may sign a medical statement for food component substitutions in the CNPs in accordance with U.S. Department of Agriculture Guidance. This amendment is necessary to align 5 CCR with 7 C.F.R. sections 210.10(m), 220.8(m), 220.23(d) and 225.16(f)(4) and maintain consistency between state and federal regulations.

**Section 15562 Note section** adds the missing Note section to include citations for authority and reference to EC sections 33031, 49531 and 49551, and 7 C.F.R. sections 210.10, 220.8, 220.23, and 225.16.

### SECTION 15563

**Section 15563** is deleted because meal requirements for needy students are addressed by EC section 49501.5; thus, to include these provisions in 5 CCR would be repetitious.

### SECTION 15564

**Section 15564(b)** is amended to update the method by which both state and federal reimbursements are calculated in accordance with EC section 49501.5 and federal regulations. This amendment is necessary to align 5 CCR with 7 C.F.R. sections 210.7(c), 210.8(a) and (c) and 220.11 to maintain consistency between state and federal regulations.

**Section 15564(b)(2)** is deleted because actual cash expenditures for food, labor and other expenses of the food service program are not used and are not authorized by federal regulations to be used to calculate reimbursement of each lunch and breakfast served to pupils. This amendment is necessary to align 5 CCR with 7 C.F.R. sections 210.7(c), 210.8(a) and (c) and 220.11 to maintain consistency between state and federal regulations.

**Section 15564(c)** is amended to reflect that the CDE no longer uses hard copy forms since it implemented CDE’s web-based reimbursement claim system beginning with school year 2005-06.

**Section 15564 Note section** adds the missing Note section to include citations for authority and reference to EC sections 33031, 49531, and 49551, and 7 C.F.R. sections 210.7, 210.8 and 220.11.

### SECTION 15565

**SECTION 15565** is amended to extend the date of notification to reflect the full period that the U.S. Department of Agriculture may take to issue updated reimbursement rates. Regardless of the notification date, the federal reimbursement rate will continue to be effective July 1, in accordance with 7 C.F.R. Section 210.4(b)(1)(iii). The last sentence is deleted because it pertains to the Summer Food Service Program, and not the School Lunch and School Breakfast Program, which is the focus of Article 4.

**TITLE OF ARTICLE 6** is amended to change “Food and Beverage Requirements Outside of the Federal School Meal Programs” to “Competitive Foods.” This is necessary as the term “competitive foods” is defined in title 7 C.F.R. section 210.11 and EC section 49430. Thus, this term is consistently used in both state statute and federal statute and regulations.

### SECTION 15575

**Proposed Section 15575(a)** is added to include the definition of “competitive foods.**”** This new section and definition are necessary to align 5 CCR with 7 C.F.R. section 210.11(a)(2) and EC section 49430(c) to maintain consistency between state and federal regulations.

**Renumbered Section 15575(c), formerly Section 15575(b),** is amended to revise the definition of “entrée.” These changes are necessary to align 5 CCR with 7 C.F.R. section 210.11(a)(3) and maintain consistency between state and federal regulations.

**Renumbered Section 15575(d), formerly Section 15575(c),** is amended to revise the definition of “exempt foods.” These changes are necessary to align 5 CCR with 7 C.F.R. section 210.11 and EC sections 49430, 49431, and 49431.2 and to maintain consistency between federal and state regulations.

**Former Section 15575(d)** is deleted because the term “full meal” was initially included in EC section 49430, but the term was removed by Senate Bill No.1169 (Stats. 2017). The term “full meal” is not used elsewhere in EC, so this definition does not need to be included in 5 CCR.

**Section 15575(e)** is amended to include the most current revision dates for the relevant sections in the document incorporated by reference, the U.S. Department of Agriculture’s Food Buying Guide for Child Nutrition Programs (FBG). Sections 1, 2, and 3 of the FBG were updated on February 28, 2020. 5 CCR section 15575(e) is also amended to add section 4 of the FBG, updated on May 31, 2022, which is a separate section for fruits and vegetables. These changes are necessary to reflect the changes to FBG since 2001, as the FBG is the basis for the definition of meat/meat alternates, grains/breads, vegetables, and fruits.

**Section 15575(f)** is amended to revise the definition of “non-exempt foods.” These changes are necessary to align 5 CCR with 7 C.F.R. section 210.11 and EC sections 49430, 49431, and 49431.2 and maintain consistency between federal and state regulations.

**Sections 15575(h)(1)(C) and (h)(2)(A)** are amended to revise the minimum percentage of weight of whole grains in a grain product in order for that product to be considered a “whole grain food item.” This is necessary to align with 7 C.F.R. section 210.11(e) and maintain consistency between federal and state regulations.

**Section 15575 Note section** is amended to correct an erroneous citation to 7 C.F.R. The correct references are 7 C.F.R. sections 210.11 and 220.12 and replaces the incorrect references to 7 C.F.R. sections 210.10 and 220.8.

### SECTION 15576

**Proposed Section 15576(b)(6)** is added to include additional criteria for electrolyte replacement beverages. This new subsection is necessary to align 5 CCR with EC section 49431.5(a)(3)(G) and (H) to maintain consistency between state regulations and statute.

**Proposed Section 15576(c)** is added to define “flavored water.” EC section 49431.5 defines flavored water and allows flavored water to be sold in high schools if it is noncaffeinated and within defined caloric restrictions based on serving size. Section 15576(c) also clarifies the permitted flavorings for flavored waters.

**Proposed Section 15576(d)** is added to define “flavored carbonated water” to be consistent with the definition of “flavored water” in proposed section 15576(c).

**Section 15576(e), formerly Section 15576(c),** is amended to remove the option for two-percent milk. This is necessary to align with EC section 49431.5 and 7 C.F.R. sections 210.10(c) and (d)(1)(I), and 210.11(m). This section is also amended to remove the minimum calcium requirement for milk to align with 7 C.F.R. sections 210.11(m)(1)(ii) and (iii), 210.11(m)(2) (ii) and (iii), and 210.11(m)(3) (ii) and (iii).

**Section 15576(f), formerly Section 15576(d)** is amended to add almond milk as another example of a non-dairy milk alternative. This is necessary to align with EC sections 49431.5(a)(1)(D) and (a)(3)(D). This section is also amended to align the minimum amount of calcium contained in a non-dairy milk alternative with the requirements for calcium in a fluid milk substitute, as stated in 7 C.F.R. section 210.10(d)(3).

**Section 15576(f)(3) formerly Section 15576(d)(3)** is amended to reduce the amount of fat that is allowable for a non-dairy milk alternative. This reduction is consistent with the fat reduction made via the elimination of the two-percent milk option in section 15576(c)(3) and aligns the maximum amount of fat allowed non-dairy milks with that allowed in cow’s milk. Per EC section 49431.5 the maximum amount of fat allowed in cow’s milk is one-percent fat by volume. One-percent fat by volume of dairy milk is equivalent to approximately 2.5 grams of fat per eight fluid ounces, which has been rounded to the nearest whole gram. These edits are necessary to preserve the intention to align nutrient limits across dairy milk and milk substitutes.

**Section 15576 Note section** is amended to add references 7 C.F.R. sections 210.10, 210.11, 220.8, and 220.12 to align with current federal regulations. This is necessary to maintain consistency between federal and state regulations.

### SECTION 15577

**Section 15577(a)(1)** is amended to increase the number of calories allowed in a competitive food item sold in an elementary school. This is necessary to align with EC section 49431 and 7 C.F.R. section 210.11(i). The term “competitive food” is also added because, if proposed amendments are accepted, this term will now be defined in 5 CCR section 15575.

**Section 15577(a)(2)(A**) is amended to decrease the maximum number of calories allowed in a competitive food snack item sold in a middle, junior or high school. This is necessary to align with EC section 49431.2 and 7 C.F.R. section 210.11(j).

**Section 15577(a)(2)(B)** is amended to provide additional clarification for calories in a competitive food entrée item that is sold either the day of or day after it appears on the school’s menu. This is necessary to align with EC section 49431.2.

**Proposed Section 15577(a)(2)(C)** is added to provide additional clarification for calories in a competitive food entrée item that is not sold the day of or day after it appears on the school’s menu. This change is necessary to align with 7 C.F.R. section 210.11(j).

**Section 15577(c)** is amended to correct the maximum percentage of calories from saturated fat that can be contained in a competitive food item. This is necessary to align with EC sections 49431 and 49431.2 and 7 C.F.R. section 210.11(f)(1)(ii).

**Proposed Section 15577(d)** is added to include the maximum sodium allowance for a competitive snack item and entrée. This is necessary to align with EC sections 49431 and 49431.2, and 7 C.F.R. sections 210.11(I) and (j).

**Proposed Section 15577(g)** is added to include the maximum trans-fat allowance for a competitive food item. This is necessary to align with EC sections 49431 and 49431.2.

**Section 15577 Note section** is amended to add references 7 C.F.R. sections 210.10, 210.11, 220.8, and 220.12 to align with current federal regulations. This is necessary to maintain consistency between federal and state regulations.

### SECTION 15578

**Section 15578(a)** is amended to refer to the updated and corrected definition for items sold together as a single menu item set forth in 5 CCR section 15577. This is necessary to align with EC sections 49431 and 49431.2, and 7 C.F.R. section 210.11.

**Section 15578(b)** is amended to refer to the updated and corrected definition for all non-exempt food items for sale set forth in 5 CCR section 15577. This is necessary to align with EC sections 49431 and 49431.2, and 7 C.F.R. section 210.11.

**Section 15578(c)** is amended to refer to the updated and corrected definition for all non-exempt food items for sale set forth in 5 CCR section 15577. This is necessary to align with EC sections 49431 and 49431.2, and 7 C.F.R. section 210.11.

**Section 15578(d)** is amended to delete the exemption from caloric restriction for food items for sale that contain solely a mix of exempted foods. This is necessary to align with 7 C.F.R. section 210.11(a)(6). The term “definition” was added in place of the term “restriction” to better represent the varied approaches to setting nutrient limits as stated in section 15577.

**Section 15578 Note section** is amended to add references 7 C.F.R. sections 210.10, 210.11, 220.8, and 220.12 to align with current federal regulations. This is necessary to maintain consistency between federal and state regulations.

## Economic Impact ASSESSMENT PER GOV. CODE SECTION 11346.3(b)

### Purpose:

The amended and proposed regulations are necessary for the administration of school nutrition programs in a manner that is effective, reflects current CDE practices and policies, and is in alignment with the federal requirements for CNP administration.

### Creation or Elimination of Jobs within the State of California:

The amended and proposed regulations provide updated nutrition program procedures and would not create or eliminate any jobs that already exist.

### Creation of New or Elimination of Existing Businesses within the State of California:

The amended and proposed regulations are designed to update and clarify current school nutrition program requirements and procedures. These changes would not result in the creation of new businesses or the elimination of existing businesses.

### Expansion of Businesses or Elimination of Businesses Currently Doing Business within the State of California:

The amended and proposed regulations are designed to update and clarify current school nutrition program requirements and procedures and will not result in the expansion of businesses or the elimination of businesses currently doing business within the State of California.

### Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment – Gov. Code Section 11346.1(b)(1):

These amended and proposed regulations will have no adverse effect nor benefit on the health and welfare of California residents, worker safety or the State’s environment.

### Reasonable Alternatives that Would Lessen the Impact on Small Businesses – Gov. Code Section 11346.2(b)(4)(B):

The CDE has not identified any alternatives that would lessen any adverse impact on small business.

### Evidence Relied Upon to Support the Initial Determination that the Regulations Will Not Have a Significant Adverse Economic Impact on Business – Gov. Code Section 11346.2(b)(5):

The proposed regulations would not have a significant adverse economic impact on any business because the amendments do not affect the private sector adversely since these regulations affect the nutrition programs provided by public schools.

### INCORPORATED BY REFERENCE

The U.S. Department of Agriculture’s Food Buying Guide for Child Nutrition Programs, sections 1, 2, and 3, dated February 28, 2020, and section 4, dated on May 31, 2022, are hereby incorporated by reference can be found on the USDA Food Buying Guide web page at <https://www.fns.usda.gov/tn/food-buying-guide> or by requesting a copy from the Regulations Coordinator:

Lorie Adame, Regulations Coordinator

Administrative Support and Regulations Adoption Unit

California Department of Education

1430 N Street, Room 5319

Sacramento, CA 95814

FAX: 916-322-2549

Email: regcomments@cde.ca.gov

## OTHER REQUIRED SHOWINGS

### Studies, Reports or Documents Relied Upon – Gov. Code. Section 11346.2(b)(3):

The CDE did not rely upon any technical, theoretical, or empirical studies, reports, or documents in proposing the adoption, amendment, or repeal of these regulations.

### Reasonable Alternatives Considered or Agency’s Reasons for Rejecting Those Alternatives – Gov. Code Section 11346.2(b)(4)(A):

No other alternatives were presented to or considered by the SBE as proposed amendments are consistent with existing practices and state and federal policies.

### Analysis of Whether the Regulations are an Efficient and Effective Means of Implementing the Law in the Least Burdensome Manner – Gov. Code Section 11346.3(e):

The proposed regulations have been determined to be the most efficient and effective means of implementing the law in the least burdensome manner.

### Determination of Inconsistent/Incompatible Existing Regulations – Gov. Code Section 11346.5(a)(3)(D):

An evaluation of the proposed regulations has determined they are neither inconsistent nor incompatible with existing regulations, pursuant to Government Code section 11346.5(a)(3)(D).

1-22-2024 [California Department of Education]