CHILD NUTRITION MANUAL

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CHILD NUTRITION PROGRAMS
CHILD NUTRITION MANUAL

Foreword

The Child Nutrition Manual was developed by the Oklahoma State Department of Education (SDE) Child Nutrition Programs (CNP) Section (hereinafter referred to as the ***State Agency***) with the intent to assist school personnel in understanding the policies and procedures of CNP. All items discussed in the manual specifically deal with the requirements of the National School Lunch Program (NSLP) and the School Breakfast Program (SBP) and how implementation of these requirements may be accomplished.

National School Lunch Program

The National School Lunch Act (NSLA), passed in 1946, established school lunch programs across the nation. The purpose of the program is to safeguard the health and well-being of the nation's children and to encourage the consumption of agricultural abundance. The objectives of the NSLP are to make available to all students a lunch that is nutritionally adequate and acceptable, to provide assistance to participants to ensure that minimum meal requirements are met, and to ensure that all programs are accountable. Lunch meals are only reimbursable when school is in session.

School Breakfast Program

Established by federal legislation in 1966, the SBP received permanent authorization by Public Law 94-105, enacted October 7, 1975. The purpose of this program is to make breakfast available for students who, for various reasons, come to school without an adequate breakfast. Breakfast meals are only reimbursable when school is in session.

Other programs administered by the State Agency in which schools can participate are as follows:

- Special Milk Program (SMP)
- After-School Snack Program (ASSP)
- Summer Food Service Program (SFSP)
- Nutrition Education and Training (NET) Program
- Fresh Fruit and Vegetable Program (FFVP)

The manual is updated annually, incorporating the latest changes, and is available to all program participants at the CNP Web site listed below. If you have questions concerning any part of the manual, please contact the State Agency at 405-521-3327.

The following Web sites are provided for your information:

- SDE Web site address is: **www.sde.state.ok.gov**
- Code of Federal Regulations Web site address is: **www.gpoaccess.gov/ecfr**
- Food and Nutrition Service (FNS) Web site address is: **www.fns.usda.gov/cnd**
- Commodities Distribution Web site address is: **www.okdhs.org**
- National Food Service Management Institute (NFSMI) Web site address is: **www.nfsmi.org**

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Compliance Section

COMPLIANCE SECTION
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CONSULTANT TERRITORIES

Area consultants are available to provide technical assistance to school food authorities (SFAs). Following is a list of the area consultants, assigned counties, and telephone numbers where the consultants may be reached.

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State Agency Fax Number: (405) 521-2239

REIMBURSEMENT RATES
SCHOOL BREAKFAST PROGRAM (SBP), NATIONAL SCHOOL LUNCH PROGRAM (NSLP), SPECIAL MILK PROGRAM (SMP), AND AFTER-SCHOOL SNACK PROGRAM (ASSP)

The United States Department of Agriculture (USDA) has announced the Child Nutrition Programs' (CNP) reimbursement rates. Reimbursement rates are revised annually to account for changes in the Consumer Price Index (CPI). The following rates are effective **July 1, 2012**.

Reimbursable Lunches Served to Students		SFAs that served 60 percent or more of their lunches free or at a reduced price in second preceding school year **(2010-2011)**
Free Lunches	$ 2.86	$ 2.88
Reduced-Price Lunches	2.46	2.48
Full-Price Lunches	.27	.29

Reimbursable Breakfasts Served to Students	
Free Breakfasts	$ 1.55
Reduced-Price Breakfasts	1.25
Full-Price Breakfasts	.27

Commodities Per Student Lunch	$ .2275

Severe Need Breakfasts[1]		School sites within a district that served 40 percent or more of their lunches free or at a reduced price in the second preceding year **(2010-2011)**
Free Breakfasts	$ 1.85	
Reduced-Price Breakfasts	1.55	
Full-Price Breakfasts	.27	

Special Milk Program[2]		
Nonpricing Program	$ .1925	per half-pint served
Option 1 Pricing Program	N/A	per full-price half-pint served and average cost of free half-pint served
Option 2 Pricing Program	.1925	per half-pint served

After-School Snack Program	
Free Snack	$ .78
Reduced-Price Snack	.39
Full-Price *Not Eligible* Snack	.07

REPORTING DATES CHECKLIST

The following reports are to be submitted electronically to the State Department of Education, hereinafter referred to as the *State Agency*, on or before the denoted date of each year.

Date Due	Report	Date Submitted
After July 1 and Prior to Renewal Application Access	Nonprogram Food Expenditures/Revenues Report	_____
After August 2	Direct Certification Is Accessible Online at <https://thewave.sde.ok.gov> SFAs must do direct certification at least 3 times annually	_____
Prior to Submitting First Claim for Year	Renewal Application, Agreement, Policy Statement, and Changes to the Permanent Policy Statement—eClaims	_____
Due With Renewal Twice Per Year With On-Site Reviews of ASSP Sites	Student Paid Lunch Prices	_____
Tenth of Each Month	Monthly Claim for Reimbursement—eClaims	_____
Fifteenth of Each Month	Monthly Claim for Reimbursement—Fresh Fruit and Vegetable Program	_____
August 1 Each Year (If Applicable)	Provision 1, 2, or 3 Application (Only for sites participating) **(Call 405-521-3327 for a copy of the application)**	_____
Before September Claim May Be Submitted	Food Safety Inspection Report—eClaims	_____
October 1	Verification Process to Begin	_____
After October Claim Has Been Processed, No Later Than November 19	Low-Income Student Count Report (Must be completed prior to submission of November claim)—eClaims	_____
November 15	Verification Process to Be Completed	_____
January	Workshop Registration for Summer Food Service Program	_____
Before January Claim May Be Submitted	Verification Report—eClaims	_____
April 15	Application for Fresh Fruit and Vegetable Program—eClaims	_____
April 15	Application for Summer Food Service Program	_____
May 15	Seamless Summer Option Application Due	_____
Prior to the End of the School Year	Paid Lunch Equity Tool	_____

The following reports must be completed and maintained in SFA files.

October 31	**Civil Rights Compliance Checklist: page C-21**	☐
February 1 of Each Year	**On-Site Review (Only for sites with more than one eating site; a review must be completed for each site): page C-93**	☐
Twice Annually	**On-Site Review for After-School Snacks (Only for sites participating): page C-16**	☐

LIST OF CHILD NUTRITION AND RELATED ACRONYMS

ADA	Average Daily Attendance
ADM	Average Daily Membership
AF	Attendance Factor
ANSMP	Assisted Nutrient Standard Menu Planning
ASSP	After-School Snack Program
CACFP	Child and Adult Care Food Program
CN	Child Nutrition
CNA	Child Nutrition Act
CNP	Child Nutrition Programs
CPI	Consumer Price Index
CRE	Coordinated Review Effort
DHS	Department of Human Services
EC	Early Childhood
EPA	Environmental Protection Agency
FDA	Food and Drug Administration
FDPIR	Food Distribution Program on Indian Reservations
FFVP	Fresh Fruit and Vegetable Program
FMNV	Foods of Minimal Nutritional Value
FNS	Food and Nutrition Service (USDA)
FSIS	Food Safety and Inspection Service (USDA)
FSMC	Food Service Management Company
FY	Fiscal Year
HACCP	Hazard Analysis of Critical Control Points (USDA)
HUSSC	HealthierUS School Challenge
IEG	Income-Eligibility Guidelines
IEP	Individual Educational Plan
ITB	Invitation to Bid
LEA	Local Education Agency
NCLB	No Child Left Behind
NET	Nutrition Education and Training
NFSMI	National Food Service Management Institute
NSLA	National School Lunch Act
NSLP	National School Lunch Program
NSMP	Nutrient Standard Menu Planning
OCAS	Oklahoma Cost Accounting System
OMB	Office of Management and Budget
RCCI	Residential Child Care Institution
RDA	Recommended Dietary Allowance
RFP	Request for Proposal
SA	State Agency (also known as the State Department of Education)
SBP	School Breakfast Program
SDE	State Department of Education (also known as the *State Agency*)
SFA	School Food Authority
SFSA	School Food Service Account
SFSP	Summer Food Service Program for Children
SMI	School Meals Initiative
SMP	Special Milk Program
SNAP	Supplemental Nutrition Assistance Program (formerly Food Stamp)
SNB	Severe Need Breakfast
SOP	Standard Operating Procedures
TANF	Temporary Assistance to Needy Families
USDA	United States Department of Agriculture
WIC	Special Supplemental Nutrition Program for Women, Infants, and Children

AFTER-SCHOOL SNACK PROGRAM (ASSP)

Sections 107 and 108 of Public Law 105-336 (the Child Nutrition Reauthorization Act of 1998) authorizes reimbursement for snacks served to children through the age of 18 (and to individuals, regardless of age, who are determined by the State Department of Education [the ***State Agency***] to be mentally or physically disabled) who participate in programs organized to provide after-school care. The intent is to assist sites in operating organized programs of care which include education or enrichment activities known to help reduce or prevent children's involvement in juvenile crime or other high-risk behavior. (Reference 2000-CN-04)

A. Eligible Programs

To be eligible to qualify for reimbursement under the National School Lunch Program (NSLP), after-school care programs must meet the following criteria:

1. They must be run by a site that is participating in the NSLP.

2. The purpose of these programs must be to provide care in after-school settings. This does not mean that the programs must offer formal child care as recognized by a licensing authority. There is no federal requirement for after-school care sites operating under this provision to have either federal, state, or local licensing or approval as a condition of eligibility. However, to qualify under this provision, these programs must be organized to provide children with regularly scheduled activities in a setting that is structured and supervised. By ***regularly scheduled,*** it is not meant that the program must occur daily. Moreover, while eligible programs would not need to establish formal enrollment procedures, they must have a means of determining that children are present on a given day, such as a roster or sign-in sheet.

3. Eligible programs must include education or enrichment activities in organized, structured, and supervised environments. It must be stressed that any extracurricular activities such as the school choir, debate team, or drama society ***CAN*** qualify to participate under this provision ***only if*** their basic purpose is to provide after-school care as defined above.

   It must be emphasized that ***under no circumstances*** can organized athletic programs engaged in interscholastic sports be approved as after-school care programs under this provision. In the Conference Report that accompanied Public Law 105-336, the Conference Committee declared its intent that support under this provision would not be provided to members of athletic teams. However, while athletic teams participating in interscholastic sports programs may not be approved, programs which include supervised athletic activity along with education or enrichment activities may participate. ***The key would be that they are open to all and do not limit membership for reasons other than space or security considerations or, where applicable, licensing requirements.***

B. Oversite

Any site that is operating the NSLP may be reimbursed for snacks served to eligible children in eligible after-school care programs. While the ASSP must be sponsored or operated by a school food authority (SFA), this does not mean that the SFA must carry out the day-to-day management of the program. For example, the Parent-Teacher Association (PTA) or Young Men Christian's Association (YMCA) could operate the program under an arrangement with the site. However, the SFA must retain final administrative and management responsibility for the snack service. Furthermore, the SFA for the school must be the party that enters into the agreement with the State Agency and must assume full responsibility for meeting all program requirements.

C. Reimbursement

Under this provision, sites may claim reimbursement for one snack, per child, per day. Children are eligible to participate through the age of 18, and if a student's nineteenth birthday occurs during the school year, reimbursement may be claimed for snacks served to that student during the remainder of the school year. Reimbursement may also be claimed for individuals, regardless of age, who are determined by the State Agency to be mentally or physically disabled.

After-school programs operated by a school at a site in which ***at least 50 percent of the enrolled children (based on the previous October site data)*** are certified eligible for free or reduced-price meals. The school then receives reimbursement at the free rate. Sites which are not in areas served by a site in which at least 50 percent of the enrolled children are certified eligible for free or reduced-price meals must count meals and claim reimbursement by type (free, reduced-price, and full-price) and must have documentation of eligibility for all meals served free or at a reduced price. Under no circumstances may a site charge children for snacks claimed at the free reimbursement rate. Charges for reduced-price snacks may not exceed 15 cents, as stipulated in 7 CFR § 210.9(c)(4). The eClaims system will automatically display the ASSP claim for reimbursement for any SFA approved.

D. Times of Operation

1. This change in the law applies ***ONLY*** to programs that provide care for children after their school day has ended. Under no circumstances may snacks be reimbursed in programs operated before or during the child's school day except when a school site is implementing an expanded learning time program.* (Reference USDA Policy Memo SP-04-2011) Sites ***MUST*** be in session during the day for an after-school snack to be served. If a school participates in the NSLP during the school year, the site ***does not*** necessarily need to be participating in the NSLP during summer school or fall, spring, or winter breaks to be able to claim snacks served in an ASSP. Sites are not eligible to receive reimbursement under this provision for snacks on weekends or holidays, including vacation periods, with one exception: if school, which is an integral part of the curriculum or an extension of the local educational program, is in session, snacks may be served at the end of the school day; i.e., Saturday school is in session to make up for days missed because of inclement weather. Refer to USDA Policy Memo 2000-CN-04.

2. However, a child's eligibility is based on when ***his or her*** scheduled school day ends and not on whether or not the site continues in session. For example, if a kindergarten program ends at noon but the children remain in school under a care program, snacks served to these children may be reimbursed under this provision. The same would be true for older children enrolled in sites that have split sessions. If children enrolled in the early session remain on campus to participate in an approved after-school care program, they may receive reimbursable snacks even though the site continues to operate a later academic session.

* The ASSP was established to support afternoon programs with educational and enrichment activities for children in the late afternoon or evening when they might otherwise be unsupervised and engage in risky behaviors. USDA regulations define after-school care programs as those *providing organized care to enrolled school-age children after school hours for the purpose of care and supervision of children* (7 CFR 210.2 and 226.17A[b]). Recently, educational programs aimed at serving at-risk children have evolved to include schools operating expanded learning times longer than the traditional school day. *Expanded learning time* is a common term used in the educational area to describe schools or school districts that add significantly more school time for academic and enrichment opportunities to improve student achievement.

Therefore, a school operating longer than the traditional school day may be eligible for after-school snack reimbursement through NSLP, provided that it operates a school day that is at least one hour longer than the minimum number of school day hours required for the comparable grade levels by the local educational agency in which the school is located.

3. An RCCI may participate in the After-School Snack Program (ASSP) in the same manner as a regular school district. The snack service would not be in place of the evening meal, but in addition to the evening meal. The snack can be served either before or after the supper meal. (Reference USDA Policy Memo 2000-CN-04)

E. Content of Snacks

Snacks served under this provision must meet the meal pattern for snacks set forth in 7 CFR § 210.10(a)(ii) and §210.10(n). Both snack components in the quantities required must be served to each student. ***Snacks cannot be taken off-site for consumption. (Reference 7 CFR §210.7[d])*** Portions for children aged 13 through 18 shall be not less than the portions stipulated for children aged 6 through 12. In fact, it is recommended that sites offer larger portions for older children (aged 13 through 18), based on their greater food energy requirements. ***This means that Offer versus Serve is not an allowable option.***

F. Record Keeping

It is the intention of the law to keep any record-keeping burden to the minimum necessary to ensure that federal reimbursement is properly paid. At a minimum, SFAs participating under this provision must maintain the following records for the time periods required in 7 CFR §210.23(c):

1. Documentation that the site is located in an area served by a site in which at least 50 percent of the enrolled students are certified eligible for free or reduced-price meals (if all snacks are claimed free).

2. Documentation of free and reduced-price eligibility for all children for whom free and reduced-price snacks are claimed (for all other sites).

3. Documentation of an individual child's attendance/participation on a daily basis.

   a. For school sites that must claim categorical counts (sites that are less than 50 percent free and reduced-price):

      (1) The snack attendance/meal count record must show each child in attendance and whether a meal was served.

      (2) Each child in attendance that was served a meal must then be placed in the proper category.

   b. For school sites that are not required to claim categorical counts (sites that are more than 50 percent free and reduced-price): The record must indicate when a child in attendance received a meal.

4. Food production records indicating components and quantities of food prepared.

5. **On-Site Reviews:** Each after-school site must be reviewed for compliance with counting and claiming procedures and the snack meal pattern by the SFA. The SFA must review each ***NEW*** site two times per year, with the first review conducted during the first four weeks of snack service. After the first year of operation, the SFA must review each site twice annually. (Reference 7 CFR §210.9[c][7])

MINIMUM MEAL REQUIREMENTS FOR SNACKS UNDER THE NATIONAL SCHOOL LUNCH PROGRAM (NSLP)

When the meal pattern is properly used, the meals will include foods which supply needed nutrients and energy. The nutritional goal for meals and snacks is to furnish high-quality meals to all students in accordance with the Recommended Daily Dietary Allowance of the National Research Council/National Academy of Sciences.

SNACK (Choose two of the following components)	Children Ages 1 Through 2 Years	Children Ages 3 Through 5 Years	Children Ages 6 Through 18 Years
Milk[1]			
Milk, fluid	1/2 cup	1/2 cup	1 cup
Vegetables and Fruits[2]			
Vegetable(s), fruit(s), full-strength juice[9]	1/2 cup	1/2 cup	3/4 cup
Bread and Bread Alternates[3]			
Enriched or whole-grain bread	1/2 serving	1/2 serving	1 serving
Cereal (cold, dry)	1/4 cup or 1/3 oz[4]	1/3 cup or 1/2 oz[4]	3/4 cup or 1 oz[4]
Cooked pasta or noodle products	1/4 cup	1/4 cup	1/2 cup
Cooked cereal or cereal grains	1/4 cup	1/4 cup	1/2 cup
Nonsweet snack products[11]	1/2 serving	1/2 serving	1 serving
Meat and Meat Alternates[5]			
Lean meat, poultry, or fish[6]	1/2 oz	1/2 oz	1 oz
Cheese	1/2 oz	1/2 oz	1 oz
Eggs	1/2 egg	1/2 egg	1/2 egg
Cooked dry beans or peas[7]	1/8 cup	1/8 cup	1/4 cup
Peanut butter, soynut butter, or other nut or seed butters	1 Tbsp	1 Tbsp	2 Tbsp
Peanuts, soynuts, or tree nuts or seeds[8]	1/2 oz	1/2 oz	1 oz
Yogurt, plain or flavored, unsweetened or sweetened[10]	2 oz or 1/4 cup	2 oz or 1/4 cup	4 oz or 1/2 cup

1 Must offer pasteurized milk in at least two choices from the following: fat-free milk, unflavored or flavored; lowfat (1%) milk, unflavored; fat-free or lowfat lactose-reduced milk; fat-free or lowfat lactose-free milk; fat-free or lowfat buttermilk; and fat-free or lowfat acidified milk. Such products must be pasteurized fluid milk that meets state and local standards.

2 Or an equivalent quantity of any combination of vegetable(s), fruit(s), and juice.

3 Or an equivalent quantity of any combination of bread/bread alternate.

4 Either volume (cup) or weight (ounce), whichever is less.

5 Or an equivalent quantity of any combination of meat/meat alternate.

6 Cooked lean meat without bone.

7 May be used as the meat alternate or as part of the vegetable/fruit component, but not as both components in the same meal.

8 Tree nuts and seeds that may be used as meat alternates are listed in program guidance.

9 Juice may not be served when milk is served as the only other component.

10 Applies to commercially prepared yogurt, lowfat yogurt, and nonfat yogurt. It does not apply to nonstandardized yogurt products such as frozen yogurt, yogurt-flavored products, yogurt bars, or yogurt-covered fruit or nuts. Commercial flavorings may be added, such as fruit, fruit juice, nuts, seeds, or granola, but they shall not be credited toward meeting the second food component requirement in the supplement.

11 Includes such products as hard pretzels or chips made of whole-grain or enriched meal or flour.

BASIC DAILY ATTENDANCE/MEAL COUNT RECORD

Name of After-School Snack Site: _____ Month: _____ Year: _____

Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31

INSTRUCTIONS

1. Record the name of the After-School Snack Program site.
2. Record the month and year.
3. List each child's first and last names.
4. Daily, check each child who is in attendance.
5. As a reimbursable snack is served to each child, circle the check mark indicated for attendance. At the end of the month, obtain the point-of-service count by counting all checks that are circled.
6. As a reimbursable snack is served to each individual child, ***CIRCLE*** the check mark indicated for attendance. At the end of the month, obtain the point-of-service count by counting all checks that are circled.

AFTER-SCHOOL SNACK PROGRAM
MEAL COUNT WORKSHEET

Name of After-School Snack Site: _____

Month: _____ **Year:** _____

DATE	CATEGORICAL COUNT SITES ONLY				50% ELIGIBLE SITES ONLY
	FREE	REDUCED-PRICE	FULL-PRICE	TOTAL	
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					
TOTALS					

MENUS AS SERVED/FOOD PRODUCTION RECORD

Snack	Menu	Qty. Served: Meat/Meat Alternate	Qty. Served: Bread/Cereal	Qty. Served: Fruit/Veg./Juice	Qty. Served: Milk
DATE: _____ Total children served:_____ Number of children served: 1-2: _____ 3-5: _____ 6-18: _____ Adults: _____ Contract: _____					
DATE: _____ Total children served:_____ Number of children served: 1-2: _____ 3-5: _____ 6-18: _____ Adults: _____ Contract: _____					
DATE: _____ Total children served:_____ Number of children served: 1-2: _____ 3-5: _____ 6-18: _____ Adults: _____ Contract: _____					
DATE: _____ Total children served:_____ Number of children served: 1-2: _____ 3-5: _____ 6-18: _____ Adults: _____ Contract: _____					
DATE: _____ Total children served:_____ Number of children served: 1-2: _____ 3-5: _____ 6-18: _____ Adults: _____ Contract: _____					

AFTER-SCHOOL SNACK
MENUS AS SERVED/FOOD PRODUCTION RECORD

INSTRUCTIONS

1. The snack menus are recorded on the menu-planning pages under the *Menu* column.

2. Each meal component being credited must be recorded in the proper component box.

3. Total quantities of food served from each meal component must be recorded. Remember to indicate package size, poundage, ounces, fresh, frozen, etc.

4. Remember to always record the following daily:

   a. Date, including year
   b. Total number of children served
   c. Number of children served in each age group
   d. Number of adults served
   e. Number of contract snacks served

5. The menu-planning pages must be kept on-site at all times.

6. Maintain the menu-planning pages on a fiscal year basis beginning July 1 and ending on June 30 of each fiscal year.

7. Keep the menu-planning pages on file with all other CNP records at the close of the fiscal year.

Example:

Snack	Menu	Qty. Served: Meat/Meat Alternate	Qty. Served: Bread/Cereal	Qty. Served: Fruit/Veg./Juice	Qty. Served: Milk
DATE: 2/15/12 Total children served: 41 Number of children served: 1-2: ___ 3-5: ___ 6-18: 41 Adults: 0 Contract: 0	Fresh strawberries & bananas Milk			8 1/2# strawberries 8 1/2# bananas	39 1/2-pints of fat-free chocolate milk 2 1/2-pints of 1% white milk
DATE: 2/17/12 Total children served: 44 Number of children served: 1-2: ___ 3-5: ___ 6-18: 44 Adults: 0 Contract: 0	Assorted cold cereals Milk		44 1-oz boxes of assorted cereals		43 1/2-pints of 1% white milk 1 1/2-pint of fat-free chocolate milk

AFTER-SCHOOL SNACKS MENU EXAMPLE

Monday	Tuesday	Wednesday	Thursday	Friday
Sausage (1 oz) Biscuit (0.9 oz) Water	Fresh Vegetables (3/4 cup) Ranch Dressing, fat-free* Milk (8 oz) Variety	Chocolate Chip Granola Bar (2.2 oz) Milk (8 oz) Variety	Peanut Butter* Crackers (0.7 oz) 100% Fruit Juice (3/4 cup)	Bran Muffin (1.8 oz) Milk (8 oz) Variety
Breakfast Cereal (1 oz) Milk (8 oz) Variety	Tortilla Chips (0.9 oz) Salsa* Cheese (1 oz) Water	Grapes (21 large) Milk (8 oz) Variety	Oatmeal Raisin Cookie (2.2 oz) 100% Fruit Juice (3/4 cup)	Fish-shaped Crackers (0.7 oz) Milk (8 oz) Variety
Graham Cracker (0.9 oz) Milk (8 oz) Variety	Fig-filled Cookie (2.2 oz) Milk (8 oz) Variety	Apple, sliced (Medium) Yogurt (4 oz) Water	Animal Crackers (0.9 oz) 100% Fruit Juice (3/4 cup)	Carrot Sticks (9 1/2" x 4") Ranch Dip, fat-free* Milk (8 oz) Variety
Bread Stick (0.9 oz) Pizza Sauce* String Cheese (1 oz) Water	Cereal Bar (2.2 oz) Milk (8 oz) Variety	Applesauce (3/4 cup) Toaster Pastry, unfrosted (1.8 oz) Water	Cheese (1 oz) Saltine Crackers (0.7 oz) Water	Brownie (4 oz) Milk (8 oz) Variety
Orange 1 1/2 (Medium) Milk (8 oz) Variety	Soft Pretzel (0.9 oz) 100% Fruit Juice (3/4 cup)	Peaches, canned (3/4 cup) Milk (8 oz) Variety	Peanut Butter* Jelly* Bread (0.9 oz) Milk (8 oz) Variety	Pineapple Chunks (3/4 cup) Blueberry Muffin Square (1.8 oz) Water

*Extra Food

NOTE: Milk variety includes fat-free chocolate and 1% white milk daily.

AFTER-SCHOOL SNACK PROGRAM (ASSP)
ON-SITE REVIEW

SITE: _____

	YES	NO	N/A*
A. ATTENDANCE			
1. Is an attendance list used in the meal count system?	☐	☐	☐
2. Is attendance list updated as needed (at least daily)?	☐	☐	☐
3. Is there an educational or enrichment component offered?	☐	☐	☐
B. MEAL COUNT RECORDING AND EDIT CHECKS			
1. Are snacks served after the students' school day has ended?	☐	☐	☐
2. Are all snacks consumed in their entirety on-site?	☐	☐	☐
3. Does the site use proper procedures for counting and recording snacks?	☐	☐	☐
4. For any day during the review month, does the number of snacks claimed exceed the daily attendance?	☐	☐	☐
5. Does the site have proper procedures to manage and safeguard cash (reconciliation, extra item sales, adult meals, etc.)?	☐	☐	☐
C. MINIMUM MEAL PATTERN REQUIREMENTS			
1. Do all snacks served include the required components (two of the four)?	☐	☐	☐
2. Do all snacks served meet the quantity requirements for the age groups served?	☐	☐	☐
3. Do all students receive both the required components in the correct quantities before the snacks are claimed?	☐	☐	☐
4. Are adequate food production records being maintained?	☐	☐	☐
5. Are at least two choices of milk offered from the following?	☐	☐	☐

- Unflavored or flavored fat-free
- Unflavored lowfat (1%)
- Lactose-reduced lowfat (1%) or fat-free
- Cultured buttermilk lowfat (1%) or fat-free
- Acidified milk lowfat (1%) or fat-free
- Lactose-free lowfat (1%) or fat-free

FOR SITES NOT MEETING 50 PERCENT ELIGIBILITY ONLY	YES	NO	N/A*
D. APPLICATION APPROVAL			
1. Are applications approved at the school? Responsible party: _____	☐	☐	☐
2. Are applications on file correctly approved?	☐	☐	☐
3. Do names on the attendance list match approved applications on file?	☐	☐	☐
4. Are snacks made available free or at a reduced price to all students who are determined by the school food authority (SFA) to be eligible for such benefits?	☐	☐	☐
E. MEAL COUNT SYSTEM			
1. Does the meal count system produce an accurate count of reimbursable snacks (free, reduced-price, full-price) served to eligible children?	☐	☐	☐
a. If students are charged for snacks, do the collection procedures in use match the approved collection procedures in the Policy Statement?	☐	☐	☐
b. If the meal count is not taken at the time the snack is served, does the school have a system to account for reimbursable snacks?	☐	☐	☐
2. Does the meal count system prevent overt identification?	☐	☐	☐
a. Is the medium of exchange made available to all students at the same location?	☐	☐	☐
b. Does the medium of exchange used prohibit codes for identifying students as free, reduced-price, or full-price?	☐	☐	☐

Comments (List any problems that need corrective action):

Signature of Reviewer: _____ Date: _____

*Not Applicable

CHARTER SCHOOL PROCEDURES FOR CHILD NUTRITION PROGRAMS (CNP)

A. A charter school is treated as its own local education agency (LEA) or school district for all Federal Programs, including Child Nutrition.

1. The charter school is assigned a county/district code. The charter school completes its own application/agreement/policy statement with the CNP Section of the State Agency.

2. The charter school is responsible for the distribution and collection of the free/reduced-price applications, the approval of these applications, Direct Certification activity, and any issuance of benefits for the charter school students.

3. The charter school is responsible for its own meals (self-operating) or can contract for its meal services:

   a. Every meal claimed for reimbursement must meet minimum meal pattern requirements.
   b. A charter school may contract its meals with a school district participating in the National School Lunch Program (NSLP)/School Breakfast Program (SBP) that ***is not*** under a food service management company (FSMC) contract—in this case, a simple contract (***National School Lunch/School Breakfast Programs Agreement to Furnish Food Service)*** (see **page C-97**) can be used. The charter school is not obligated to bid this service competitively as long as the service is provided by a school district that is self-operating.
   c. A charter school is not allowed to contract its meals/food services with a school district that is ***NOT*** participating in the NSLP/SBP unless these services are bid competitively. Further, a charter school is not allowed to contract its meals/food services with a school district that ***IS*** participating in the NSLP/SBP that ***IS*** under an FSMC contract. This would cause a ***substantive*** change to the FSMC contract that would require the school district to have to rebid its FSMC contract.
   d. A charter school may contract its food service operations with an FSMC—in this case, the ***Food Service Management Company (FSMC) Request for Proposal (RFP)/Contract*** prototype must be used.
   e. A charter school may contract for food delivery only (not preparation) with an outside entity—in this case, the National School Lunch/School Breakfast Programs Agreements to Furnish Food Service may be used. This service must be procured under federal procurement regulations.

4. The charter school will collect all of its own meal counts and eligible counts each month to report on its own claim for reimbursement. The money from its claim will be deposited into whatever bank account the charter school has set up with the State Department of Education.

   a. Charters sponsored by a school district will have its money deposited in the charter school account.
   b. Charters sponsored by a university will have its money deposited into the university account.

5. The charter school is responsible for establishing and implementing the following policies and plans:

   a. Wellness Policy
   b. Hazard Analysis Critical Control Point (HACCP) Plan
   c. Procurement Plan

6. The charter school is responsible for the submission all CNP reports:

   a. Claim for reimbursement
   b. Food safety inspection report
   c. Low-income report
   d. Verification report

7. Economically disadvantaged data for the charter school LEA is collected on the claim for reimbursement and the Low-Income Report. This data is used in the calculation of State Aid, Title I, e-Rate, and grant formulas.

B. Additional Two-Cent Reimbursement

An LEA, in the second preceding year, that served 60 percent of its lunches to students who qualified for free or reduced-price meals will automatically receive an additional $.02 for each lunch claimed. This means that a new charter LEA must be in its third year of participation before the additional reimbursement is paid.

C. Severe Need Breakfast (SNB)

Each site under a charter LEA ***MAY*** receive additional reimbursement for breakfast. A site, in the second preceding year, that served 40 percent of its lunches to students who qualified for free or reduced-price meals will receive additional funding for each breakfast claimed. This means a new charter school site must be in its third year of participation before it would qualify for the additional breakfast funding.

D. USDA Foods

Once a charter school LEA has been approved to participate in CNP for a full school year, the meal counts from that LEA will be sent to the Department of Human Services to determine the USDA Foods allocation for the ***FOLLOWING*** school year. This means that the charter LEA will participate in CNP for one year before USDA Foods are received. Once the charter school begins to receive USDA Foods, if it is contracting its meals with another school district, the charter school should allow the district to have the USDA Foods and the rate per ***LUNCH*** that the charter school is paying the district should be reduced by the USDA Foods rate.

E. Procurement

Because CNP funds are federal, charter schools must follow Federal Procurement Regulations when purchasing anything acquired with CNP funds.

F. About the CNP Section of the SDE

1. CNP staff:

   a. State is divided into 16 territories.
   b. Each territory has assigned to it a CNP consultant.
   c. CNP area consultants are available for technical assistance at any time requested.

2. CNP staff conducts a review of each LEA.

G. Record Maintenance

1. All records pertaining to CNP must be maintained for a period of three years after the fiscal year has ended.

2. Records involved in a state or federal review or audit must be maintained until the review/audit issues are resolved.

CIVIL RIGHTS

United States Department of Agriculture (USDA)/Food and Nutrition Service (FNS) Instruction 113-1 (dated 11/8/05) delineates the civil rights requirements for participants in Child Nutrition Programs (CNP). The following is required at the local school food authority (SFA) level.

A. Public Information Responsibilities

1. Ensure that all forms of communication and printed program information that are disseminated include the following ***nondiscrimination statement.***

> In accordance with federal law and United States Department of Agriculture (USDA) policy, participating institutions are prohibited from discrimination on the basis of race, color, national origin, sex, age, or disability.
>
> To file a complaint of discrimination, write USDA, Office of Adjudication, 1400 Independence Avenue, SW, Washington, DC, 20250-9410, or call toll-free 866-632-9992 (Voice). Individuals who are hearing-impaired or have speech disabilities may contact USDA through the Federal Relay Service at 800-877-8339 or 800-845-6136 (Spanish). USDA is an equal opportunity provider and employer.
>
> If material is too small to permit the full statement, ***this institution is an equal opportunity provider and employer*** will be included at a minimum in print size **no smaller than the text**.

2. Inform parents or guardians of students in sites participating in the CNP, as well as local minority and grassroots organizations, of the availability of program benefits and services, the nondiscrimination policy, and all significant changes in existing requirements that pertain to program eligibility and benefits.

3. Display in a prominent place, where meals are served, the nondiscrimination poster developed by USDA. The poster is required to measure 11 inches x 17 inches.

4. Make available to the public, and to participants and potential participants upon request, information about program requirements and the procedures for filing a complaint in English and/or in the appropriate translation to non-English-speaking persons.

B. Data Collection

1. Develop a method for collection of data. Methods include determination of the information by a school official through observation, personal knowledge, or voluntary self-identification by an applicant on the Application for Free and Reduced-Price School Meals or the Application for Free Milk forms.

2. Maintain information on file for three years.

3. Establish procedures to ensure that the information is made available only to authorized state and federal personnel during reviews or as a part of federal- or state-approved surveys.

   a. The nondiscrimination statement must be included on all of the forms that sites send to parents. The public release will satisfy the provisions of Item A2 (above).
   b. A Civil Rights Compliance Checklist is included on **page C-21**. This checklist, which is to be completed by each school site by October 31 of each year and maintained by each SFA, furnishes an overview of the requirements.

C. Civil Rights Complaints

1. All written or verbal complaints alleging discrimination on the basis of race, color, national origin, sex, age, or disability shall be processed within 90 days upon receipt in the manner prescribed by this instruction.

2. The Office of Minority Affairs (OMA) has been delegated the authority to determine the manner in which all civil rights complaints, investigations, preliminary inquiries, and compliance reviews are to be handled. Regardless of the administrative or operational level of the CNP where a civil rights complaint is filed, it must be forwarded in accordance with Item D2 (below) to the Director, Civil Rights (CR) Division, for submission to the OMA. The OMA will prepare and issue letters of acknowledgment to the complainant(s).

3. A preliminary inquiry or an investigation will be conducted on all valid complaints to substantiate or refute the allegations.

D. Procedure for Filing Complaints of Discrimination

1. ***Right to File a Complaint:*** Any person alleging discrimination based on race, color, national origin, sex, age, or disability has a right to file a complaint ***within 180 days*** of the alleged discriminatory action. Under special circumstances, this time limit may be extended by OMA.

2. ***Acceptance:*** All complaints must be in writing and signed by the complainant. All complaints shall be accepted by the SFA, Oklahoma State Department of Education (the ***State Agency***), or Food and Nutrition Service Regional Office (FNSRO). The complaints will be forwarded to the FNSRO (as applicable), and then forwarded at once to the CR Division. It is necessary that the information be sufficient to determine the identity of the agency or individual toward which the complaint is directed and to indicate the possibility of a violation. Please see a Civil Rights Complaint Form on **page C-22**. The person who has allegedly been discriminated against must complete and sign a Civil Rights Complainant Consent/Release Form found on **page C-24**, this form must accompany the Civil Rights Complaint Form.

CIVIL RIGHTS COMPLIANCE CHECKLIST
SCHOOL YEAR _____

United States Department of Agriculture (USDA) regulations outline each site's responsibility with regard to civil rights compliance in the Child Nutrition Programs (CNP). The following checklist furnishes a quick overview of requirements.

	YES	NO	N/A*
1. Does the letter to households include:			
a. The required nondiscrimination statement?	☐	☐	☐
b. Where a complaint may be filed?	☐	☐	☐
2. Is a USDA/Food and Nutrition Service (FNS)-approved poster displayed in a prominent place and visible to recipients?	☐	☐	☐
3. Is the correct nondiscrimination statement included on appropriate program materials?	☐	☐	☐
4. Has the school food authority (SFA) sent out a public release to community/ grassroots organizations?	☐	☐	☐
5. Are foreign language translations available when a significant number of persons speaking only a foreign language are in the population?	☐	☐	☐
6. Are procedures established to receive complaints alleging discrimination?	☐	☐	☐
a. Have there been any written or verbal complaints alleging discrimination?	☐	☐	☐
b. If ***YES,*** have these complaints been reported to the State Department of Education (the ***State Agency***)?	☐	☐	☐
7. Do admission procedures used restrict enrollment by minority persons?	☐	☐	☐
8. Are incorrectly denied Applications for Free and Reduced-Price Meals disproportionately composed of minority applications?	☐	☐	☐
9. Are disabled students provided program benefits as prescribed by regulations (including special dietary needs), as appropriate?	☐	☐	☐

*Not Applicable

	Enrollment	Number Approved for Free and Reduced-Price Meals/Free Milk	Number Denied
Ethnicity:			
• Hispanic or Latino			
• Not Hispanic or Latino			
TOTAL STUDENTS BY ETHNICITY			
Race:			
• American Indian or Alaska Native			
• Asian			
• Black or African American			
• Native Hawaiian or Other Pacific Islander			
• White			
TOTAL STUDENTS BY RACE			

This form should be duplicated and completed each year by each site within the SFA. The completed form will be reviewed during the CRE.

Please complete by October 31 of each year, and retain in your CNP files.

Civil Rights Complaint Form

1. State your name and address:

   Name: _____

   Address: _____
   Street City State Zip Code

   Telephone Number: Home: ( ) _____ Work: ( ) _____

2. Person(s) discriminated against, if different from above:

   Name: _____

   Address: _____
   Street City State Zip Code

   Telephone Number: Home: ( ) _____ Work: ( ) _____

3. Agency and department or program that discriminated:

   Name: _____

   Any individual if known: _____

   Address: _____
   Street City State Zip Code

   Telephone Number: Home: ( ) _____ Work: ( ) _____

4. ***Nonemployment***: Does your complaint concern discrimination in the delivery of services or in other discriminatory actions in the United States Department of Agriculture, State Agency, or the School Food Authority in its treatment of you or others? If so, please indicate below the base(s) on which you believe these discriminatory actions were taken (e.g., "Race: African American" or "Sex: Female").

_____ Race/Color: _____
_____ National Origin: _____
_____ Sex: _____
_____ Religion: _____
_____ Age: _____
_____ Disability: _____

Employment: Does your complaint concern discrimination in employment by the United States Department of Agriculture, State Agency, or School Food Authority? If so, please indicate the base(s)

on which you believe these discriminatory actions were taken (e.g., "Race: African American" or "Sex: Female").

_____ Race/Color: _____
_____ National Origin: _____
_____ Sex: _____
_____ Religion: _____
_____ Age: _____
_____ Disability: _____

5. To your best recollection, on what date(s) did the alleged discrimination take place?

   Earliest date of discrimination: _____

   Most recent date of discrimination: _____

6. Please explain as clearly as possible what happened, why you believe it happened, and how you were discriminated against. Indicate who was involved. Be sure to include how other persons were treated differently from you. (Please use additional sheets if necessary, and attach a copy of written materials pertaining to your case.)

_____
_____
_____
_____
_____
_____

7. Your complaint cannot be accepted if it has not been signed. Please sign and date this complaint form below.

_____ _____
Signature Date

Please feel free to add additional sheets to explain the present situation to us.

Your consent is needed to disclose your name, if necessary, in the course of any investigation. Therefore, please sign the Civil Rights Complainant Consent/Release Form. (If you are filing this complaint for a person whom you allege has been discriminated against, the signed Consent/Release Form needs to be from that person.) Please mail the completed, signed Civil Rights Complaint Form and the signed Civil Rights Complainant Consent/Release Form (please make one copy of each for your records) to:

United States Department of Agriculture
Food & Nutrition Service
Civil Rights Division
3101 Park Center Drive, Room 942
Alexandria, VA 22302
703-305-2195

CIVIL RIGHTS
COMPLAINANT CONSENT/RELEASE FORM

Your Name: _____

Address: _____

_____

_____

_____

Please read the information below, initial the appropriate space, and sign and date this form on the lines at the bottom of this form.

I have read the Notice of Investigatory Uses of Personal Information by the United States Department of Agriculture (USDA) Food and Nutrition Service (FNS). As a complainant, I understand that in the course of a preliminary inquiry or investigation it may become necessary for FNS to reveal my identity to persons at the organization or institution under investigation. I am also aware of the obligations of FNS to honor requests under the Freedom of Information Act. I understand that it might be necessary for FNS to disclose information, including personally identifying details, which it has gathered as a part of its preliminary inquiry or investigation of my complaint. In addition, I understand that as a complainant I am protected by federal regulations from intimidation or retaliation for having taken action or participated in action to secure rights protected by nondiscrimination statutes enforced by the federal government.

CONSENT/RELEASE

_____
Initial on the line above if you give consent

CONSENT GRANTED—I have read and understand the above information and authorize FNS to reveal my identity to persons at the organization or institution under investigation and to other federal agencies that provide federal financial assistance to the organization or institution or also have civil rights compliance oversight responsibilities that cover that organization or institution. I hereby authorize FNS to receive material and information about me pertinent to the investigation of my complaint. This release includes, but is not limited to, applications, case files, personal records, and medical records. I understand that the material and information will be used for authorized civil rights compliance and enforcement activities. I further understand that I am not required to authorize this release, and I do so voluntarily.

_____
Initial on the line above if you deny consent

CONSENT DENIED—I have read and understand the information and do not want FNS to reveal my identity to the organization or institution under investigation, or to review, receive copies of, or discuss material and consent information about me pertinent to the investigation of my complaint. I understand that this is likely to make the investigation of my complaint and getting all the facts more difficult and, in some cases impossible, and may result in the investigation being closed.

_____ _____
Signature Date

FINANCIAL MANAGEMENT

A. Cash Management Improvement Act—Electronic Funds Transfer

The Office of the State Treasurer and the Legislature have established provisions to comply with the Cash Management Improvement Act (CMIA), Public Law 101-453. An electronic system for fund transfer of federal assistance program payments and state match payments to each school food authority (SFA) was implemented, effective July 1, 1993. Therefore, no paper warrants can be issued for Child Nutrition Program (CNP) reimbursement.

B. Oklahoma Cost Accounting System (OCAS)

1. CNP funds are to be deposited into a separate appropriated fund (Fund 22/Project Reporting 385) or into the General Fund account (Fund 11/Project Reporting 385). Fund 22 is a special revenue fund reserved exclusively for the receipt of CNP funds, including state revenue, federal revenue, and local collections. This fund is under the auspice of the SFA treasurer. CNP funds shall be used only for the benefit of the CNPs. ***NOTE: The Activity Fund (Fund 60) can be used to deposit CNP revenues. These revenues can then be transferred to Fund 22 or Fund 11 at the end of the school year.***

2. The beginning fund balance each year, combined with all actual revenues, including collected and estimated revenues, must be appropriated before being expended. Purchase orders shall be issued against available appropriations; and once goods and services have been received, either payable or nonpayable warrants shall be issued in payment of all purchase orders. Fund 22 shall be reported as a separate appropriated fund in all the financial reports of the SFA, including the Estimate of Needs and Financial Statement.

3. Federal, state, and local funds may be appropriated on temporary appropriations based on 100 percent collections from last year. The budget for September will give the SFA full authority to spend these funds. A supplemental appropriation for cash collections will need to be filed on Form 150. If state and federal reimbursements exceed the estimated amount, a supplemental appropriation may be filed under Form 307.

4. ***The amount that may be appropriated by such temporary appropriations shall in no event exceed the entire amount that the governing board making the application estimates will be available for the entire fiscal year for each purpose for which a temporary appropriation is requested.***

5. Nonpayable warrants may be written, and blanket purchase orders for supplies, etc., may be established.

6. SFAs may elect to have a single bank account for all their funds, tracking them through fund codes; or they may elect to have a separate bank account for CNP funds. The State Department of Education (the ***State Agency***) only requires the CNP Fund account to be appropriated and warrants issued through the SFA treasurer, whether using Fund 22 or Fund 11.

7. By resolution of the District School Board, an SFA may opt to establish a bank account in the local area for local collections ***ONLY***. The only checks issued will be to deposit those funds with the SFA treasurer. At the end of the fiscal year, the balance in that account will be closed. ***No other checks may be issued from this account.*** This will ease the problem of districts utilizing the services of a county treasurer and daily district travel for deposits (62 O.S. 1991, § 516.5 requires that all funds received are deposited daily). It will also allow sites to clear checks written to their district and process insufficient checks back through the system before the funds are deposited into the appropriated account. This will be done as a school activity subaccount, and the custodian will need to be bonded for this subaccount.

8. This will be presented to the Board, along with other school activity fund subaccounts, listing income as local collections and ***expenses as checks written to the treasurer*** for payment of obligations. Even if SFAs elect this option, state and federal reimbursements will still be electronically transferred to the local or county SFA treasurer.

9. OCAS regulations prohibit the use of appropriated funds to pay for services not yet rendered.

10. School laws of Oklahoma only allow for one encumbrance clerk and one treasurer. A district may elect to have an assistant treasurer who could have the full capability of the SFA treasurer. One person may not be the encumbrance clerk and the treasurer. Those offices must be held by two separate individuals.

11. The CNP Fund custodian can become the SFA's CNP Fund specialist acting in the same capacity as the Title I coordinator or any special area administrator. They can complete requisitions, balance their budgets, make local collection deposits if the district elects to establish a local account for local collections only, and fulfill all duties as the coordinator of this project. The only difference will be that the purchase orders must be completed by the encumbrance clerk and the SFA treasurer must register the warrants and pay for them.

12. ***Oklahoma statutes do not allow sites to loan funds (Article 10 of the Constitution).*** This law ***SUPERSEDES*** the United States Department of Agriculture (USDA) Instruction that allows ***transfer of funds as long as a bona fide loan agreement exists at the time the funds are transferred.*** SFAs may appropriate funds from the General Fund to cover some expenses of the CNPs if special revenue funds are not sufficient to cover the cost of the program. ***HOWEVER,*** an exception can be made for those SFAs involved in a cash management program ***OR*** if appropriations are less than encumbrances.

13. A bona fide loan agreement ***MAY*** be made between a General Fund and the CNP Fund July 1 or prior to the funds being transferred if CNP operations cannot begin without this loan. USDA prohibits SFAs from retroactively designating a transfer of local funds as a loan to the school food service account. A loan agreement must be board-approved for the exact amount that is borrowed and must be repaid on or before June 30 of each year. Prior years' obligations must not be paid with current year funds. Do not borrow more money than can be paid back. If CNP costs exceed revenues, then those costs become a General Fund expense. Refer to **page C-43** for a copy of the Loan Agreement for Food Service Deficits.

14. All warrants on CNP funds must be issued in order of sequence, beginning with No. 1, during each fiscal year.

C. Revenue From Nonprogram Food Expenditures/Revenues Requirement—Healthy, Hunger-Free Act of 2010, Section 206 (Reference USDA Policy Memo SP-39-2011)

1. The purpose of the revenue from the nonprogram foods provision is to ensure that revenues from the sales of nonprogram foods generate at least the same proportion of SFA revenues as they contribute to SFA food costs.

2. For the purposes of this provision, a nonprogram food is a food (including beverages) that is sold in a participating school other than a reimbursable meal and is purchased using funds from the school food service account of the school.

   These include, but are not limited to:

   a. À la carte items sold in competition with school meals.
   b. Adult meals.

c. Items purchased for fundraisers, vending machines, school stores, etc.
d. Items purchased for catering and vended meals.

3. Revenue is all money that is provided to the nonprofit school food service account. This includes, but is not limited to:

   a. Federal reimbursement.
   b. State or local funds such as per meal subsidies and state revenue matching funds.
   c. Children's payments for reimbursable meals and à la carte sales.
   d. Payments for items purchased for fundraisers, vending machines, etc.
   e. Income from catering, adult meals, vended meals, etc.

4. The cost to obtain a nonprogram food includes only the cost of the food. If a nonprogram food is made from scratch, the SFA would determine the price of ingredients to calculate the food cost. The SFA should not include labor or other costs in this calculation.

   This same principle applies to calculating program food costs for the purpose of this provision.

5. The SFA ***MUST*** determine its total food cost and the proportion of that total that is nonprogram food. The SFA would then calculate the share of total revenue generated from nonprogram food sales over the same period. If the second figure is at least as great as the first figure, then the SFA is generating sufficient revenue from nonprogram food costs.

EXAMPLE:

An SFA has the following characteristics:

- Total Costs: $1,000,000
- Total Food Costs: $500,000
  - Cost of food for reimbursable meals: $450,000
  - Cost of nonprogram food: $50,000
- Total Revenue: $1,000,000

Revenue Requirement:

- Minimum proportion of revenue required from the sale of nonprogram foods: $50,000/$500,000 = 10%
- Minimum dollar revenue required from the sale of nonprogram foods: 10% x $1,000,000 = $100,000

If this SFA earns $100,000 in revenue from nonprogram food sales, they are in compliance.

6. At the end of the school year (prior to access to the Renewal Application, schools must report these figures to Child Nutrition to verify compliance. (Refer to **page C-49** for a copy of the Nonprogram Food Expenditures/ Revenues Report.

7. An SFA can price some nonprogram foods lower than their actual cost as long as the total revenue generated from all nonprogram food sales meets the proportional requirement described above.

8. The SFA uses the revenue and costs for a school year to calculate revenue targets. For the current school year, the revenue and costs for the previous school year are used.

9. All SFAs must do the revenue calculations through eClaims. If the proportion of revenue is equal to or greater than the proportion of the food costs, no additional action is needed. If not, the SFA must review the prices charged for nonprogram foods and make necessary adjustments.

10. SFAs track nonprogram food sales and revenues through OCAS.

D. OCAS Codes

Child Nutrition (CN) financial transactions shall be coded in fund dimension as a Special Revenue Fund Code **22** or General Fund Code **11**. All CN expenditures and revenues must be coded to Program Code 700. This rule only applies to those employees who qualify for Teachers' Retirement. The required match is a legitimate expense under Child Nutrition.

NOTE: A district using federal funds (Project Reporting Codes 763, 764, 765, 766, 768, and 769) to pay its employees must also pay a match to the Teachers' Retirement System as per Oklahoma Statute (O.S.) 715:10-13-7.

CHILD NUTRITION
OKLAHOMA COST ACCOUNTING CODES (OCAS)
Fund 22 or Fund 11—Program Code 700

REVENUE

FEDERAL

Project Reporting Code:

763 Lunches (includes ASSP and SSO)
764 Breakfasts
765 Special Milk
766 Summer Food Service Program
767 ARRA, Equip Asst Grant
768 Fresh Fruit/Veg
769 Child and Adult Care Food Program

Program Code:

700 Child Nutrition Program

Revenue Code:

4710 Lunches, Snacks
4720 Breakfasts
4730 Special Milk
4740 Summer Food Service Program
4750 Child and Adult Care Food Program
4760 Fresh Fruit/Veg
4770 ARRA, Equip Asst Grant

NOTE: There is no federal revenue for à la carte sales.

STATE

Project Reporting Code:

385 (Definition adjusted for *STATE* only)

Program Code:

700 Child Nutrition Program

Revenue Code:

3710 State Reimbursement ***NOTE: Not available at this time.***
3720 State Matching

LOCAL

Project Reporting Code:

001-298

Program Code:

700 Child Nutrition Program

Revenue Code:

1710 Student Lunches, Breakfasts, Snacks, Special Milk (Reimbursable Meals)
1720 À la Carte Foods/Beverages Only
1730 Adult Lunches, Breakfasts, Snacks
1740 Summer Food Service Adult Revenue
1760 Contract Lunches, Breakfasts, Milk, and Snacks
1790 Other District Revenue (CN)
1794 Commodity Rebates
1795 Promotional Rebates

EXPENDITURE

FEDERAL

Project Reporting Code:

763 Lunches (includes ASSP and SSO
764 Breakfasts
765 Special Milk
766 Summer Food Service Program
767 ARRA, Equip Asst Grant
768 Fresh Fruit/Veg
769 Child and Adult Care Food Program

Program Code:

700 Child Nutrition Program

Function Code:

3110 Food Procurement Services (À la Carte)
3120 Direct Labor/Benefits and FSMC
3130 Food and Supplies Delivery Services
3140 Other Direct and/or Related Child Nutrition Program Services
3150 Food Procurement Services (Reimbursable Meals)
3155 Food Procurement Services (Adult/Contract Meals Only)
3160 Nonreimbursable Services
3180 Nutrition Education and Staff Development
3190 Other Child Nutrition Programs Operations

STATE

Project Reporting Code:

385 (Definition adjusted for *STATE* only)

Program Code:

700 Child Nutrition Program

Function Code:

3110 Food Procurement Services (À la Carte)
3120 Direct Labor/Benefits and FSMC
3130 Food and Supplies Delivery Services
3140 Other Direct and/or Related Child Nutrition Programs Services
3150 Food Procurement Services (Reimbursable Meals)
3155 Food Procurement Services (Adult/Contract Meals Only)
3160 Nonreimbursable Services
3180 Nutrition Education and Staff Development
3190 Other Child Nutrition Programs Operations

LOCAL

Project Reporting Code:

001-298

Program Code:

700 Child Nutrition Program

Function Code:

3110 Food Procurement Services (À la Carte)
3120 Direct Labor/Benefits and FSMC
3130 Food and Supplies Delivery Services
3140 Other Direct and/or Related Child Nutrition Programs Services
3150 Food Procurement Services (Reimbursable Meals)
3155 Food Procurement Services (Adult/Contract Meals Only)
3160 Nonreimbursable Services
3180 Nutrition Education and Staff Development
3190 Other Child Nutrition Programs Operations

NSLP/SBP/SMP ADDITIONAL OCAS CODES

EXPENDITURE	FUNCTION	OBJECT
Custodial Supplies (Warehouse)	3140	618
Department of Human Services (USDA Foods Assessment Fee)	3140	599
Health Department Fee for License	3140	599
Nonexpendable Equipment ($2,500 or more) – Purchase	3140	730
Equipment – Repair	3140	430
Expendable Equipment (less than $2,500) – Purchase	3140	651
Extermination	3140	424
Forms – Publication Orders	3190	550
Insufficient Check Charge	3160	890
Inservice (Miscellaneous Items Purchased for Workshop for Cooks/Managers)	3180	611
Investment Accounts	5700	990
Inservice Speaker (Paying a Fee)	3180	360
Miscellaneous Office Supplies	3190	619
Miscellaneous Materials/Supplies	3140	619
Paper Products	3140	617
Refund on Unused Lunch Tickets	8900	930
Refund to State Agency	8100	890
Postage	3140	530
Registration for Meetings/Workshops	3180	860
Reimbursement for Travel – In-District	3140	580
Reimbursement for Travel – Out-of-District	3140	580
Supplies (Nonedibles) (Vendor or Warehouse)	3140	651
Uncollected Meal Charges	3160	890
Uniforms	3160	657

NOTE: Supplies for a bake sale should be recorded as follows: Project Reporting: 800, Function: 3200, Object 670

SFSP/EQUIPMENT/FFVP/CACFP/BANQUETS/CATERING/ADULT KITCHENS OCAS CODES

EXPENDITURES

Fund: 22 or 11

Project Reporting:
Summer Food Service Program–766
Fresh Fruit and Vegetable—768
Child and Adult Care Food Program—769
Banquets/Catering/Adult Kitchens—001-199
(SFA assigns this number)

Function:
Suggested Codes:
SFSP/CACFP—3190
FFVP—3120-3190
Banquets/Catering/Adult Kitchens—3160

Object: Anything that meets the need

Program: 000 (does not apply to CNP)

Subject: 000 (does not apply to CNP)

REVENUE

Fund: 22 or 11

Project Reporting:
Summer Food Service Program–766
Fresh Fruit and Vegetable—768
Child and Adult Care Food Program—769
Banquets/Catering/Adult Kitchens—001-199
(SFA assigns this number)

Source of Revenue:
SFSP Federal Reimbursement—4740
FFVP Federal Reimbursement—4760
CACFP Federal Reimbursement—4750
Banquets/Catering/Adult Kitchens—1790

Program: 000 (does not apply to CNP)

Operational Unit: 000 (does not apply to CNP)

E. Audits

1. Type *A* Audits ($500,000 or more in federal award funds expended)

Oklahoma statutes allow SFAs a timeline of 11 months after the close of the school year for the completion and submission of an annual audit (70 O.S. 2001 § 22-108). However, OMB Circular A-133 § 3052.320 states:

> "The audit shall be completed and submitted within the earlier of 30 days after receipt of the auditor's report(s) or ***nine months after the end of the audit period*** unless a longer period is agreed to in advance by the cognizant or oversight agency for audit."

Therefore, any Type *A* audits ($500,000 or more in federal award funds expended, including the value of USDA foods, reference USDA Policy Memo No.: FD-104 Feb. 18, 2010) are due in the Auditing Section's office no later than March 31 of each year. ***Federal funds will be withheld on any Type* A *audits not received by March 31 of each year*** and will only be released upon notification of receipt of the audit(s) by the agency's Auditing Section.

2. Type *B* Audits (less than $500,000 in federal award funds)

For SFAs receiving less than $500,000 in total federal funds, an audit conducted in accordance with Sections 452 through 461 of the School Laws of Oklahoma shall be submitted to the State Agency Auditing Section no later than May 31. Failure to submit such required audit shall result in the withholding of CNP reimbursement until the audit is received.

F. Claim for Reimbursement

CNPs are performance-based reimbursement programs (entitlement programs). The SFA reports all meals (breakfasts, lunches, and/or snacks) served on a monthly reimbursement claim. The claim for reimbursement reports the number of meals served by category (free, reduced-price, or full-price) multiplied by the applicable reimbursement rates. SFAs participating in the Special Milk Program (SMP) will provide the number of half-pints of milk served to split-session preprimary or kindergarten students multiplied by the applicable reimbursement rates. If an SFA participates in the Seamless Summer Program, a separate claim must be submitted.

Prior to the first month's claim submission for the school year, the SFA must have a completed and approved renewal application, agreement, and policy statement. Each claim must include only meals/milk served within that particular calendar month, except if the first or last month of the school year contains ten or less operating days. If the first or last month of the school year contains ten or less operating days, then such month may be combined with the claim for the appropriate adjacent month. However, claims may not combine operations occurring in two different fiscal years.

SFAs must maintain free and reduced-price eligibles of currently enrolled students, as well as categorical meal counts by school site, even though the claim reflects district totals.

Claims are to be submitted by the tenth of the month following the month covered by the claim. Although the State Agency may accept claims for reimbursement or claim revisions as late as 60 days following the end of the month that the claim covers, claims postmarked later than 60 days cannot be paid. A copy of the claim for reimbursement is on **page C-45**.

G. CNP eClaims System

1. Introduction

The CNP eClaims system provides a quick and efficient method to process claim information and required forms.

Data is entered directly into the computer where it will immediately be edited, calculated, and prepared for transmission. Each report or claim will be electronically transmitted to the State Agency for processing. Status notification from the State Agency will be available shortly after transmission.

2. Username and Password

The superintendent or *log on administrator* may assign a username and password to any CN personnel. Depending on the type of role an individual has within CNP, the username and password assigned will allow the user to perform different functions. For example, several people could be assigned the role of *district user*, allowing each individual to view, enter, and save CN information for the district. However, ***at least one person per district must be assigned the role of authorized representative***. The authorized representative is the person with the authority to ***SUBMIT*** the information once it has been entered. This must be the same individual who signs the Certificate of Authority. The authorized representative has access to all eClaims functions in addition to the submission function. Using his or her username and password as a signature, the authorized representative is verifying that all submitted information is true and correct. To add a person as the SFA's authorized representative, refer to the instructions below:

a. Log onto the State Agency Web site at ***www.sde.state.ok.gov***. Click on the box that reads *School District Reporting Site*.
b. The *Log On* screen will appear. Type in the superintendent's Username and Password that has been assigned by the OCAS Section of the State Agency. This password could be expired. If so, read the instructions as to how to enter a new password. Once a new password is established, enter your Username again with your ***NEW*** password.
c. A *Welcome* page will appear. To the left of the *Welcome* message, you will see a list of several options. Click on the third option: *User Identification and Access*.
d. The *User Identification and Access* screen will appear. Scroll to the bottom of this page to find the words *Add a new user*.
e. Type in a Username and Password for the person you are designating to be the authorized representative for CNP. It is recommended that you use the person's first and last names for both the Username and Password. Be sure to use the pull-down menu to the right of the word *Role* to indicate what access level this person is being assigned. The *Role* bar should show *Authorized Representative*. Click the *Add* button. The name of the person added should now show up under the list of users for the district. This list of users is at the top of the current page.

f. Click on this person's name. A screen will appear for that individual. Complete the *User Information* section for that person on the left side of the screen.
g. To the right of this screen, you will see an *Applications* section. Find the pull-down menu under *Applications*, and scroll down to *Child Nutrition*. Next, use the *Access Level* pull-down menu to indicate the access level of the individual is that of *Authorized Representative*. The access level assigned here should be the same access level assigned on the previous screen when the person was first added to the system. Click the *Add* button, and then click the *Save* button. This person is now set up in the district's system as the authorized representative of Child Nutrition.
h. The SFA must now submit a hard copy of the Certificate of Authority to the CNP office for approval. Once approval is granted, the new authorized representative will be able to access CNP eClaims.

3. How to Access CNP eClaims—

a. Log onto the State Department of Education Web site at **www.sde.state.ok.gov**.
b. This will bring you to the SDE Web site. Click on *Site Index* on the upper right side of the page. Scroll down to Child Nutrition eClaims Programs, and click on it.
c. Type your Username and Password in the boxes indicated. Click the ***Log On*** button; click on the eClaims system link, then the main menu for your SFA will appear.
d. Now you may explore all that the CNP eClaims System has to offer:

- Application Information and Application Processing
- Claims Information and Claims Processing
- Processing of All Reports Due During the School Year:
  - Low-Income Student Count Report
  - Consolidated Verification Summary
  - Year-End Revenue/Expenditure Report
- Access to School Food Service Compliance Document and many record-keeping forms

H. Low-Income Student Count Report (RCCIs Not Required to Complete)

1. In a continuing effort to reduce paperwork, a single form has been developed for reporting free and reduced-price meal eligibility information that has previously been reported on several different forms. The data reported will be used to fulfill the following regulatory requirements:

   a. Title I Allocations—Districts must report by site the number of enrolled students aged 5 through 17 eligible for free or reduced-price meals.
   b. Public Law 101-647 and Public Law 101-325—Replaces Low-Income Student Count Survey formerly sent to districts each January (Federal Perkins and National Direct Student Loan Cancellation Benefits).
   c. Public Law 104-193—Provides that SFAs must disclose the names of the elementary sites where 50 percent or more of enrolled students are eligible for free or reduced-price meals.
   d. Public Law 105-336—Provides that SFAs may claim snacks free for those sites operating an after-school educational or enrichment program in which 50 percent or more of enrolled students are eligible for free or reduced-price meals.
   e. E-rate Information—Provides for Internet discounts from the U.S. Department of Libraries.

2. The eClaims System must process the October claim for reimbursement before it will allow the SFA to submit the Low-Income Student Count Report. This is so the computer can edit the number of free and reduced-price eligible students reported to ensure that the numbers on both forms match. A hard copy of the form ***MUST*** be printed, dated, signed, and submitted to the State Agency by ***November 19, 2012*** (Refer to information concerning carryover applications in the Eligibility Section.) The report represents the highest number of free and the highest number of reduced-price eligible currently enrolled students for the entire month of October (the last number of Column 6 [for free] and the last number of Column 10 [for reduced-price] from each site's Edit Check Worksheet added together). So—even if the district has its October enrollment figures from Accreditation, it ***may not*** have its ***HIGHEST*** free and reduced-price eligible figures until the end of October. Every accredited site ***MUST*** be included. If an SFA has an unaccredited site (i.e., Head Start, alternative site, four-year-old site), those currently enrolled students should be counted at the accredited site where they would attend in the future or the accredited site they should currently be attending. Adult education students, out-of-home placement students, or students three years of age and under (unless they are enrolled) are ***NOT*** included in the number of free and/or reduced-price eligibles reported on the monthly claim for reimbursement or the Low-Income Student Count Report.

3. The ***TOTAL*** free and ***TOTAL*** reduced-price eligible counts (of current enrolled students) ***for your entire SFA*** must match the total counts for the free and reduced-price eligibles as reported on the ***OCTOBER*** CNP claim for reimbursement for your district. All numbers submitted on this report are subject to audit. Revisions to these numbers will only be accepted until ***November 30, 2012.*** Also be aware that if the Low-Income Student Count Report is revised, the October claim for reimbursement ***MUST*** also be revised and vice versa. Once the SFA has done a ***Final Submit*** on its Low-Income Student Count Report, any revisions must be completed by the State Agency. An example of the Low-Income Student Count Report is on **page C-47**.

4. Special Instructions for Provision 2 and Provision 3 Sites

Sites that are on Provision 2 or Provision 3 are handled differently than other sites for the Low-Income Student Count Report. After October 1 the SFA ***MUST*** go into the eClaims system and enter the enrollment per the accreditation report for each site participating in Provision 2/3. Once the enrollment is entered, the new free/reduced-price and paid eligibility figures for the current school year appear for that site. Once the site receives the new free/reduced-price and paid eligibility figures, the site will then take these numbers and determine the number of 4-and-under students and the number of 18-and-over students by using current year percentages and applying them to current year eligibility figures.

Virtual Students and Provision Schools: Provision schools are not affected by the new law concerning virtual students. A Provision school's free/reduced-price eligible counts are based on ***BASE YEAR*** information ***ONLY***. Whatever the ***free/reduced-price*** eligible counts were in October of the base year will be increased or decreased by comparing the ***BASE YEAR*** enrollment to the ***CURRENT YEAR*** enrollment.

Therefore, the current year enrollment for Provision schools will include the ***virtual students***. If adding these virtual students ***INCREASES*** the enrollment then by whatever percentage the enrollment increased, the ***free*** and ***reduced-price*** eligibles will be increased. Likewise, if the enrollment ***DECREASES*** (even when including the ***virtual*** students), the ***free/reduced-price*** eligibles will be decreased by the same percentage.

EXAMPLE FOR PROVISION 2 AND PROVISION 3 SITES

Elementary Site:	Current Enrollment—80 Free Eligibles—60 Reduced-Price Eligibles—10	High School Site:	Current Enrollment—110 Free Eligibles—64 Reduced-Price Eligibles—12

1. The district will need to figure out its 4-and-under count at the elementary site.

   Figure the current percentage of free eligible students from the current elementary enrollment (60 divided by 80 = 75%)

   Figure the current percentage of reduced-price eligible students from the current elementary enrollment (10 divided by 80 = 13%)

   Apply the 75% to the number of 4 and under the site currently has to get the free eligible count for the 4- and-unders.

   Apply the 13% to the number of 4 and under the site currently has to get the reduced-price eligible count for the 4-and-unders.

2. Use this same formula for the high school site to figure the 18 and over free and reduced-price eligibility numbers.

3. Once the free and reduced-price eligible numbers are obtained for the 4-year-olds at the elementary and the 18-year-olds and over at the high school, the remaining students who are free or reduced-price would be reported in the 5-17-year-old category.

4. To get the 5- to 17-year-old ENROLLMENT, the district should take the current site enrollment for the elementary and subtract out the students who are currently 4 and under at the elementary site. If a student turned 5 in the month of October, count that student in the 5-17-year-old group. Likewise, the district should take the current site enrollment for the high school and subtract out students who are 18 and over at the high school site. If a student turned 18 in the month of October, count that student in the 5-17-year-old group.

I. Three-Month Operating Balance

USDA regulation §210.9(a)(2) and (b) requires an SFA to (1) maintain a nonprofit school food service and observe the limitations on the use of nonprofit school food service revenues and (2) limit its net cash resources to an amount that does not exceed three months average expenditures for its nonprofit school food service. The Oklahoma Cost Accounting System (OCAS) records will be used to determine if an SFA has exceeded its three-month operating balance requirement.

J. Student Meal Prices

1. The prices charged by SFAs often require school board approval. Unfortunately, many people do not understand the financial responsibility of SFAs and do not realize that the costs involved are much like those paid by commercial restaurants. Factors to be considered when establishing prices include:

   a. Actual cost of producing and serving the food.
   b. Present prices charged and rates of reimbursement.
   c. Economic situation at the time.
   d. Reasons for needing to increase prices.
   e. What competitors are charging—commercial and other nearby SFAs.
   f. When the price was last increased.
   g. Whether the price increase can be justified publicly (in media).
   h. Whether reducing costs has been considered.
   i. Reduction in participation or sales that usually follows price increases.
   j. What the customer considers fair value.

2. Commercial cafeterias and restaurants often base price on food costs and a markup factor. This is not recommended for SFAs because labor costs may be greater than food costs. Instead, the total real costs should be used.

3. Paid Lunch Equity Requirement—Healthy, Hunger-Free Kids Act of 2010, Section 205

   a. Schools are required to charge students for paid meals at a price that is, on average, equal to the difference between free meal reimbursement and paid meal reimbursement rates. This provision is for lunch only. ***NOTE: Nonpricing schools are exempt from the requirement.***
   b. Schools that currently charge less are required to gradually increase their prices over time until they meet the requirements (from 5¢ to 10¢ per year). Schools may choose to cover the difference in revenue with nonfederal funds instead of raising paid meal prices. SFAs may vary paid lunch prices by school as long as the average revenue requirement is met across the SFA.
   c. Toward the end of the school year, the SFA will be required to complete the Paid Lunch Equity Tool. Once completed, this tool will show the SFA how much its student paid lunch meal price must be increased for the following school year or the amount of funds necessary to subsidize its CNP.
   d. Schools are required to submit their student paid lunch prices (what they charge their paying students) to the State Agency with their Renewal Application.

K. Adult Meal Prices (Reference FNS Instruction 782-5 [6/6/98])

1. Revenue from the NSLP and SBP ***CANNOT*** be used to subsidize adult meals. If school employees are not charged the minimum amount required, the money for the meals must come out of the General Fund. SFAs report their adult meal prices on the Schedule B during the renewal application process.

   State Agency and federal regulations state that the adult must be charged:

   - Adult lunch charge equals free reimbursement rate for lunch, including the value of USDA Foods (additional 2¢ does not apply).
   - Adult breakfast charge equals free reimbursement rate for regular breakfast.
   - Adult snack charge equals free reimbursement rate for snack.
   - The size of the adult meal should be no larger than the largest portions allotted to the students.

2. Adult meals other than CNP employee meals cannot be served free of charge unless the local LEA absorbs the cost. CNP employees are adults who are directly involved in the operation and administration of the school nutrition programs.

3. Meals served to any adults may ***NOT*** be claimed for reimbursement or counted toward the donated foods (USDA Foods) entitlement. The determination of individuals, positions involved, and the degree to which their services are attributed to the nonprofit food service program operations is left to local officials.

4. The Nonprogram Food Expenditures/Revenues Report will indicate if an SFA is charging enough to cover its cost for adult meals. Refer to **page C-49** for a copy of the report.

L. Contract Meal Prices

1. An SFA that contracts meals to other institutions must charge, ***at a minimum***:

   - Contract lunch charge equals free reimbursement rate for lunch, including the value of USDA Foods (additional 2¢ does not apply).
   - Contract breakfast charge equals free reimbursement rate for regular breakfast.
   - Contract snack charge equals free reimbursement rate for snack.
   - The size of the adult meal should be no larger than the largest portions allotted to the students.

2. A copy of the written contract agreement on **page C-97** must be kept on file for review.

3. If an SFA is contracting with an institution for which USDA Foods are allocated, the SFA should ***NOT*** include the commodity allocation rate in the formula when figuring the minimum amount to charge for contract lunches.

4. The Nonprogram Food Expenditures/Revenues Report will indicate if an SFA is charging enough to cover its cost for contract meals. Refer to **page C-49** for a copy of the report.

M. State Matching Reimbursement

Each school year USDA requires the state of Oklahoma to appropriate revenues to be used for NSLP purposes at the local level. Since some SFAs are operating on a ***YEAR-ROUND*** basis, state matching reimbursement is calculated on the total lunches served in the previous school year. The state matching reimbursement is paid in two payments per year, processed in January and May.

N. Reduced-Price Meal Charge

The Omnibus Reconciliation Act of 1981 mandated that the maximum amount which can be charged for a reduced-price lunch is 40 cents. The maximum reduced-price charge for breakfast is 30 cents. Public Law 105-336 of the Child Nutrition Reauthorization Act of 1998 mandated that the maximum amount which can be charged for a reduced-price snack is 15 cents. These are the maximum amounts that may be charged, but a district may elect to charge less for either lunch, breakfast, or snacks.

O. Use of CNP Funds

1. Funds for the operation of the NSLP, SBP, and SMP shall not be used to subsidize any other CNP; i.e., the CACFP and/or the SFSP. The same bank account may be used for all CNPs as long as a separate audit trail is maintained using the applicable OCAS codes for each program.

2. The standard for allowable expenditures of a nonprofit school food service is that it represents allowable costs under applicable federal cost principles and program regulations. (Reference USDA Policy Memo 2001-SP-04) These principles are established so that items of employee compensation may be allowed to the extent that:

   a. ***The costs must be necessary and reasonable for the services rendered.*** Reasonableness is a matter of professional judgment. The cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.
   b. ***The cost must conform to written established policies of the governmental or private nonprofit organization.*** Fringe benefits must be granted based on written policies. Additionally, a governmental unit is defined as ***an entire state, local, or federally recognized tribal government, including any component thereof***. Components of governmental units may function independently of the governmental unit in accordance with the terms of the award. Applications of this definition that satisfy the criteria include, but are not limited to, the following:

      - The bonuses or fringe benefits represent an integral part of the personnel compensation policy of the SFA, city, town, or other local governmental entity. In this respect, the bonuses or fringe benefits need not be available to all classes of the governmental unit's employees; their availability to any class of employees must simply represent official policy.
      - The school board or other elected governing body has budgeted for the fringe benefit. Such an official action would make the fringe benefit a ***de facto*** element of the SFA's personnel compensation policy.
      - An official responsible for the school food service organization has the discretionary authority to award the fringe benefit or bonus.

c. ***Costs must be charged in relation to benefits received.*** Revenues received by the nonprofit SFSA may only be used for the operation or improvement of such food service. Consequently, no charges may be made to the nonprofit SFSA for salaries, fringe benefits, or bonuses which are not related to the time these employees have worked on behalf of that account.

d. ***Costs must be applied uniformly to federal and nonfederal activities.*** A school food service operation may encompass both federal and nonfederal activities. The nonfederal activities may include catering, à la carte, adult meals, vending, concessions, etc. So long as any fringe benefits or bonuses are applied uniformly to employees for their federal and nonfederal activities, this requirement would be met.

3. Program regulations state, in part, that all ***REVENUES*** received by the CNP in any participating SFA shall be used only for the operation or improvement of such CNP.

   a. The regulations also define revenue as all monies received by or accruing to the CNP including, but not limited to, children's payments, earnings or investments, other local revenues, state revenues, and federal cash reimbursements. This means that if CNP funds are used totally or in part for investment purposes, the interest earned from such investments must accrue to the CNP and may be used only for authorized program purposes.
   b. The purchase of tea and/or coffee using CNP funds is an allowable expense as long as the tea and/or coffee is offered to the students. If these items are not available for the students, then they must be purchased as a banquet or catered item. Item P on the next page has more information concerning banquets and catering.
   c. CNP revenues shall not be used to purchase land or buildings or to construct buildings. The interpretation of the term ***construction of buildings*** has been revised to allow the expansion of existing facilities with State Agency written approval, but ***NOT*** the construction of new buildings. (Reference § 210.14[a])
   d. The purchase of materials to improve participation and/or cafeteria appearance is an allowable expense.
   e. The charts on **page C-50** are provided in order for SFAs to calculate how much income per meal is received.

4. CNP funds may be used to pay expenses for meetings where technical information relating to the CNP is disseminated. This means that CNP funds may be used to provide informational materials and light refreshments in conjunction with a site's annual open house that would include a cafeteria open house. A CNP employee must be present, and information about the CNP must be provided. Production records documenting foods used must be completed for the occasion and filed with other monthly records. Additional documentation must include the type of activity, CNP employee present, informational materials provided and topic discussed, and number of persons attending. Refer to Item P on the bottom of this page for more information on banquets/catering.

5. OMB Circular A-87 states that CNP funds may be used for professional development. This includes registration fees, travel, lodging, and per diem for attendance at professional meetings related to CNPs. However, individual membership dues of professional organizations are prohibited from being paid with CNP funds. CNP funds must be used to benefit the SFA and not an individual.

6. Late payment charges: Late payment charges may not be charged to the nonprofit SFSA, which includes all funds in that account, both state and federal funds. Consequently, SFAs must use other sources to pay any late charges. The late charges may not be paid from the nonprofit SFSA, however represented, whether as a percentage of the late payment or otherwise. (Reference USDA Policy Memo 2002-SP-03)

7. Computer/technological purchases: The acquisition of automatic data processing equipment, whether by outright purchase, rental-purchase agreement, or other method of purchase, is an allowable use of CNP funds. OMB Circular A-87, Appendix B, 19, states that the State Agency must approve all purchases using CNP funds that are more than $2,500. The State Agency is granting approval for all automatic data processing purchases made by SFAs with CNP funds, as long as the purchases are specifically for CNP. Therefore, individual approvals are no longer necessary.

8. Penalty: Section 10 of Public Law 95-627 prescribes the criminal penalty for the misuse of funds, assets, or property in connection with federal feeding programs. Under this provision, anyone, whether administering the programs or receiving their benefits, who knowingly misuses funds, assets, or property, is subject to state and federal penalties.

P. Banquets/Catering/Adult Cafeterias

SFAs must purchase banquet items by using established procedures. Only ***school site function*** banquets/catering may be included in the bid and/or price quotes of other CNP purchases. ***Nonschool function*** banquets/catering must be procured completely separate from other CNP purchases.

Adult cafeterias feeding adults only should be set up as a catering account. The definition of an adult cafeteria is any location in the school used only for adult meal preparation and/or meal service where the foods prepared/served are only for adult consumption and ***NOT*** student consumption. Records must reflect that all foods are purchased without the procurement power of the cafeteria. USDA Foods must not be used for these meals. CNP funds may be used to purchase the food; however, the total cost of the meal must be recovered. A separate project reporting code must be used to track expenditures and revenues.

All records for both banquets and catering items, whether the function is school or nonschool in nature, must be maintained separately. In addition, the ***total cost*** of all meals must be recovered, including not only food but also labor, utilities, use of equipment, etc. All meals must be prepared outside regular site preparation hours unless the function is ***school-related***. USDA Foods ***must not*** be used in the preparation of any banquet or catering service unless the function is ***school-related***.

Refer to the Cafeteria Managers' Section for additional information on USDA Foods, **page C-38** for additional information on the use of CNP funds, and refer to the Cafeteria Managers' Section for additional information on food leaving site premises. **Page C-29** has OCAS codes for use for accountability.

Q. Equipment Depreciation for Nonexpendable Equipment

Nonexpendable equipment (equipment with an acquisition cost of $2,500 or more) necessary in the operation of a food service facility are allowable costs when computing the cost of a school lunch and breakfast. They should be included as equipment and depreciated accordingly. This is a requirement under OMB Circular A-87 paragraph 19. (Refer to **page C-42** for the Nonexpendable Equipment Depreciation Schedule.) When automotive equipment is provided from a central source or shared with other users, such costs are allocated on a percentage basis. Food service equipment over 12 years old is considered fully depreciated and ***CANNOT*** be included in the value of equipment on hand.

1. In order to compute depreciation on a monthly and/or annual basis, the following information is required:

   a. Acquisition is the net cost of equipment acquired, including any attachments, accessories, or auxiliary apparatus necessary to make it usable.
   b. Normal installation and delivery costs would be the cost of making the necessary hookup to existing utilities adjacent to the equipment being installed.
   c. If the acquisition cost is known and the equipment is more than one year old, use the chart below to figure how much of the original acquisition cost can be depreciated.

2. When the original acquisition cost is unknown, the following procedure may be used to estimate acquisition cost:

   a. Obtain the current cost of replacing each item of food service or major kitchen equipment that will be used in the program for which the acquisition cost is unknown. This can be obtained from a local supplier, based on the item's cubic footage, energy source, etc.
   b. Determine the age of each item of food service or major kitchen equipment for which an estimate is to be made.
   c. Locate the multiplication factor in the chart below based on the age as determined.

FACTOR CHART FOR COMPUTING DEPRECIATED ACQUISITION COST

AGE IN YEARS	1	2	3	4	5	6	7	8	9	10	11	12
MULTIPLICATION FACTOR	1	.96	.92	.88	.84	.80	.78	.76	.74	.72	.70	.68

d. The estimated original acquisition cost is found by multiplying the current cost, as determined in Item 2a, by the multiplication factor, as determined in Items 2b and 2c. If the estimated original acquisition cost determined is less than $2,500, do not include it on nonexpendable equipment schedule.

3. Compute depreciation of newly purchased, rebuilt, or used equipment.

   a. Provisions for depreciation of equipment should not differentiate between a new item and one that has been used.
   b. Newly acquired used equipment should be listed on the Nonexpendable Equipment Depreciation Schedule (refer to **page C-53**) on a 12-year life expectancy basis. Column 6 would reflect the same figure as Column 5 because the piece of equipment is new.

4. Obtain a monthly depreciation figure:

   a. Total the depreciated acquisition costs on the Nonexpendable Equipment Depreciation Schedule.
   b. From the schedule below, determine the length of service expected annually from the equipment.
   c. Multiply by the percentage factor applicable for months in service. (Use schedule below.)

SCHEDULE FOR MONTHLY DEPRECIATION FACTORS FOR NONEXPENDABLE EQUIPMENT

.00694	(12-month school term)
.00757	(11-month school term)
.00833	(10-month school term)
.00926	(9-month school term)
.01042	(8-month school term)
.01190	(7-month school term)

5. Following is an example of equipment depreciation.

   a. To depreciate a dish machine, the current cost would be $8,200 from the local supplier. It is determined that this dish machine was acquired seven years ago. The estimated original acquisition cost is determined as follows:

$8,200 x .78 = $6,396

   b. The acquisition cost to be reported is $6,396. The dish machine would be depreciated for the 5 remaining years of its 12-year life expectancy.

$6,396 x .00833 = $53.27 or $54.00

This would be the monthly allowable depreciation cost for the dishmachine for the remaining five years.

   c. Multiply monthly figure by number of months school district operates.

$54.00 x 10 (months) = $540.00 (yearly amount to record on Item 2e of the Year-End Revenue Report)

LOAN AGREEMENT FOR FOOD SERVICE DEFICITS

This contract and agreement, made and entered into the_____ day of _____, _____ , by and between the General Fund, hereinafter referred to as First Party, and the Child Nutrition Program (CNP) account, hereinafter referred to as Second Party, of_____ school district, witnesseth:

The First Party contracts and agrees to furnish the Second Party the cost of an amount not to exceed $_____ as a contingent liability subject to repayment as funds become available from the party of the Second Party. This loan agreement must ensure that the party of the Second Party will use these funds only for the operation and improvement of the nonprofit CNP for children. This loan agreement may include items such as utilities, indirect costs/overhead, and the coverage of end-of-year shortfalls; i.e., salaries, inventory, etc.*

The Second Party agrees to the loan and to pay as specified the costs of the same shown on the agreement on or before June 30,_____.

It is further mutually agreed between the parties hereto, as follows:

1. Any change in services or cost of services shall be made only by mutual agreement of each of the parties hereto in writing by attaching a copy of such change or changes to this contract as an addendum thereto.

2. Rights and obligations of the parties hereto shall be governed by the United States Department of Agriculture (USDA) Policy Memo 93-SP-23 and federal and state laws.

3. This contract and all provisions hereto shall be binding upon the successors and assigns of the parties hereto insofar as the parties may bind their successors and assigns under the laws of the state of Oklahoma.

Witness our hands the day and year first above written.

_____ _____

Clerk/Board of Education
(General Fund Manager)

Child Nutrition Program Manager

Subscribed and
sworn to before me_____ , _____

My commission expires_____,_____

_____
Notary Public

* If utilities and indirect costs/overhead are to be paid from the CNP account, it must be a part of this contract.

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Child Nutrition Programs E-Claims System
Claim for Federal Reimbursement

SFA	County	District	Month	Year
_____	_____	_____	_____	_____

1. GENERAL DATA

Number of Sites Participating	*Number of Enrolled Students*	
Lunch: _____	On-Site and On-Site Virtual Free: _____	Off-Site Virtual Free: _____
Breakfast: _____	On-Site and On-Site Virtual Reduced: _____	Off-Site Virtual Reduced: _____
Severe Need Breakfast: _____	On-Site and On-Site Virtual Paid: _____	Off-Site Virtual Paid: _____

Days Operated This Claim Period: _____

☐ This district is claiming students who are not enrolled (visiting, adult education, or out-of-home placement).

☐ This district is claiming preprimary students who are not enrolled (preprimary children under the age of four).

2. LUNCH AND SNACK

Lunches Served				After-School Snacks Served			
Free	_____ *	_____ =	$ _____	Free	_____ *	_____ =	$ _____
Reduced	_____ *	_____ =	_____	Reduced	_____ *	_____ =	_____
Paid	_____ *	_____ =	_____	Paid	_____ *	_____ =	_____
Total	_____ *	_____ =	$ _____	Total	_____ *	_____ =	$ _____
Adults/Visitors _____	**Contract** _____			**Adults/Visitors** _____	**Contract** _____		

Lunch Reimbursement	=	$ _____
Adjustment	=	_____
Warrant Amount	=	$ _____

3. BREAKFAST AND SEVERE NEED BREAKFAST

Breakfasts Served				Severe Need Breakfasts Served			
Free	_____ *	_____ =	$ _____	Free	_____ *	_____ =	$ _____
Reduced	_____ *	_____ =	_____	Reduced	_____ *	_____ =	_____
Paid	_____ *	_____ =	_____	Paid	_____ *	_____ =	_____
Total	_____ *	_____ =	$ _____	Total	_____ *	_____ =	$ _____
Adults/Visitors _____	**Contract** _____			**Adults/Visitors** _____	**Contract** _____		

Breakfast Reimbursement	=	$ _____
Adjustment	=	_____
Warrant Amount	=	$ _____

4. SPECIAL MILK PROGRAM

Special Milk Reimbursement	=	$ _____
Adjustment	=	_____
Warrant Amount	=	$ _____

5. REIMBURSEMENT SUMMARY

Warrant Effective Date	Total Reimbursements	Adjustments	Total Warrant Amount
_____	_____	_____	_____

INSTRUCTIONS

Claims are due in the State Office by the tenth of the month following the month covered by this report. Each claim shall cover not more than one calendar month of operation except, if meals are served ten or less days during the first or last month of the school year, the claim may be combined with the first or last full month's claim. (Never combine June and July claims because of fiscal year separations.) All breakfasts and lunches claimed must be an actual daily count.

1. **GENERAL DATA**
   - Enter the number of sites participating by meal type.
   - Enter the highest number of on-site free eligible students during the month. On-site virtual students should be included. (Every student included ***MUST*** be enrolled in the SFA.) (Students enrolled in adult education courses or out-of-home placement students are not to be reported in the eligible counts.) Report the number of off-site virtual free eligible students separately.
   - Enter the highest number of on-site reduced-price eligible students during the month. On-site virtual students should be included. (Every student included ***MUST*** be enrolled in the SFA.) (Students enrolled in adult education courses or out-of-home placement students are not to be reported in the eligible counts.) Report the number of off-site virtual reduced-price eligible students separately.
   - Enter the number of all on-site paid students during the month. On-site virtual students should be included. (Students enrolled in adult education courses or out-of-home placement students are not to be reported on the claim.) Report the number of off-site virtual paid eligible students separately.
   - Enter the number of days meals were served.

Check the appropriate box if the district is claiming students who are not enrolled; i.e., visiting students, preprimary children under the age of four, adult education students, or out-of-home placement students.

---

2. **LUNCH AND SNACK**
   - Free: Enter the number of lunches served during the month to students who qualify for free meal benefits.
   - Reduced: Enter the number of lunches served during the month to students who qualify for reduced meal benefits.
   - Paid: Enter the number of lunches served to students who do not qualify for free or reduced-price meal benefits.
   - Free: Enter the number of snacks served during the month to students who qualify for free meal benefits.
   - Reduced: Enter the number of snacks served during the month to students who qualify for reduced meal benefits.
   - Paid: Enter the number of snacks served to students who do not qualify for free or reduced-price meal benefits.
   - Enter the total number of lunches and snacks served to all adults/visitors. Do not include cafeteria workers.
   - Enter the total number of contract lunches and snacks prepared for or served to children and adults.

3. **BREAKFAST AND SEVERE NEED BREAKFAST**
   - Free: Enter the number of breakfasts served during the month to students who qualify for free meal benefits.
   - Reduced: Enter the number of breakfasts served during the month to students who qualify for reduced meal benefits.
   - Paid: Enter the number of breakfasts served to students who do not qualify for free or reduced-price meal benefits.
   - Free: Enter the number of Severe Need breakfasts served during the month to students who qualify for free meal benefits.
   - Reduced: Enter the number of Severe Need breakfasts served during the month to students who qualify for reduced meal benefits.
   - Paid: Enter the number of Severe Need breakfasts served to students who do not qualify for free or reduced-price meal benefits.
   - Enter the total number of breakfasts served to all adults/visitors. Do not include cafeteria workers.
   - Enter the total number of contract breakfasts prepared for or served to children and adults.

4. **SPECIAL MILK PROGRAM**
   Enter the number of half-pints served.

5. **REIMBURSEMENT SUMMARY**
   Automatically calculated.

CERTIFY BUTTON: Once the claim has been completed, the authorized representative will need to certify that the information is true and correct.

(NOTE: RCCIs are not required to complete this form.)

LOW-INCOME STUDENT COUNT REPORT

County/District Code: _____ District Name: _____

School Site Information			On-Site Students (Including On-Site Virtual Students) Enrolled and Eligible for Free/Reduced-Price This includes all enrolled students except off-site virtual students.						Off-Site Virtual Students Enrolled and Eligible for Free/Reduced-Price					
Site Code	Site Name	Grade Span Low-High	Site Enrollment Aged 5 through 17	Free/ Reduced-Price	Aged 4 and Under	Aged 5 Through 17	Aged 18 and Over	Total Free/ Reduced-Price	Site Enrollment Aged 5 through 17	Free/ Reduced-Price	Aged 4 and Under	Aged 5 Through 17	Aged 18 and Over	Total Free/ Reduced-Price
				Free						Free				
				Reduced-Price						Reduced-Price				
				Free						Free				
				Reduced-Price						Reduced-Price				

INSTRUCTIONS FOR E-CLAIMS SUBMISSION:

1. Once your October claim has a gold lock, click on the Low-Income Report—On-Site Students Only (including on-site virtual students). Once opened, complete the information required for each accredited site under your district by clicking on the drop down box and filling in the numbers that represent your school district. Once the site information is completed, click the *SAVE* button.
2. Click on the Low-Income Report—Off-Site Virtual Students Only.
   - If you **DO NOT** have virtual off-site students: Click on EDIT button, and then click SAVE. This report will indicate that your district has ZERO off-site virtual students.
   - If you **DO** have virtual off-site students: Click on EDIT. Change the zeros that are on the report to the correct numbers that represent the sites under your district for off-site virtual students. Once the numbers have been input correctly, click the *SAVE* button.
3. Once ***BOTH*** reports are ***SAVED*** and the numbers on both reports added together match your October claim for reimbursement, you will be able to certify your Low-Income Report.
4. Once the reports are certified, print out both reports, sign both in blue ink, and fax to 405-521-2239. Once faxed, mail hard copies to the address below.

By signing this report, the superintendent is stating that the number of students counted on this report are ***ONLY*** students who are ***CURRENTLY ENROLLED*** at the district during the month of ***OCTOBER***. This report ***MUST NOT*** include any seniors who graduated last May or any students who left the district ***PRIOR*** to ***OCTOBER 1***.

Mail to:

State Department of Education
Child Nutrition Programs Section, Room 310
2500 North Lincoln Boulevard
Oklahoma City, Oklahoma 73105-4599

_____

Superintendent's Signature Date

Signature required in blue ink by Title I.

LOW-INCOME STUDENT COUNT REPORT INSTRUCTIONS

NOTE: There are TWO Low-Income Reports to complete: (1) On-Site Students (including on-site virtual students, which means all enrolled students except off-site virtual students) and (2) Off-Site Virtual Students. Both reports must be completed, even if the SFA has zero off-site virtual students.

School Site Information: Complete the form for each accredited site. When entering the information on the Web site, verify that the site numbers and names are correct. ***PLEASE contact 405-521-3327 if there are any discrepancies.*** Include the Grade Span that will be the lowest grade to the highest grade for each site. Valid grades are: Early Childhood (EC), kindergarten (KG), and 1 through 12. If ***OPENING*** a site, please contact the Accreditation Section at (405) 521-3333 before adding the new site to this form.

Site Code: Counts must be reported by accredited site number; i.e., 105, 705. If one cafeteria serves more than one school site, report each school site separately—not as one. Every accredited school site must be included. Nonaccredited sites must not be included.

Site Name: The name of the site identified by site number in Column 1.

Grade Span Low-High: Grades included at site identified in Columns 1 and 2.

Site Enrollment Aged 5-17: Current enrollment for ***ALL*** students at this site, aged 5 through 17 as of ***October 1***. Enrolled students who attend a nonaccredited site must be reported at the ***ACCREDITED*** site they should be attending. This figure must come from the October 1 Accreditation Report.

NOTE: This information is used for Title I purposes only. The actual statewide Low-Income Report will use* TOTAL *current enrollment figures verified by the Accreditation Section as of October 1.

Students Enrolled and Eligible for Free/ Reduced-Price: Enter the number of students who are ***CURRENTLY ENROLLED*** and ***ELIGIBLE*** for ***FREE*** or ***REDUCED-PRICE*** meals in the following categories. Enrolled students who attend a nonaccredited site must be reported at the ***ACCREDITED*** site they should be attending. Ages are as of the month of ***October***. Virtual students should be included. (Students enrolled in adult education courses or out-of-home placement students are not to be reported on the Low-Income Report. Adult education classes are those conducted for the following purposes or groups: General Education Development [GED], Temporary Assistance for Needy Families [TANF], English as a Second Language (ESL), family literacy, life skills, etc.)

STUDENTS ELIGIBLE FOR FREE MEALS

Aged 4 and Under: *Enter the highest number of **CURRENTLY ENROLLED** students, 4 years of age and younger, who are **ELIGIBLE** for **FREE** meals during the month of October.*

Aged 5 Through 17: *Enter the highest number of **CURRENTLY ENROLLED** students, 5 through 17 years of age, who are **ELIGIBLE** for **FREE** meals during the month of October.*

Aged 18 and Over: *Enter the highest number of **CURRENTLY ENROLLED** students, 18 years of age and older, who are **ELIGIBLE** for **FREE** meals during the month of October.*

Total: *Total number of **CURRENTLY ENROLLED** students **ELIGIBLE** for **FREE** meals. If entering the information on to the Web site, this figure will be calculated by the system.*

STUDENTS ELIGIBLE FOR REDUCED-PRICE MEALS

Aged 4 and Under: *Enter the highest number of **CURRENTLY ENROLLED** students, 4 years of age and younger, who are **ELIGIBLE** for **REDUCED-PRICE** meals during the month of October.*

Aged 5 Through 17: *Enter the highest number of **CURRENTLY ENROLLED** students, 5 through 17 years of age, who are **ELIGIBLE** for **REDUCED-PRICE** meals during the month of October.*

Aged 18 and Over: *Enter the highest number of **CURRENTLY ENROLLED** students, 18 years of age and older, who are **ELIGIBLE** for **REDUCED-PRICE** meals during the month of October.*

Total: *Total number of **CURRENTLY ENROLLED** students **ELIGIBLE** for **REDUCED-PRICE** meals. If entering the information on the Web site, this figure will be calculated by the system.*

Submitting the Report: Click the ***Submit*** button to save this information at the State Department of Education (the ***State Agency***). Print a hard copy, have the district superintendent sign the report in blue ink, and mail the hard copy to the office of Child Nutrition Programs (CNP).

CHILD NUTRITION PROGRAMS
NONPROGRAM FOOD EXPENDITURES/REVENUES REPORT
COMPLIANCE WITH SECTION 206
HEALTHY, HUNGER-FREE KIDS ACT OF 2010
2012-2013 SCHOOL YEAR

SCHOOL FOOD AUTHORITY: _____ COUNTY/DISTRICT CODE: _____

PROGRAM CODE 700
PROJECT REPORTING CODES 763, 764, 765, 385, AND 000-199
*****DO NOT USE: PROJECT REPORTING CODES 766, 768, OR 769*****

For SFAs contracting with food service management companies (FSMCs), it is a statutory requirement to have the food cost comparison in relation to revenue from nonprogram foods. Therefore, all SFAs must be able to provide program food costs versus nonprogram food costs in order to comply with the nonprogram foods revenue requirement. If an FSMC operates the meal service for the SFA, the FSMC, at the SFA's request, must do the calculation or require that the FSMC provide the separate food costs for the two categories below so that the SFA can complete the comparison to determine compliance.

1. Total Expenditures From All **FOOD**..... $_____
   (À la Carte, Reimbursable Meals, Adult Meals, and Contract Meals)
   (Function Codes 3110, 3150, and 3155)

2. Total **FOOD** Expenditures From À la Carte, Adult Meals, and Contract Meals Only . $ _____
   (Function Codes 3110 and 3155)

3. Total of ***ALL*** Revenues ..... $ _____
   (Source of Revenue Codes 1710, 1720, 1730, 1760, 1790, 4710, 4720, 4730)

4. Total Revenue From À la Carte, Adult Meals, and Contract Meals..... $ _____
   (Source of Revenue Codes 1720, 1730, and 1760)

5. ***REVENUE REQUIREMENT:*** Item 2 _____ divided by Item 1 _____ = ____%

6. Item 3 _____ x Item 5 _____ (%) = _____ Minimum Revenue From À la Carte/Adult/ Contract Meals

7. District Meets À la Carte Revenue Requirement: ☐ Yes ☐ No

Item 4 must equal or exceed Item 6 in order for the district to be in compliance with Section 206 of the Healthy, Hunger-Free Kids Act of 2010. If the district is not in compliance with this area, the district is required to increase prices of à la carte items, adult meals, and/or contract meals. Verification of this requirement will be done through on-site visits conducted throughout the year.

AVERAGE ADULT LUNCH/BREAKFAST COST
VERSUS
ACTUAL ADULT LUNCH/BREAKFAST CHARGE FORMULA

Lunch:
Step 1

$ _____ - $ _____
Free Reimbursement Rate for Lunch Plus the Value of USDA Foods — Actual Adult Lunch Charge

$ _____
Lunch Difference

Step 2 Record the number of adult lunch meals served at a charge lower than the free reimbursement rate plus the value of USDA Foods. Multiply by the difference as calculated in Step 1.

Breakfast:
Step 1

$ _____ - $ _____
Free Reimbursement Rate for Breakfast — Actual Adult Breakfast Charge

= $ _____
Breakfast Difference

Step 2 Record the number of adult breakfast meals served at a charge lower than the free reimbursement rate. Multiply by the difference as calculated in Step 1.

LUNCH MEALS	# OF ADULT MEALS	LUNCH X DIFFERENCE	= $ VALUE
JULY		$	$
AUGUST		$	$
SEPTEMBER		$	$
OCTOBER		$	$
NOVEMBER		$	$
DECEMBER		$	$
JANUARY		$	$
FEBRUARY		$	$
MARCH		$	$
APRIL		$	$
MAY		$	$
JUNE		$	$
TOTAL LUNCH		$	$ *

BREAKFAST MEALS	# OF ADULT MEALS	BREAKFAST X DIFFERENCE	= $ VALUE
JULY		$	$
AUGUST		$	$
SEPTEMBER		$	$
OCTOBER		$	$
NOVEMBER		$	$
DECEMBER		$	$
JANUARY		$	$
FEBRUARY		$	$
MARCH		$	$
APRIL		$	$
MAY		$	$
JUNE		$	$
TOTAL BREAKFAST		$	$ *

*The total in the ***$ Value*** column of both breakfast and lunch ***MUST*** be added together. This sum is the amount that will be taken into consideration in the Nonprogram Foods calculation for the SFA's adult meals.

INCOME SOURCES FOR MEALS

AVERAGE INCOME RECEIVED FOR LUNCH/SNACKS
(Including Seamless Summer Lunches, Snacks, and Suppers)

Source	FREE STUDENT	REDUCED-PRICE STUDENT	FULL-PRICE STUDENT		ADULT
			ELEMENTARY	SECONDARY	
Meal Charges		$	$	$	$
Federal Reimbursement (Total Per Meal)					
State Reimbursement					
TOTAL INCOME	$	$	$	$	$

AVERAGE INCOME RECEIVED FOR BREAKFAST
(Including Seamless Summer Breakfasts)

Source	FREE STUDENT	REDUCED-PRICE STUDENT	FULL-PRICE STUDENT		ADULT
			ELEMENTARY	SECONDARY	
Meal Charges		$	$	$	$
Federal Reimbursement (Total Per Meal)					
State Reimbursement					
TOTAL INCOME	$	$	$	$	$

Additional sources of income for all meals include:

- Commodity entitlements (lunch only)
- Local funds; i.e., à la carte

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NONEXPENDABLE EQUIPMENT DEPRECIATION SCHEDULE
(For equipment with an original cost of $2,500 or more)

Location of Equipment:_____

(1) TYPE OF EQUIPMENT
MAINTAIN SEPARATE SCHEDULE FOR EACH TYPE INDICATED BELOW

☐ Food Service Equipment ☐ Vehicles

Name/Description of Equipment (2)	Serial Number or Size or Capacity (3)	Month and Year of Purchase (4)	$ Original Acquisition Cost (5)	$ Depreciated Acquisition Cost Based on Age (6)	Life Termination Date (7)	(8) Deletions From Schedule			
						Sale	Storage	Age	Month and Year

NONEXPENDABLE EQUIPMENT DEPRECIATION SCHEDULE

INSTRUCTIONS

1. Check the type of equipment the schedule includes. Keep food service equipment and vehicles purchased on a separate schedule.

2. Describe each piece of equipment.

   a. List the oldest equipment first, newest equipment last in order that old equipment may be deleted from the top of the list as expiration dates are reached.
   b. A piece of equipment over 12 years old is considered fully depreciated and cannot be included on the schedule.

3. Enter the serial number and/or size and capacity.

4. Enter the month and year the equipment was put into service. This is the date the life expectancy begins.

5. Enter the acquisition cost of the equipment. In cases where the original acquisition cost is not known, follow instructions on estimating cost as discussed in Item 2 of **page C-41**.

6. Enter expected life termination date:

   a. Food service equipment—12 years
   b. Light trucks (empty weight less than 13,000 pounds) and tractor units (over the road)—four years
   c. Heavy trucks (empty weight 13,000 pounds or more) and trailers—six years

7. Check the reason for the deletion(s) from the schedule, and enter the month and year of the deletion(s).

FRESH FRUIT AND VEGETABLE PROGRAM (FFVP)

The FFVP initially began as a pilot project authorized by Congress in 2002. The tremendous success of this pilot led to the enactment of legislation in 2004 to expand the FFVP and to make it a permanent program under the National School Lunch Act. Effective for the school year beginning July 1, 2008, the Omnibus Appropriation Act provided funds to expand the FFVP to those states, including Oklahoma, that were not previously authorized to participate on a permanent basis. Under the Act:

- States are limited to an amount of $50-$75 per enrolled student per year.
- FFVP is a cost-reimbursement program.
- Fresh fruits and fresh vegetables must be served outside the normal mealtimes while school is in session.
- This is not Department of Defense (DOD) Fresh Fruit and Vegetable Program.

The FFVP provides all children in participating schools with a variety of free fresh fruits and fresh vegetables throughout the school day. It is an effective and creative way of introducing fresh fruits and fresh vegetables as healthy snack options. The FFVP also encourages community partnerships to support the schools when they offer free fresh fruits and fresh vegetables to children during the school day.

The goal of the FFVP is to:

A. Create healthier school environments by providing healthier food choices.

B. Expand the variety of fresh fruits and fresh vegetables children experience.

C. Increase children's fresh fruit and vegetable consumption.

D. Make a difference in children's diets to impact their present and future health.

Geographic Preference—The use of statutorily or administratively imposed in-state or local geographic preferences for procurements under USDA entitlement programs is prohibited, except for unprocessed locally grown or locally raised agricultural products. The Food, Conservation, and Energy Act of 2008 (Public Law 110-246, Section 4302), amended Section 9(j) of the NSLA to allow institutions receiving funds through CNP to apply a geographic preference when procuring unprocessed locally grown or locally raised agricultural products.

When geographic preference is used, an SFA must still get quotes from several farmers when procuring unprocessed locally grown or locally raised agricultural products so that competitors have an opportunity to compete for the bid. The way in which a geographic preference is applied could depend on whether the procurement method is informal or formal. If informal (i.e., falling below the small purchase threshold), an SFA may simply want to approach a minimum of three local producers and obtain price quotes. Competition is ensured by developing a solicitation that contains criteria that all the respondents will be subject to. If the procurement exceeds the small purchase threshold, a formal procurement method must be used that would involve the sealed bidding process (i.e., IFB) or the competitive negotiation process (i.e., RFP). This would entail public notification of the solicitation; however, when procuring locally unprocessed agricultural products, the notification may be focused on the locale in which the school is situated as a criteria of the solicitation. In a situation where the solicitation for locally unprocessed agricultural products is in fact open to offerors beyond the local area, a way in which to apply a geographic preference is to grant preference points to the local farmers who respond to the solicitation. (Reference USDA Policy Memo 2009-SP-11)

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HEALTHY SCHOOL ENVIRONMENT (WELLNESS POLICY)

A. Nutrition Education and Training

Oklahoma's food service and nutrition education efforts were augmented with the passage of the Child Nutrition Act of 1977, as amended, creating the NET program. Goals of this federal legislation were to:

1. Teach children the relationship between food and health and encourage good eating habits.

2. Train food service personnel in nutrition and food service management and encourage use of the school cafeteria as an environment for learning about food and nutrition.

3. Instruct educators in nutrition education and in the use of the cafeteria as a learning laboratory.

4. Develop or purchase appropriate nutrition education and training materials and curricula.

   To help meet these goals, the United States Department of Agriculture (USDA) created Team Nutrition to produce resource materials available for purchase from the National Food Service Management Institute (NFSMI). In addition, Oklahoma Team Nutrition was created as a part of USDA National Team Nutrition to provide technical assistance and training to Oklahoma Child Nutrition Program (CNP) participants.

   All children, teachers, and food service personnel in public or private nonprofit sites and Child and Adult Care Food Program (CACFP) institutions are eligible to participate in Oklahoma Team Nutrition workshops/training and have access to the Oklahoma Team Nutrition Resource Library.

   USDA funds all of these programs. If you would like more information on the NET program or on Oklahoma Team Nutrition, please call the SDE at (405) 521-3327.

5. Nutrition education materials available upon request:

   a. Bread-in-a-Bag supplies

      This is a hands-on activity that allows children the opportunity to make their own bread loaf that corresponds with a nutrition education curriculum for teachers and students Grades 3-6. This activity is intended to encourage students to realize the importance of breads and grains in the diet.

   b. Oklahoma Team Nutrition Resource Library

      The resource library contains a variety of curriculum and videos that are available to CNP participants to be used for nutrition education activities or staff development. The materials may be borrowed for up to two weeks at a time by submitting a Materials Request Form to our office or by calling (405) 521-3327.

6. Statewide training

   a. Workshops

      Workshops and training are available to CNP participants and educators who contribute to improving the nutrition environment for Oklahoma's children. Workshops are presented on an as-needed basis, and some of them are available online.

b. Application, Approval, Benefit Issuance, Verification, and Meal Counting and Claiming (ABVM) training, annually mandated by USDA for at least one per person SFA, is now available in an online module. This online training is made available as an alternate option to fulfill the requirement other than on-site workshops offered through your Child Nutrition consultant. (Reference Public Law 108-265, Section 126)

Go to the Web site <http://web20.sde.state.ok.us/moodle>, and follow the instructions in the box labeled *Is this your first time here?* on the right. When asked to enter an *enrollment key*, please enter the word *feeding*.

Either of two processes is allowed once the participant enters the site:

- Review each of the slides with accompanying notes, then proceed to the assessment. With a score of 80 percent or above on the assessment, a *Certificate of Completion* may be accessed.
- Go directly to the assessment without reviewing the slide presentation and notes, With a score of 80 percent or above on the assessment, a *Certificate of Completion* may be accessed.
- *With either choice of completion*, the certificate ***must be printed*** and kept on file with all Child Nutrition documents to verify participation in the training. During any future review/audit process, the *Certificate of Completion* serves as the ***proof*** of participation for the mandated training.

c. Technical assistance

The State Agency strives to provide school food authorities (SFAs) and their staffs with quality service and on-site technical assistance. The State Agency has an outstanding staff of area consultants available to offer their expertise and guidance in all areas or issues pertaining to child nutrition. Some of the areas are as follows:

(1) Qualifying for Severe Need Breakfast (SNB) Program.
(2) Analyzing meals per labor hour (MPLH) to determine food service labor productivity.
(3) Determining the highest free and reduced-price eligible students enrolled at school sites.
(4) Conducting a financial analysis of school food service income and expenditures.
(5) Conducting a nutrient analysis of site menus and identifying areas of improvement.
(6) Training new staff in CNP duties.
(7) Qualifying for the ASSP.
(8) Completion of the annual NSLP and SBP Application and Agreement and Policy Statements.
(9) Assistance with the electronic claims software.

B. School Wellness Policy

To help combat childhood obesity and improve children's health, the ***Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265)*** required each local educational agency that receives funding for USDA CNP to have established a local school wellness policy no later than July 1, 2006.

With this requirement, the United States Congress recognizes that schools play a critical role in creating a healthy environment for the prevention of childhood obesity and for combating problems such as Type II diabetes, high cholesterol, high blood pressure, gallbladder disease, asthma, and joint problems that are associated with poor nutrition and physical inactivity. This law places the responsibility of developing a school wellness policy at the local level so that the individual needs of each school district may be addressed most effectively. Find all of this information and more at the Child Nutrition Web site. Go to <**www.sde.ok.gov**>. After logging on, select *Services* and highlight *Federal Programs*. Click on *Child Nutrition*; click on *Documents*; and scroll down to *School Meal Program—Various Documents/Forms*.

1. Minimum requirements

The following ***MINIMUM*** requirements are established by federal legislation. The legislation requires that each SFA establish:

a. Goals for nutrition education, physical activity, and other school-based activities that are designed to promote student wellness in a manner that the local education agency determines is appropriate.

b. Nutritional guidelines for all foods available on each school campus during the school day with the objectives of promoting student health and reducing childhood obesity. Refer to **pages C-67** and **C-68** for healthy vending machine options, nonfood rewards, and healthy fund-raising ideas.

c. Assurances that guidelines for reimbursable school meals are not less restrictive than the regulations issued by USDA.

d. Ways of measuring how well the school wellness policy is being implemented, including designation of one or more persons at each school with operational responsibility for ensuring that the school is meeting the policy.

e. Involvement of parents, students, representatives of the SFA (a school food service employee or someone who works directly with the CNP), the school board, school administrators, and the public in developing the wellness policy.

NOTE: Federal legislation requires one school wellness policy ***per district***.

2. Six steps for establishing a local school wellness policy

Check to see if your school district or school already has written policies. If so, review them to ensure that they meet current Oklahoma law and federal requirements.

There are no standard procedures for developing a school wellness policy. The following steps, adapted from the National Association of State Boards of Education's (NASBE) ***Fit, Healthy, and Ready to Learn***, may get you started.

a. Step 1: Form a team.

It is important to recognize any existing efforts underway in the school or community. This might help you determine whether a new team is necessary or whether you can establish a local wellness policy through existing efforts. The law requires parents, students, representatives of the SFA (a school food service employee or someone who works directly with the CNP), the school board, school administrators, and the public to be involved in the process. The SFA may use the school's Healthy and Fit School Advisory Committee and add the required Wellness Policy Team members.

Additional local stakeholders can be invited to join the Wellness Policy Team to provide necessary resources and assist schools in developing appropriate, science-based wellness policies. Examples of potential stakeholders include:

- ***Health care providers***, especially pediatricians, dietitians, public health professionals, dentists, and orthodontists.
- ***Hospitals and public health departments***, especially those with pediatric services and diabetic clinics.
- ***Nonprofit health organizations*** such as the American Cancer Society, American Diabetes Association, and the American Heart Association.
- ***Physical activity groups*** such as the YMCA/YWCA, youth sports leagues, and commercial fitness centers.
- ***Community youth organizations*** such as Boys and Girls Clubs, Boy/Girl Scouts of America, and faith-based groups for young people.
- ***University departments and other governmental agencies***, especially those involved in nutrition, physical activity, and education (e.g., Cooperative Extension Service).

Frequently, members of ***EFFECTIVE*** policy teams offer a combination of qualities. Often, they:

- Demonstrate interest in improving school nutrition and physical activity in schools.
- Are effective communicators and team players.
- Possess some understanding of the district's policy of procedural requirements.
- Have policy-related experience in the district.

b. Step 2: Assess the needs.

Before making plans to develop policies, you should assess the needs of your students. Look for data on the education and health status of students through the following Web sites:

<www.cdc.gov/healthyyouth>
<www.actionforhealthykids.org>

The following resources will help you assess your school's needs:

- ***Changing the Scene Improvement Checklist*** at <www.teamnutrition.usda.gov> is a simple checklist to help you take an honest look at where things stand in your school and to help focus on exactly what needs to be done.
- ***School Health Index: A Self-Assessment and Planning Guide*** at <www.cdc.gov/healthyyouth> is the Centers for Disease Control and Prevention's (CDC's) self-assessment and planning guide for physical activity and healthy eating. This tool enables schools to identify the strengths and weaknesses of nutrition policies and programs and to develop an action plan for improvement.
- ***Keys to Excellence: Standards of Practice for Nutrition Integrity*** at <www.schoolnutrition.org>. The School Nutrition Association identifies the elements of a quality school nutrition program. This publication provides an easy-to-use evaluation form for assessing program quality and tracking progress.
- ***It's Time for Your School's Physical Education Check-Up (PDF)*** at <www.aahperd.org/naspe/pdf_files/2004Echecklist.pdf> offers a checklist of physical activity measurements. It was created by the National Association for Sport and Physical Education.

c. Step 3: Create policies.

According to the NASBE, a policy provides officially determined objectives that guide the actions of students and employees in the educational system. Policies typically express what should be done, why it should be done, and who should do it. The following resources are available to assist you in wellness policy development.

- ***Making It Happen! School Nutrition Success Stories*** at <www.cdc.gov/healthyyouth/nutrition/making-it-happen> was developed by Team Nutrition and the CDC. Thirty-two success stories are featured, and six specific approaches for improving the nutritional quality of competitive foods are identified.
- ***Fit, Healthy, and Ready to Learn*** at <www.nasbe.org> is a school health policy guide developed by the NASBE that provides sections on nutrition and physical activity policy development.

- ***Changing the Scene: Improving the School Nutrition Environment—A Guide to Local Action*** at <www.teamnutrition.usda.gov> was developed by Team Nutrition to help schools take action in improving their nutritional environment.
- ***CDC Model for Coordinated School Health Programs*** at <www.cdc.gov/healthyyouth>. This model identifies strategies most likely to be effective in promoting lifelong healthy eating, physical activity, and overall wellness.

Once local input has been gathered, schools can develop goals and guidelines to address their specific situations. For assistance in drafting an effective policy, schools may utilize the following model and sample language provided by the State Agency, along with other resources as needed.

Goals and guidelines can be developed to best fit the needs and concerns of each local school district—and they may be adopted over time. As the initial goals are met, new nutrition and physical activity goals can be chosen.

The four basic components which should be addressed in a district's school wellness policy are:

1. Nutrition education goals
2. Physical activity goals
3. Nutrition guidelines/standards
4. Other school-based activities

USDA's Team Nutrition Web site <www.teamnutrition.gov> offers recommendations to include in the four components of a wellness policy.

d. Step 4: Market the established policies.

This very important step enlists widespread support for the goals and strategies of your school wellness policy. Steps that can assist you in building this support include:

(1) Involving those affected by the policy.

(2) Anticipating, responding to, and involving critics.

(3) Applying communication strategies.

(4) Involving other student-serving agencies in the community.

(5) Involving people from a variety of community groups.

It is important to obtain support from schools and your community in order for the policy to be smoothly adopted and widely implemented. Student involvement is also an important component of building awareness and support. Use the resources in ***Changing the Scene*** to help educate various audiences about your policy initiative. Enlist local media to spread awareness of the district's needs and community leaders to speak out in favor of the proposed solutions. Be prepared for challenges that may arise, and ensure that all spokespeople for the policy are providing a consistent message. When dealing with the education community, it is helpful to identify the potential benefits the policy can have on student learning and academic achievement.

Making It Happen contains numerous success stories of districts that built broad local support for school health policy goals.

e. Step 5: Implement policies.

Developing and adopting a sound policy is only the beginning. The adoption of a policy does not automatically mean that it will be implemented. Implementation requires good planning and management skills, the necessary resources, consistent oversight, and widespread buy-in by the school staff and the local community. Leadership, commitment, communication, and support are the keys to your success.

Implementation can occur all at once or may be phased-in over time. Your team is in the best position to determine which approach is likely to be the most effective in your district.

The attitude of all school personnel, from individuals serving the food to the personnel who stock vending machines, students, coaches, teachers, and administrators, can have a significant effect on the response to the policy. A positive attitude toward new foods, new physical activity options, or other changes from everyone in the school community can make a huge difference.

Marketing can be an important tool for policy implementation. Consider how marketing principles of product, price, placement, and promotion can work to help with policy implementation.

f. Step 6: Maintain, measure, and evaluate the effort.

As required by law, each school district must establish a plan for measuring implementation of the local wellness policy, including designation of one or more persons with operational responsibility for ensuring that the school is meeting the policy.

A sustained effort by each district is necessary to assure that new policies are faithfully implemented. Periodically assess how well the policy is being managed and enforced. Reinforce the policy goals with school staff if necessary. Be prepared to update or amend the policy as the process moves on. The school district or individual schools should celebrate policy success milestones.

Evaluation and feedback are very important in maintaining a local wellness policy. You need to document any financial impact to the school food service program, school stores, or vending machine revenues.

It is also important to assess student, parent, teacher, and administration satisfaction with the new policies. A good evaluation plan does not need to be extensive, formal, or put additional undue burdens on staff that are involved in the process. Through the evaluation process, you will be able to answer some basic questions that are very important to policymakers, students, school staff, parents, and the general public:

- ***What changes to nutrition education, physical activity, the nutritional quality of foods available to students, and other aspects covered by the policy occurred in each school as a result of the district wellness policy?***
  For example:
  — Did the number of students participating in nutrition education change?
  — Did the students have a different number of minutes of physical activity?
  — Did any of the campuses change available food options?
  — Did participation in the SBP or NSLP change?
- ***Did the policy and implementation address the issues identified in the needs assessment?***
  For example:
  — Is it making a difference?
  — What is working?
  — What is not working?
- ***How can the impact of the policy be increased to enhance its effect on student health and academic learning?***

Schools may use a variety of methods to measure the implementation of their wellness policy. For example, the school may want to use a checklist or assign implementation dates to its goals and objectives. In addition, the SFA could use the original needs assessment used prior to establishing the wellness policy to evaluate whether changes have been implemented and progress has been made.

g. Model Wellness Policy

A model wellness policy (refer to **pages C-69** through **C-72**) provides sample language for schools to use in developing their own local policy. It is based on existing USDA guidance as of January 1, 2006. The format of the model wellness policy was developed by the Mississippi Office of Healthy Schools Child Nutrition Programs. The model wellness policy has been adapted for use in Oklahoma schools.

The model contains both minimum policy statements and optional policy statements. ***The minimum statements are federal and state legislation that must be included in any school wellness policy adopted by Oklahoma schools.*** Schools are encouraged to review the optional policy statements, based on the best practices from other schools, and to adopt those that meet the goals of their communities. Policy statements need to be developed that address the four basic components of a wellness policy:

- Nutrition guidelines/standards
- Nutritional education goals
- Physical activity goals
- Other school-based activities

The model wellness policy is not intended for adoption in its entirety by schools. It is intended for schools to use as a* tool *in drafting their own policies. With the exception of the minimum policy statements, schools may choose to alter this model, based on community input, to address* local *concerns and meet* local *needs.

C. Healthy and Fit Kids Committee

Oklahoma Statutes Section 24-100a of Title 70 enacted the Healthy and Fit Kids Act of 2004. By September 1, 2004, each school site was required to establish a Healthy and Fit School Advisory Committee.

1. Committee members:

   a. Must be composed of six members.

   b. May include teachers, administrators, parents of students, health care professionals, and business representatives.

2. The committee may be combined with the school's Safe School Committee (established in Oklahoma Statute Section 24-100.5 of Title 70).

3. Each Healthy and Fit School Advisory Committee shall study and make recommendations to the school principal regarding:

   a. Health education.

   b. Physical education and physical activity.

   c. Nutrition and health services.

D. Helpful Web site addresses/phone numbers

1. Food Safety

   a. Food safety links for school and school food service managers and employees: **http://schoolmeals.nal.usda.gov/Safety/index.html**

   b. *Serving It Safe: A Manager's Tool Kit*, a training program in safety and sanitation for all levels of food service employees: **http://schoolmeals.nal.usda.gov/Safety/safe.html**

c. Gateway to Government Food Safety Information, includes recall information and food safety tips: **http://www.FoodSafety.gov**

d. Information on commodity holds, recalls, and other food safety information: **http://www.fns.usda.gov/fdd/foodsafety/foodsafety.htm**

2. Meal Accountability

a. Free and reduced-price guidance on the application approval and verification process: **http://www.fns.usda.gov/cnd/Lunch/F&RP/Default.htm**

b. Prototype free and reduced-price applications and translations: **http://www.fns.usda.gov/cnd/Lunch/F&RP/Spring2002/2002.prototypes.htm** or **http://www.fns.usda.gov/cnd/Translations/Default.htm**

3. Healthy School Environment

a. Information on improving the school nutrition environment and ordering information for *Changing the Scene*: **http://www.fns.usda.gov/tn/Healthy/index.htm**

b. Statutory and regulatory requirements for foods in competition with school meals: **http://fns.usda.gov/cnd/Lunch/CompetitityveFoods/fmnv.pdf** and **http://www.fns.usda.gov/cnd/Lunch/CompetitiveFoods/competitive. foods.report.to.congress.htm**

4. Food Safety Program—HACCP

a. USDA Meat and Poultry Hotline: 1-800-535-4555

b. FDA Food Information Line: 1-888-SAFE FOOD

c. USDA Food Safety and Inspection Service **www.fsis.usda.gov/thermy**

d. National Food Service Management Institute (NFSMI)
The University of Mississippi: 1-800-321-3064
www.nfsmi.org

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HEALTHY VENDING MACHINE CHOICES

Does your school ***vending machine*** need a makeover? Many food items in vending machines are loaded with calories, sugar, fat, and sodium.

Schools should provide healthful food and beverage choices in order to promote student wellness. Snack items sold to students through vending machines, concession stands, and school stores should provide nutrients and not empty calories.

Schools should consider the following recommended nutritional guidelines when evaluating snack food items. Check for the following nutritional requirements per single serving, as stated on the Nutrition Facts label.

- Less than 30 percent or 7 grams of fat (exception for nut and seed mixes)
- Less than 10 percent or 2 grams of saturated fat
- No more than 35 percent sugar by weight or 15 grams (exceptions are fresh and dried fruits)
- Less than 480 mg sodium

Foods Recommended

- Nuts/peanuts
- Dried fruits
- Canned fruits
- Trail mix
- Whole-grain cereal bars
- Pretzels
- Baked chips or crackers
- Animal crackers
- Graham crackers
- Baked cereal mix
- Baked fish-shaped crackers
- Granola bars
- Whole-grain chips
- String cheese
- Fresh fruits
- Raw vegetables
- Popcorn, airpop or fat-free
- Lowfat yogurt
- Lowfat baked goods
- Lowfat crackers
- Pudding
- Beef jerky
- Bagels
- Multigrain bars
- Fruit snacks

Beverages Recommended

- Bottled water
- 100 percent fruit juice
- Tea (unsweetened or diet)
- Skim milk
- 1 percent milk (unflavored)
- Sports drinks
- Electrolyte replacement drink
- Fruit-based (no less than 50 percent fruit juice and no added sweeteners)

NONFOODREWARDS

Read a book.
Sit by friends.
Read outdoors.
Teach the class.
Have extra art time.
Enjoy class outdoors.
Have an extra recess.
Play a computer game.
Read to a younger class.
Get a *No Homework* pass.
Sing a silly song together.
Make deliveries to the office.
Listen to music while working.
Play a favorite game or puzzle.
Earn play money for privileges.
Walk with a teacher or principal.
Start and maintain a vegetable garden.
Dance to favorite music in the classroom.
Get a *Free Choice* time at the end of the day.
Listen with a headset to a book on audiotape.
Have a teacher perform special skills (i.e., sing).
Be first in line when the class leaves the room.
Have a teacher read a special book to the class.
Take a trip to the treasure box (filled with stickers, pencils, erasers, bookmarks, etc.).
Watch a video.
Enter a drawing for donated prizes.
Receive a video store or movie theater coupon.

HEALTHYIDEAS

Things to Sell

Made in Oklahoma products
Garden seeds
Soy candles
School event planners/calendars
Discount coupon books
Plants, bulbs, and flowers
School spirit items
Greeting cards
Crafts
Student artwork
Football or basketball seats
Pet treats and toys
Gift wrap
Holiday wreaths
Gift certificates
Books and cookbooks
Batteries
Football or basketball game shoutouts
Christmas ornaments
First-aid kits
Emergency kits for cars
Rent a parking space
Bumper stickers
License plate holders
Gift baskets
Hats
Newspaper space
Stationery
Garage sale/yard sale
School supplies
Halloween insurance (clean up any soaped windows, cars, yards, etc., the day after Halloween)
Brick memorials
Trail mix
Fruit and nut baskets

Things to Do

Walk-a-thons
Bike-a-thons
Rent-a-teen helper (rake leaves, water gardens, mow lawns, wash dog)
Fun runs
Car wash
Gift wrapping
Singing telegrams
Talent shows
Read-a-thons
Carnivals
Dances
Festivals
Recycling
Golf tournament
Bowling night
Skate night
Magic show
Scavenger hunt/treasure hunt
Tennis shoe/horseshoe pitching competition
Raffle (movie passes, theme bags)
Craft fairs
Family game night
3 on 3 basketball tournaments
Silent auctions

MODEL SCHOOL WELLNESS POLICY

Purpose:

The link between nutrition, physical activity, and learning is well documented. Healthy eating and activity patterns are essential for students to achieve their full academic potential, full physical and mental growth, and lifelong health and well-being. Healthy eating and physical activity, essential for a healthy weight, are also linked to reduced risk for many chronic diseases. Schools have a responsibility to help students learn, establish, and maintain lifelong healthy eating and activity patterns. Well-planned and effectively implemented school nutrition and fitness programs have been shown to enhance students' overall health, as well as their behavior and academic achievement in school. Staff wellness also is an integral part of a healthy school environment since school staff can be daily role models for healthy behaviors.

Overall Goal:

All students in _____ School District shall possess the knowledge and skills necessary to make nutritious food choices and enjoyable physical activity choices for a lifetime. All staff in _____ School District are encouraged to model healthful eating and physical activity as a valuable part of daily life.

To meet this goal, the _____ School District adopts this school wellness policy with the following commitments to nutrition, nutrition education, physical activity, and other school-based activities that support student and staff wellness.

Board Approved: _____

_____ _____

Signature of Board Date

Nutrition Guidelines/Standards—School Meals—*Minimum Policy Statements:*

- Per USDA Regulations § 210.10 and § 220.8, school lunches and breakfasts will meet menu-planning system guidelines as required by USDA.
- Per USDA Regulation § 210.10, school lunches will provide 1/3 of the recommended dietary allowances (RDA) for calories, protein, calcium, iron, vitamin A, and vitamin C as required by USDA.
- Per USDA Regulation § 220.8, school breakfasts will provide 1/4 of the RDA for calories, protein, calcium, iron, vitamin A, and vitamin C as required by USDA.
- Per USDA Regulations § 210.10 and § 220.8, the total calories from fat in school meals will be limited to 30 percent when averaged over one week.
- Per USDA Regulations § 210.10 and § 220.8, the total calories from saturated fat in school meals will be limited to 10 percent when averaged over one week.
- Per USDA Regulations § 210.10 and § 220.8, school meals will meet the Dietary Guidelines for Americans.

Nutrition Guidelines/Standards—School Meals—*Optional Policy Statements:*

- ☐ Qualifying after-school programs will participate in USDA's After-School Snack Program.
- ☐ Qualifying school sites will participate in USDA's Summer Food Service Program.
- ☐ In addition to following USDA menu-planning system guidelines, school lunch menus will be planned according to the silver or gold criteria specified in the ***HealthierUS School Challenge***.
- ☐ Healthy food preparation techniques will be implemented. Food items will not be fried.
- ☐ Deep-fat fried potato products served as part of a reimbursable meal or as an á la carte item will not exceed three ounces per serving, may not be offered more than once a week, and students may only purchase one serving at a time.
- ☐ Fruits and/or vegetables will be offered daily at all points of service. Fruits and vegetables should be fresh whenever possible. Frozen and canned fruits should be packed in natural juice, water, or light syrup.
- ☐ Schools serving chips must use reduced-fat or baked varieties, rather than the traditional varieties, whenever possible.
- ☐ Beverages such as tea, lemonade, and fruit drinks containing less than 50 percent fruit juice will not be offered to students.
- ☐ The most nutritious food items offered will be placed on the serving line(s) first to encourage students to make healthier selections.
- ☐ Students will be offered a variety of skim and lowfat milk, meat and beans, fruits and vegetables, and whole grains on a daily basis.
- ☐ A nutrient analysis of school meals offered to students will be made available upon request.
- ☐ School staff will support and encourage student participation in the USDA school meals programs.
- ☐ School sites will be encouraged to participate in Farm-to-School by purchasing fresh fruits and vegetables from local farmers when available.

Nutrition Guidelines/Standards Other Food Items Sold--*Minimum Policy Statements:*

- Per USDA Regulation § 210, Appendix B, foods of minimal nutritional value (FMNV) are prohibited from being sold or served during student meal services in the food service area where USDA reimbursable meals are served or eaten.
- Per the Child Nutrition and WIC Reauthorization Act of 2004, beverage contracts will not restrict the sale of fluid milk products at any time during the school day or at any place on the school premises.
- Per Title 70 O.S. § 5-147 effective July 1, 2007, students in elementary schools will not have access to FMNV except on special occasions.

- Per Title 70 O.S. § 5-147 effective July 1, 2007, students in middle and junior high schools will not have access to FMNV except after school, at events which take place in the evening, and on special occasions.
- Per Title 70 O.S. § 5-147 effective July 1, 2007, diet soda, an FMNV, will be available for sale at the junior high only in vending areas outside of the cafeteria.
- Per Title 70 O.S. § 5-147 effective July 1, 2007, healthy food options will be provided at the high school and priced lower than FMNV in order to encourage students and staff to make healthier food choices.

Nutrition Guidelines/Standards—School Meals—*Optional Policy Statements:*

☐ Fried food items will not be available for sale as á la carte food items.

☐ Nutrient-rich food items will be available for sale at all places where food and beverages are sold on school campuses. This includes the cafeteria, vending machines, school stores, and concession stands. The district will follow the recommended food items specified in ***Healthy Snack Choices*** provided by the OSDE.

☐ Snack food items available for sale will contain less than 30 percent or 7 grams of fat per single serving as stated on the Nutrition Facts label (exception: nut and seed mixes).

☐ Snack food items available for sale will contain less than 10 percent or 2 grams of saturated fat per single serving as stated on the Nutrition Facts label.

☐ Snack food items available for sale will contain no more than 35 percent sugar by weight or 15 grams per single serving as stated on the Nutrition Facts label (exceptions are fresh and dried fruits).

☐ Snack food items available for sale will contain less than 480 milligrams of sodium per single serving as stated on the Nutrition Facts label.

☐ High energy drinks with elevated levels of caffeine will not be available for sale anywhere on school campus.

Nutrition Education—*Minimum Policy Statements:*

- Per USDA Regulations § 210.12 and § 227, nutrition education is offered in the school cafeteria as well as the classroom.
- Per Title 70 O.S. § 24-100a, the Healthy and Fit School Advisory Committee at each school site will study and make recommendations regarding health education, nutrition, and health services.

Nutrition Education—*Optional Policy Statements:*

☐ MyPyramid nutrition education resources will be used in the cafeteria and classroom.

☐ The Oklahoma Ag in the Classroom curriculum will be implemented in Grades PK-6.

☐ Nutrition education is integrated into the core curriculum, including math, science, and language arts.

☐ All schools will apply with USDA to participate as a Team Nutrition school. Each school will conduct nutrition education activities and promotions that involve students, parents, and the community <www.teamnutrition.usda.gov>.

- ☐ Students, parents, and the school staff will participate in an annual school health fair.
- ☐ Family/parent nutrition education opportunities will be provided.
- ☐ Advertising and other materials that promote FMNV will be eliminated on all school campuses.
- ☐ Students will receive consistent nutritional messages throughout the school, classroom, cafeteria, and school events.
- ☐ ***The Power of Choice*** nutrition education curriculum will be implemented in the after-school program.
- ☐ Age appropriate USDA Team Nutrition resources will be utilized to teach nutrition education to students.
- ☐ School staff will work with local county extension educators to incorporate nutrition education activities in school.
- ☐ School staff will promote healthful eating and healthy lifestyles to students and parents.

Physical Activity—*Minimum Policy Statements:*

- Per Title 70 O.S. § 24-100a, the Healthy and Fit School Advisory Committee at each school site will study and make recommendations regarding physical education and physical activity.
- Per Title 70 O.S. §11-103-9, students in Grades K through 5 will participate in 60 minutes of physical activity each week.

Physical Activity—*Optional Policy Statements:*

- ☐ Students will participate in an annual health-related fitness test (e.g., Fitness Gram, President's Challenge to Physical Fitness).
- ☐ School sites will establish or enhance physical activity opportunities for students, staff, and parents (fitness challenges, family fitness nights, fun walks and runs, bike events).
- ☐ Elementary school sites will provide 20 minutes of daily recess that promotes physical activity beyond what is provided through physical education classes.
- ☐ Active transportation to and from school will be encouraged by assessing safest routes for students to walk or bike to school and by installing bike racks at school buildings.
- ☐ Students will be encouraged to participate in voluntary before- and after-school physical activity programs such as intramurals, clubs, and, at the secondary level, interscholastic athletics.
- ☐ Students and school staff will collaborate with local recreational departments and youth fitness programs to promote participation in lifelong physical activities.

MEAL-COUNTING AND MEAL-CLAIMING PROCEDURES

A. AccuClaim (Accurate Counting and Claiming System)

Federal reimbursement is provided for each meal that meets program requirements and is served to an eligible student. To obtain this reimbursement, site personnel must accurately count, record, and claim the number of meals actually served to students by category; i.e., full-price, reduced-price, and free. Additionally, the number of meals served free and reduced-price and claimed for reimbursement must have adequate documentation on file to support the claim. (Refer to **page C-85** for a self-review of accurate meal-counting and meal-claiming procedures.)

1. Point of Service

Reimbursement shall be based on daily counts taken at the point of service that identify the number of free, reduced-price, and full-price reimbursable lunches served.

Point of service is defined as that point in the food service operation where a determination can accurately be made that a reimbursable free, reduced-price, or full-price lunch has been served to an eligible student. The meal-counting and meal-claiming procedures used by the SFA are a local decision. When establishing and evaluating a system for acceptability, always keep in mind the following requirements. ***Attendance records, classroom counts, and/or tray counts cannot be used as an acceptable point of service count.***

The meal-counting system chosen must provide a ***point of service*** count:

- Of reimbursable meals served (one per eligible student per day).
- By type (free, reduced-price, or full-price).
- Each day.
- Without overtly identifying students' eligibility categories. Codes used on rosters or other forms of exchange, such as tickets or debit cards, must not overtly identify the eligibility category of the student. Use of the following terms or codes are ***NOT*** allowed.

  (1) Free, reduced-price, full-price, or paid
  (2) F, R, or P
  (3) One-digit numbers

NOTE: Meals served on weekends may be reimbursed if the school activity on the weekend is an* integral part *of the curriculum or an actual extension of the school calendar (i.e., make up days to meet minimum hours students must attend). Meals served during vacations ARE NOT reimbursable. (Reference FNS Instruction 786-7, Rev. 2 and 786-9, Rev. 2) Meals are not reimbursable when school is not in session. For example: The school week is 4 days, and Friday is used for remedial purposes only; because Fridays are not part of the regular school calendar, meals served on Fridays are not reimbursable.

2. Edit Check

Before submitting a monthly claim for reimbursement, each SFA shall compare each eating site's daily count against data that assists in the identification and correction of counts in excess of the number of reimbursable lunches served each day by category (free, reduced-price, and full-price). Edit Check Worksheets must be completed by individual eating sites and only include the grades that are eating at that particular site. There is a Site/School Food Authority (SFA) Edit Check Worksheet on **page C-87**.

3. Attendance Factor Notification

The State Department of Education (the ***State Agency***) will determine each SFA's attendance factor based on enrollment. This information, along with the state and federal attendance factors, will be available on the CNP Web site in early fall. ***Continue to use your attendance factor from last school year until your new attendance factor is posted on the CNP Web site.*** Refer to **page C-91** for an example of an ***Attendance Factor Notification*** from last year. The State Agency will automatically use the attendance factor determined to be most advantageous for each SFA unless otherwise notified. SFAs may also elect to use a separate attendance factor for each school site within the district for the purpose of the School/School Food Authority (SFA) Edit Check Worksheet.

If a site within the district desires to calculate its own attendance factor, the following formula may be used:

Average Daily Attendance (ADA) ÷ Average Daily Membership (ADM) = Attendance Factor

ADA represents an average of the total number of students in attendance on any particular day in a site.

ADM represents an average of the total number of students currently enrolled on any particular day in a site. This number fluctuates as students come and go. When a student checks out of a site, the student is immediately dropped from membership. If a student is absent ten consecutive school days, the student is automatically dropped from membership. (Refer to Section 232 of Public School Laws Records of Attendance.)

4. On-Site Review

Every school year each SFA with more than one school (eating site) shall perform no less than one on-site review for each site under its jurisdiction. The on-site review shall take place prior to February 1 of each school year. Further, if the review discloses problems with a site's meal-counting or meal-claiming procedures, the SFA shall ensure that the site develops and implements a corrective action plan. Within 45 calendar days of the review, it shall be the SFA's responsibility to conduct a follow-up on-site review to determine that the corrective action plan resolved the problems. Each on-site review shall ensure that the site's claim for reimbursement is based on a ***point of service*** meal count system and that the meal count system yields the actual number of reimbursable free, reduced-price, and full-price lunches served for each day of operation. **Page C-93** has a sample form for on-site reviews. The on-site review should be conducted by someone with knowledge of program regulations. This requirement may be contracted with an outside source. However, this review must not be conducted by the FSMC if the FSMC is in charge of the meal-counting and -claiming system. (Reference 7 CFR §210.8[a][1] and FSMC Guidance, page 7-2)

B. Alternate Methods of Meal Counting and Meal Claiming (Provisions 1, 2, and 3)

There are three counting and claiming alternatives that SFAs ***MAY*** implement to reduce their paperwork burden. SFAs interested in implementing any one of the provisions must contact the State Agency for the appropriate application.

Due to the fact that applications are not obtained by districts participating in one of the provisions after the base year, questions have arisen about how to determine free or reduced-price eligibility for the remaining years of the provision for State Aid, Title I, and other funding formulas. SFAs use base year percentages of children eligible for free or reduced-price meal benefits applied to the total enrollment to determine how many students in the site would qualify for free or reduced-price meals. The percentages established in the base year would be brought forward each year and applied to the current school year's enrollment figures. These figures are calculated by the State Agency once October enrollment data is collected. SFAs ***MUST*** complete an application on ***each site*** according to the Educational Directory. ***Applications must be received prior to August 1 of the base year.*** For districts participating in Provision 2 or Provision 3, a simplified Edit Check Worksheet can be found on **page C-95**. (Reference USDA Policy Memo 2001-SP-30)

1. Provision 1

   a. What it is:

      SFAs of a site having at least 80 percent of its enrolled children determined eligible for free or reduced-price meals may, at its option, authorize the site to reduce annual certification and public notification for those children eligible for free meals to once every two consecutive school years.

   b. How it works:

      The following requirements apply:

      (1) SFAs of a site operating under Provision 1 requirements shall publicly notify parents of enrolled children who are receiving free meals once every two consecutive school years and shall publicly notify parents of all other enrolled children on an annual basis.
      (2) The 80 percent enrollment eligibility for Provision 1 shall be based on the site's March enrollment data of the previous school year.
      (3) SFAs of a site operating under Provision 1 shall count the number of free, reduced-price, and full-price meals served to children in that site as the basis for monthly reimbursement claims.
      (4) Before submitting a monthly claim for reimbursement, each SFA shall compare each site's daily count against data that assists in the identification and correction of counts in excess of the number of reimbursable lunches served each day by category (free, reduced-price, and full-price). There is an Edit Check Worksheet on **page C-87**.

2. Provision 2

   a. What it is:

      SFAs may certify students for free or reduced-price meals for up to four consecutive school years if a site serves meals at no charge to all enrolled children in that site provided that public notification was done and eligibility determinations were made correctly in the base year. The term ***base year*** means the last year for which eligibility determinations were made and meal counts by type were taken.

If an SFA operating under Provision 2 continues to collect income or SNAP, ***Temporary Assistance to Needy Families*** (TANF), or ***Food Distribution Program on Indian Reservations*** (FDPIR) information from households during the nonbase years for ***non-National School Lunch Program (NSLP)*** or ***non-School Breakfast Program (SBP)*** purposes, the applications may not be labeled as meal applications or give any indication that meal benefits are contingent upon a household returning the application.

In addition, because information about household income or information about participation in other assistance programs is not a requirement for NSLP or SBP purposes during nonbase years, funds in the nonprofit school food service account (SFSA) may not be used to pay the costs associated with collecting and processing such information.

An SFA operating under Provision 2 may not continue to conduct Direct Certification during the nonbase years ***for other purposes*** as a NSLP/SBP/Special Milk Program (SMP) request. The National School Lunch Act (NSLA) authorizes student matches with SNAP, TANF, and the Head Start programs ***ONLY*** for use in determining eligibility for the NSLP and SBP. During the nonbase years, such information is not necessary for operation of the NSLP or SBP. Consequently, any request for Direct Certification matching for purposes other than NSLP/SBP/SMP could not be conducted under NSLA authority nor could nonprofit SFSA funds be used to cover any of the administrative costs.

An SFA operating under Provision 2 that collects and processes meal applications from households and/or conducts Direct Certification during ***ANY*** nonbase year ***MUST*** use the approved applications to conduct meal-counting and meal-claiming by type at the point of service during that school year. Essentially, this becomes a new base year and new claiming percentages are established for the new cycle.

b. How it works:

Sites shall offer reimbursable meals to all students at no charge during the Provision 2 base year. The Provision 2 base year is the first year and is included in the four-year cycle. The following requirements apply:

(1) Free meals: Participating sites shall serve reimbursable meals, as determined by a ***point of service*** count, to all participating children at no charge during all four years of the cycle (base year included). Application approval, benefit issuance, and verification take place in the base year only.
(2) Cost differential: The SFA of a site participating in Provision 2 shall pay, with funds from nonfederal sources, the difference between the cost of serving the meals at no charge to all participating students and federal reimbursement.
(3) Meal counts: During the base year, even though meals are served to participating students at no charge, sites shall take daily meal counts of reimbursable meals by type (free, reduced-price, and full-price) at the point of service. During the nonbase years, participating sites shall take total daily meal counts (not by type) of reimbursable meals at the point of service. For the purpose of calculating reimbursement claims in the nonbase years, monthly percentages shall be established.

The monthly meal counts of the actual number of meals served by type (free, reduced-price, and full-price) during the base year shall be converted to monthly percentages for each meal type. These percentages shall be derived by dividing the monthly total number of meals served of one meal type (such as free) by the total number of meals served in the same month for all meal types (free, reduced-price, and full-price). The percentages for the reduced-price meal and full-price meal types shall be calculated in the exact same way.

These three percentages calculated at the end of each month of the first school year (base year) shall be multiplied by the corresponding monthly meal count totals for all reimbursable meals served in the second, third, and fourth consecutive school years, and applicable extensions, in order to calculate reimbursement claims for free, reduced-price, and full-price meals each month.

c. Extension of Provision 2:

At the end of the initial cycle and each subsequent four-year cycle, the State Agency may allow a site to continue under Provision 2 for another four years using the claiming percentages calculated in the most recent base year if the SFA can certify that base year records are still available and can establish, through available and approved socioeconomic data, that the income level of the site's population, as adjusted for inflation, has remained stable, declined, or has had only negligible improvement (5 percent or less) since the base year.

Approved sources of socioeconomic data that may be used by SFAs to establish the income level of the site's population are:

(1) Local data developed or collected by city or county zoning and economic planning offices.
(2) Unemployment data for the areas from which the site draws attendance, measuring the stability of the income level of the site's population.
(3) Direct Certification: Show the percentage of enrolled students directly certified in the base year, and compare it to the percentage of enrolled students directly certified in the last year of the current Provision 2 cycle.
(4) An SFA may collect free and reduced-price meal applications to develop socioeconomic data. Please note that this is a data collection process to establish the socioeconomic level of the site's population and does not require meal counts. The collection of Applications for Free and Reduced-Price Meals for extension purposes must be limited to the final school year in the Provision 2 cycle.

The SFA shall be notified by the State Agency when a site is in the last year of participation under Provision 2. This notification shall be sent to the SFA in February of the last year of participation. Documentation from the SFA to support extending participation must be received by the State Agency no later than August 1 of that same year.

The State Agency shall not approve an extension of Provision 2 procedures in those sites for which the available and approved socioeconomic data does not reflect the site's population; is not equivalent data for the base year and the last year of the current cycle; or shows over 5 percent improvement, after adjusting for inflation, in the income level of the site's population. Approval cannot be made for any site that does not submit the required data by the August 1 deadline.

Sites not approved for an extension shall:

(1) Return to standard meal-counting and meal-claiming procedures.
(2) Establish a new base year by taking new Applications for Free and Reduced-Price Meals, making new free and reduced-price eligibility determinations, and taking ***point of service*** counts of free, reduced-price, and full-price meals for the first year of the new cycle. ***NOTE: All meals in the base year under Provision 2*** **must be** ***served free of charge to all participating students.***

d. Record-keeping requirements:

SFAs of sites implementing Provision 2 shall retain records related to the implementation of the provision for as long as the entity is operating the provision. Failure to maintain sufficient records shall result in the State Agency requiring the site to return to standard meal-counting and meal-claiming procedures and/or fiscal action for the entire year in which records are not found.

(1) Base year records: SFAs shall ensure that records which support subsequent year earnings are retained for the base year for sites under Provision 2. Such base year records shall be retained during the period the provision is in effect, including all extensions, and three fiscal years after the submission of the last claim for reimbursement, which employed the base year data. If audit findings have not been resolved, base year records shall be retained beyond the three-year period as long as required for the resolution of the issues raised by the audit.
(2) Nonbase year records: SFAs shall ensure that nonbase year records pertaining to total daily meal count information, edit checks, and on-site review documentation are retained for sites under Provision 2. Such records shall be retained for three years after submission of the final claim for reimbursement for the fiscal year. SFAs that are granted an extension of a provision shall retain records of the available and approved socioeconomic data that is used to determine the income level of the site's population for the base year and years in which extensions are made. Such records shall be retained at the SFA level during the period the provision is in effect, including all extensions, and three fiscal years after the submission of the last claim for reimbursement, which employed base year data. If audit findings have not been resolved, records shall be retained beyond the three-year period as long as required for the resolution of the issues raised by the audit.

Upon request, the SFA shall make documentation that supports participation in the provision available at any reasonable time for monitoring and audit purposes.

3. Provision 3

a. What it is:

An SFA of a site that serves all enrolled students in that site reimbursable meals at no charge during any period for up to four consecutive school years may elect to receive federal cash reimbursement and commodity assistance for the same level as the total federal cash and commodity assistance received by the site during the last year that eligibility determinations for free and reduced-price meals are made and meals were counted by type—free, reduced-price, and full-price—at the point of service. Such cash reimbursement and commodity assistance shall be adjusted for each of the four consecutive school years based on a comparison of the site's enrollment in the base year and the site's enrollment in each consecutive year. The term ***base year*** means the last year for which eligibility determinations were made and meal counts by type were taken.

Reimbursable meals may be offered to all students at no charge, or students eligible for reduced-price or full-price meal benefits may be charged for meals during the Provision 3 base year. The Provision 3 base year immediately precedes, and is not included in, the four-year cycle.
If an SFA operating under Provision 3 continues to collect income or SNAP/TANF/FDPIR information from households during the nonbase years for ***non-NSLP*** or ***non-SBP*** purposes, the applications may not be labeled as meal applications or give any indication that meal benefits are contingent upon a household returning the application.

In addition, because information about household income or information about participation in other assistance programs is not a requirement for NSLP or SBP purposes during the nonbase years, funds in the nonprofit SFSA may not be used to pay the costs associated with collecting and processing such information.

An SFA operating under Provision 3 may not continue to conduct Direct Certification during the nonbase years ***for other purposes*** as an NSLP/SBP/SMP request. The NSLA authorizes student matches with the SNAP, TANF, and Head Start programs ***ONLY*** for use in determining eligibility for the NSLP and SBP. During the nonbase years, such information is not necessary for operation of the NSLP or SBP. Consequently, any request for Direct Certification matching for purposes other than NSLP/SBP/SMP could not be conducted under NSLA authority nor could nonprofit SFSA funds be used to cover any of the administrative costs.

An SFA operating under Provision 3 may collect applications for meal benefits and/or conduct Direct Certification during nonbase years for the purpose of requesting an extension of the provision.

An SFA operating under Provision 3 that collects and processes meal applications from households and/or conducts Direct Certification during ***ANY*** nonbase year ***MUST*** use the approved applications to conduct meal-counting and meal-claiming by type at the point of service during that school year. Essentially, this becomes a new base and new claiming percentages are established for the new cycle.

b. How it works:

The following requirements apply:

(1) Sites shall offer reimbursable meals to all students during the Provision 3 base year. Application, benefit issuance, and verification take place in the base year only.
(2) Free meals: Participating sites shall serve reimbursable meals as determined by a ***point of service*** count to all participating children at no charge during nonbase years of operation.
(3) Cost differential: The SFA of a site participating in Provision 3 shall pay, with funds from nonfederal sources, the difference between the cost of serving the meals at no charge to all participating students and federal reimbursement.
(4) Meal counts: Participating sites shall take daily meal counts of reimbursable meals served to participating students at the point of service during the nonbase years. Such meal counts shall be retained at the local level. In addition, SFAs must establish a system of oversight using the daily meal counts to ensure that participation has not declined significantly from the base year. If participation declines significantly, the SFA shall provide the site with technical assistance, adjust the level of financial assistance received through the State Agency, or return the site to standard application and meal-counting procedures, as appropriate.

The State Agency shall make annual adjustments for enrollment and inflation to the total federal cash and commodity assistance received by a Provision 3 site in the base year. The adjustments shall be made for increases and decreases in enrollment of children with access to the programs. The annual adjustment for enrollment shall be based on the site's base year enrollment as of October 1 compared to the site's current year enrollment as of October 1.

To the extent that the number of operating days in the current school year differs from the number of operating days in the base year, and the difference affects the number of meals, a prorated adjustment shall also be made to the base year level of assistance as adjusted by enrollment and inflation. Such adjustment shall be effected by multiplying the average daily meal count by type (free, reduced-price, or full-price) by the difference in the number of operating days between the base year and the current year and subtract that number from the meals claimed.

c. Extension of Provision 3:

At the end of the initial cycle and each subsequent four-year cycle, the State Agency may allow a site to continue under Provision 3 for another four years using the information from the most recent base year if the SFA can certify that base year records are still available and establish, through available and approved socioeconomic data, that the income level of the site's population, as adjusted for inflation, has remained stable, declined, or has had only negligible improvement (5 percent or less) since the base year.

Approved sources of socioeconomic data that may be used by SFAs to establish the income level of the site's population are:

(1) Local data developed or collected by city or county zoning and economic planning offices.
(2) Unemployment data for the areas from which the site draws attendance, measuring the stability of the income level of the site's population.

(3) Direct Certification: Show the percentage of enrolled students directly certified in the base year, and compare it to the percentage of enrolled students directly certified in the last year of the current Provision 3 cycle.
(4) SFAs may collect Applications for Free and Reduced-Price Meals to develop socioeconomic data of the site's population. Please note that this is a data collection process to establish the socioeconomic level of the site's population and does not require meal counts. The collection of Applications for Free and Reduced-Price Meals must be limited to the final school year in the Provision 3 cycle.

The SFA shall be notified by the State Agency when a site is in the last year of participation under Provision 3. This notification shall be sent to the SFA in February of the last year of participation. Documentation from the SFA to support extending participation must be received by the State Agency no later than August 1 of that same year.

The State Agency shall not approve an extension of Provision 3 procedures in those sites for which the available and approved socioeconomic data does not reflect the site's population; is not equivalent data for the base year and the last year of the current cycle; or shows over 5 percent improvement, after adjusting for inflation, in the income level of the site's population. Approval cannot be made for any site that does not submit the required data by the August 1 deadline.

Sites not approved for an extension shall:

(1) Return to standard meal-counting and meal-claiming procedures.
(2) Establish a new base year by taking new Applications for Free and Reduced-Price Meals, making new free or reduced-price eligibility determinations, and taking point-of-service counts of free, reduced-price, and full-price meals for the first year of the new cycle. ***NOTE: All meals in the base year under Provision 3*** **are not** ***required to be served free of charge to all participating students.***

d. Record-keeping requirements:

SFAs of sites implementing Provision 3 shall retain records related to the implementation of the provision for as long as the entity is operating the provision. Failure to maintain sufficient records shall result in the State Agency requiring the site to return to standard meal-counting and meal-claiming procedures and/or fiscal action for the entire year in which records are not found.

(1) Base year records: SFAs shall ensure that records that support subsequent year earnings are retained for the base year for sites under Provision 3. Such base year records shall be retained during the period the provision is in effect, including all extensions, plus three fiscal years after the submission of the last claim for reimbursement, which employed the base year data. If audit findings have not been resolved, base year records shall be retained beyond the three-year period as long as required for the resolution of the issues raised by the audit.

(2) Nonbase year records: SFAs shall ensure that nonbase year records pertaining to total daily meal count information, edit checks, and on-site review documentation are retained for sites under Provision 3. In addition, SFAs shall ensure that nonbase year records pertaining to annual enrollment data and number of operating days which are used to adjust the level of assistance are retained. Such records shall be retained for three years after submission of the final claim for reimbursement for the fiscal year. SFAs that are granted an extension of a provision shall retain records of the available and approved socioeconomic data which is used to determine the income level of the site's population for the base year and years in which extensions are made. Such records shall be retained at the SFA level during the period the provision is in effect, including all extensions, and three fiscal years after the submission of the last claim for reimbursement which employed base year data. If audit findings have not been resolved, records shall be retained beyond the three-year period as long as required for the resolution of the issues raised by the audit.

Upon request, the SFA shall make documentation which supports participation in the provision available at any reasonable time for monitoring and audit purposes.

C. Alternatives to Meal Service Times (Nontraditional Meal Service)

1. Exemptions to the Traditional Lunch Period (Strictly Optional for Each SFA)

a. The primary standard for allowing meals to be served outside the regulatory time period is that the site is operating for traditional students at a nontraditional time. The United States Department of Agriculture (USDA) Food and Nutrition Service (FNS) has approved exemptions contingent upon the understanding that:

- These alternative programs provide students of high school grade or under an opportunity to obtain the minimum requirements needed for graduation at a nontraditional time.
- It is not possible to serve lunch at a more traditional time. For example, some work-study programs allow high school students to work in the morning or afternoon hours and attend high school classes in the late afternoon or evening.

b. Although State Agency approval is required to initially begin claiming reimbursement for these meals, it is not necessary for each program to seek approval each year if the conditions upon which approval was initially granted remain unchanged. However, if the conditions upon which approval was granted change, the reimbursable status of the meal service would then need to be reexamined. (Reference USDA Policy Memo 2002-SP-14)

2. Claiming Adult Students (Reference USDA Policy Memo 2002-SP-08)

The key issue for adult participation in the CNP is enrollment, not whether the adults are attending some classes or whether they are part of an Even Start Literacy Program. The adult either must be enrolled in General Educational Development (GED) classes during the regular school day in accordance with USDA Policy Memo 776-7 or otherwise be enrolled in an education unit of high school grade or under, in accordance with the definition of ***Child*** in 7 CFR §210.2. Any adults meeting these criteria who wish to obtain free or reduced-price meal benefits under CNP must have a completed and approved application on file with the SFA. Under no circumstances can evening meals served to students in GED courses be reimbursable. GED students are ***NOT*** included in the number of free and reduced-price eligibles reported on the monthly claim for reimbursement or the Low-Income Student Count Report.

3. Out-of-Home Placement Students

Meals served to out-of-home placement students can be claimed for reimbursement. These are students who attend an institution administered by a public school that is not in the attendance area of their home SFA. In order to claim the meals for these students at the free or reduced-price rate, the serving SFA must have an approved application on file to verify that the student qualifies for such benefits. The SFA claiming the meals of out-of-home placement students does ***NOT*** include these students in the number of free or reduced-price eligibles reported on the monthly claim for reimbursement or the Low-Income Student Count Report because they are to be reported by their home district.

4. Virtual Students

Meals served to virtual students can be claimed for reimbursement if and when the students are on school grounds. These are students who attend school at a location that is not within district boundaries. In order to claim the meals for these students at the free or reduced-price rate, the SFA must have an approved application on file to verify that the student qualifies for such benefits. The SFA does include these students in the number of free or reduced-price eligibles reported on the monthly claim for reimbursement. Virtual students are also reported separately on the Low-Income Student Count Report. (Reference Oklahoma Senate Bill 2109, effective July 1, 2010)

5. Claiming Meals Served in Alternative Sites

There are two different options to consider if several different SFAs have enrolled students attending the same alternative school.

a. One SFA assumes responsibility for all students.

Under this option, the SFA assuming responsibility would claim reimbursement for meals served to students attending the alternative school. The designated SFA would add the alternative school as a site on the ***Schedule A*** of the NSLP Agreement. The site code could be anything in the 700 Series. A copy of each student's Application for Free and Reduced-Price School Meals would be kept with the designated SFA's records, and the designated SFA would claim the number of meals served to each student by category each month along with all the other meals served to their enrolled students. The students qualifying as free or reduced-price at the alternative school ***would not*** be included in the number of free eligibles or reduced-price eligibles reported on the designated SFA's claim for reimbursement each month because these students are not ***ENROLLED*** in that SFA. The SFAs in which the students are enrolled ***WOULD*** report their students as part of ***THEIR*** free and reduced-price eligible count even though they would not claim any meals served to these students.

All NSLP requirements, including record keeping, Offer versus Serve, as well as safety and sanitation at the alternative school eating site, would be the responsibility of the SFA preparing, serving, and claiming the meals, just as it is with any other site listed on the district's Schedule A. Any purchases needed to be made for the alternative site (such as insulated delivery carts) could be purchased with school food service program funds.

b. One SFA contracts with the other SFAs to provide meal service.

Under this option, one SFA would sign a contract with each student's home SFA (one contract per SFA). The contract would specify that the SFA providing the meal service would serve the required meal pattern to the students from each of the other SFAs. The contract should establish a daily time frame in which each contracting SFA reports to the preparing SFA the number of meals to be ordered each day. Each contracting SFA would be invoiced on a monthly basis for the total number of meals ordered during the invoice period. The contracting SFAs would be responsible for paying for the number of meals ***ORDERED***, regardless of whether the meal was served.

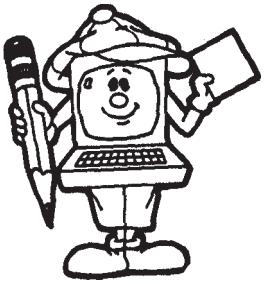
The preparing SFA would be responsible for reporting to each contracting SFA the number of meals served to its students. Each contracting SFA would then claim the number of meals ***SERVED*** on its own monthly claim. The preparing site would report the meals as contract meals on its claim.

The charge established for these contract meals must ***NEVER*** be less than the cost of preparing the meals.

The preparing SFA is ultimately responsible for all NSLP requirements. Each of these requirements should be stated in the contract. The signed contract ensures each SFA that the meals its students receive will, in fact, meet requirements and therefore can be claimed for reimbursement. The prototype contract can be found on **page C-97**.

6. Claiming Meals for Visiting Students

a. The SFA in which the students are visiting would obtain copies of the visiting students' free or reduced-price eligibility information from the SFA where the students are enrolled. The visiting students qualifying as free or reduced-price ***would not*** be included in the number of free and reduced-price eligibles reported on the claim for reimbursement; however, the ***MEALS*** served to these visiting students could be claimed for reimbursement according to their categorical eligibility.
b. The SFAs in which students are enrolled would receive verification that reimbursable meals were served from the SFA in which the students are visiting. The SFA in which the students are enrolled would categorically claim the meals served to these students and reimburse the SFA where the visiting students were served. SFAs may want to have a contract in this situation. The SFA feeding the visiting students may want to invoice the SFA in which the students are enrolled.



DO YOU HAVE AN ACCEPTABLE MEAL-COUNTING SYSTEM AT THE POINT OF SERVICE?

Answer the following questions about your counting system. If the answer to any of these questions is ***YES***, your counting system is ***NOT*** acceptable and must be revised (unless approved as an alternative system by the State Department of Education [the ***State Agency***]).

YES ☐ NO ☐ 1. Are claims based only on meal counts taken in the morning in the classroom or at any other location before the meal is served?

YES ☐ NO ☐ 2. Are claims based on attendance records?

YES ☐ NO ☐ 3. Are meal counts based on the number of tickets or tokens sold and distributed or the number of meals paid in advance?

YES ☐ NO ☐ 4. Is the number of free and reduced-price meals claimed based on the number of students eligible to receive such meals?

YES ☐ NO ☐ 5. Are meal counts by category taken at the beginning of the serving line without checking that the meals served are reimbursable?

YES ☐ NO ☐ 6. Are meal counts by category based on visual identification of students with no backup system available for persons not familiar with the students; e.g., checklists?

YES ☐ NO ☐ 7. Are meal counts based on tray or plate counts?

YES ☐ NO ☐ 8. Are back-out systems used that subtract one number (e.g., number of free and reduced-price meals) from the total count to get another number (e.g., the number of full-price meals)?

YES ☐ NO ☐ 9. Are the students who are eligible for meal benefits overtly identified?

YES ☐ NO ☐ 10. Is this a system that does ***NOT*** yield a reliable, accurate count of meals served by category?

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SITE/SCHOOL FOOD AUTHORITY (SFA) EDIT CHECK WORKSHEET

1. Site:_____

2. Month: _____

3. Attendance Factor (AF):_____

4. Total Daily Membership is the sum going across Columns 6, 10, and 14 on any given day.

5. Day of Month	6. Highest Enrolled Free Eligibles for Claim (Plus Only)	7. Daily Free Eligibles (Plus and/or Minus)	8. Daily Free Eligibles x AF	9. Free Meals Claimed	10. Highest Enrolled Reduced-Price Eligibles for Claim (Plus Only)	11. Daily Reduced-Price Eligibles (Plus and/or Minus)	12 Daily Reduced-Price Eligibles x AF	13. Reduced-Price Meals Claimed	14. Paid Eligibles (Plus Only)	15. Daily Paid Eligibles x AF	16. Paid Meals Claimed	17. Total Meals Claimed Daily	18. (Average) Daily Attendance	19. Comments
1														
2														
3														
4														
5														
6														
7														
8														
9														
10														
11														
12														
13														
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16														
17														
18														
19														
20														
21														
22														
23														
24														
25														
26														
27														
28														
29														
30														
31														

20. Monthly Totals:

21. Signature:_____

22. Date:_____

Reminder: If the school is computerized, a roster, including the add/drop lists, must be printed at the end of every month and should match the last numbers in Columns 6 and 10.

SITE/SCHOOL FOOD AUTHORITY (SFA) EDIT CHECK WORKSHEET INSTRUCTIONS

Edit Check Worksheets must be completed by individual eating sites and only include the grades that are eating at that particular site.

1. Site: Record the name of the eating site.

2. Month: Record the month and year.

3. Attendance Factor (AF): Record the AF for the school food authority (SFA).

4. Total Daily Membership: This is the sum going across Columns 6, 10, and 14 on any given day. If the SFA needs a total monthly membership, use the last day of the month.

5. Day of Month: Locate the day of the month, and begin recording on the corresponding line. The site may wish to highlight any weekends, holidays, or professional days when the site was closed.

6. Highest Enrolled Free Eligibles for Claim: Record the current number of enrolled students eligible for free meal benefits on the first serving day of the month. These students may or may not actually participate in lunch; i.e., Special Milk applications, Head Start co-ops. Each day, add any newly enrolled students who are eligible for free meal benefits. Do not deduct any students who withdraw during the month since this column is used to determine the highest number of free eligibles for the overall month. The number of enrolled free eligibles on the last day of the month is to be reported on the claim for reimbursement. Virtual students should be included. (Students enrolled in adult education courses or out-of-home placement students are not to be reported on the claim. Adult education classes are those conducted for the following purposes or groups: General Educational Development [GED], Temporary Assistance for Needy Families [TANF], English as a second language [ESL], family literacy, life skills, etc.) If a student is dropped during any month, that student has already been reported as free for the entire month; therefore, he or she must not be counted again if the student reenrolls during the same month.

   NOTE: Any students who withdrew during this month need to be dropped after the last serving day of this month before starting next month's Site/School Food Authority (SFA) Edit Check Worksheet. This number should reflect the number in Column 7 at the beginning of the next month.

7. Daily Free Eligibles: Record the number of students eligible for free lunches each day. This will include enrolled students as well as students who are not enrolled; i.e., visiting students, preprimary children under the age of four, adult education students, out-of-home placement, and virtual students. Daily, add any new students eligible for free lunches and drop any students as they withdraw during the month. Do not include children who are eligible for free benefits but do not participate in lunch as this is a daily check of lunch eligibles; i.e., Special Milk applicants who do not eat lunch, Head Start co-ops who do not eat lunch.

8. Daily Free Eligibles x AF: Multiply the number in Column 7 by the attendance factor recorded on No. 3. ***DO NOT ROUND UP.***

9. Free Meals Claimed: Record the total number of reimbursable free lunches served/claimed each day to students.

10. Highest Enrolled Reduced-Price Eligibles for Claim: Record the current number of enrolled students eligible for reduced-price meal benefits on the first serving day of the month. These students may or may not actually participate in lunch; i.e., Special Milk applications, Head Start co-ops. Each day, add any newly enrolled students who are eligible for reduced-price meal benefits. Do not deduct any students who withdraw during the month because this column is used to determine the highest number of reduced-price eligibles for the overall month. The number of enrolled reduced-price eligibles on the last day of the month is to be reported on the claim for reimbursement. Virtual students should be included. (Adult education or out-of-home placement `students are not included.) If a student is dropped during any month, that student has already been reported as reduced-price for the entire month; therefore, he or she must not be counted again if the student reenrolls during the same month.

    NOTE: Any students who withdrew during this month need to be dropped after the last serving day of this month before starting next month's Site/School Food Authority (SFA) Edit Check Worksheet. This number should reflect the number in Column 11 at the beginning of the next month.

SITE/SCHOOL FOOD AUTHORITY (SFA) EDIT CHECK WORKSHEET INSTRUCTIONS continued

11. Daily Reduced-Price Eligibles: Record the number of students eligible for reduced-price lunches each day. This would include enrolled students as well as students who are not enrolled; i.e., visiting students, preprimary children under the age of four, adult education students, out-of-home placement students, and virtual students. Daily, add any new students eligible for reduced-price lunches and drop any students as they withdraw during the month. Do not include children who are eligible for reduced-price benefits but do not participate in lunch as this is a daily check of lunch eligibles; i.e., Special Milk applicants who do not eat lunch, Head Start co-ops who do not eat lunch.

12. Daily Reduced-Price Eligibles x AF: Multiply the number in Column 11 by the attendance factor recorded on No. 3. ***DO NOT ROUND UP.***

13. Reduced-Price Meals Claimed: Record the total number of reimbursable reduced-price lunches served to students and claimed each day.

14. Paid Eligibles: Record the total number of enrolled students who are not approved for free or reduced-price meal benefits. ***Never subtract out of this column until the first day of the following month. NOTE:*** Any students who withdrew during this month need to be dropped after the last serving day of this month before starting next month's Site/School Food Authority (SFA) Edit Check Worksheet.

15. Daily Paid Eligibles x AF: Multiply the number in Column 14 by the attendance factor recorded on No. 3.

16. Paid Meals Claimed: Record the total number of reimbursable paid lunches served to students and claimed each day.

17. Total Meals Claimed Daily: Add together the number of lunches served to students and claimed each day. Add the totals going across in Columns 9, 13, and 16.

18. Average Daily Attendance: Each site has one of two options to calculate the average daily attendance: (a) the actual daily attendance may be obtained each day from the school office and used to compare to the total claimed or (b) the average daily attendance may be calculated by multiplying the attendance factor in No. 3 by the sum of Columns 6, 10, and 14.

19. Comments: Record any comments necessary to explain variations in meal service.

20. Monthly Totals: Add the numbers going down in Columns 9, 13, 16, and 17. Record the totals of the free, reduced-price, full-price, and total meals at the bottom of each column.

21. Signature: The person completing the form must sign the form and accept responsibility for the form's accuracy.

22. Date: The person completing the form must record the date by his or her signature.

NOTE: The last box in Columns 6 and 10 will be used to report the highest number of free and reduced-price eligibles on the claim for reimbursement each month. The last box in Column 14 will be used to report the number of paid eligibles on the claim for reimbursement each month. SFAs with multiple eating sites will need to consolidate the number of free, reduced-price, and paid eligibles from all eating sites.

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ABC

County: 99 FY: 2012
District: 1000 Select Log Out

Session Timer: 44:47

Expand All Menu

Admin/Certify
Agreement

Claims
Seamless Summer Claims
Reports
Help

Messages

	Messages	Recipient
Edit Delete	**Attendance Factor** 07/28/2012 - 10:55:09 AM, The attendance factors for the 2012-2013 school year have been published: National Attendance Factor: 93.80% State Attendance Factor: 94.45% Your District's Attendance Factor: 91.80% The attendance factor that will be used by this office to compute your claims for reimbursement is located on the Renewal Menu page. Please contact our office at 405-521-3327 if you would like to use a different attendance factor.	ALL
Edit Delete		ALL
Edit Delete		ALL

Profile

Authorized Representative: JOHN DOE

Last Name	First Name	Authorized	
Doe	John		Edit
			Edit

Adjustment Percentage: 0.5
Attendance Factor: 0.9445
Special Milk Category: Not Participating in SMP

- [X] 60% Qualifying (Add 2 cents)
- [X] Send Payment Notice to Superintendent
- [ ] Agency Type 5911
- [ ] Seamless Summer

Severe Need Breakfast	Snacks	Provision 2 & 3
[X] SNB 40% All	[ ] After-School Snacks	[ ] Provision 2 All
[ ] SNB 40% Partial	[ ] Snacks All Free	[ ] Provision 2 Partial
		[ ] Provision 3 All
		[ ] Provision 3 Partial

Save

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ON-SITE REVIEW CHECKLIST
ASSESSMENT OF THE MEAL-COUNTING AND -CLAIMING SYSTEM

School Name: _____ Review Date: _____

SFA Reviewer: _____

The following questions are recommended at a minimum to complete the on-site review requirement:

YES	NO		
☐	☐	1.	Is the method used for counting reimbursable meals in compliance with the approved ***point of service*** requirement? (Meal counts must be taken at the location where complete meals are served to children.)
☐	☐	2.	Is the ***point of service*** meal count used to determine the school's claim for reimbursement?
☐	☐	3.	Is the person responsible for monitoring meals correctly identifying reimbursable meals for the menu-planning option selected by the SFA?
☐	☐	4.	Is the school correctly implementing policies for handling the following (as applicable):

Yes	No	NA	
☐	☐	☐	Incomplete meals?
☐	☐	☐	Second meals?
☐	☐	☐	Lost, stolen, misused, forgotten, or destroyed tickets, tokens, IDs, PINs?
☐	☐	☐	Visiting student meals?
☐	☐	☐	Adult and nonstudent meals (and identifying program vs nonprogram)?
☐	☐	☐	Á la carte?
☐	☐	☐	Student worker meals?
☐	☐	☐	Field trips?
☐	☐	☐	Charged and/or prepaid meals?
☐	☐	☐	Offer versus Serve?

☐	☐	5.	Is there a method of identifying nonreimbursable meals (i.e.., not meeting meal pattern requirements, seconds, adult meals), distinguishing them from reimbursable meals?
☐	☐	6.	Is someone trained as a backup for the monitor and the meal counter?
☐	☐	7.	Are there procedures for meal-counting and -claiming when the primary counting and claiming system is not available, and do staff know when and how to implement it?
☐	☐	8.	Are daily counts correctly totaled and recorded?
☐	☐	9.	If claims are aggregated, are the meal counts correctly totaled and consolidated?
☐	☐	10.	Are internal controls (edits, monitoring, etc.) established to ensure that daily counts do not exceed the number of students eligible or in attendance and that an accurate claim for reimbursement is made? Record today's meal counts by category, and compare to the number of students eligible by category.

Number of Students Approved by Category		*Today's Meal Counts by Category*	
Free:	_____	Free:	_____
Reduced-price:	_____	Reduced-price:	_____
Paid:	_____	Paid:	_____

YES	NO		
☐	☐	11.	Does the system prevent overt identification of children receiving free or reduced-price meals?
			NOTE: The following two questions are for all SFAs* EXCEPT *for SFAs on Provision 2 in nonbase years or RCCIs with only residential children:
☐	☐	12.	Is a current eligibility list kept up-to-date and used by the meal count system to provide an accurate daily count of reimbursable meals ***by category*** (free, reduced-price, paid)?
☐	☐	13.	If applicable according to 7 CFR §210.8(a)(3), are edit checks completed and documented that compare the daily counts of free, reduced-price, and paid lunches against the product of the number of children currently eligible for free, reduced-price, and paid lunches, respectively, times an attendance factor (and any discrepancies accounted for)?

CORRECTIVE ACTION PLAN (for previous *NO* answers):

SPECIFY DATE CORRECTIVE ACTION(S) WILL BE IMPLEMENTED:_____

BY WHOM: _____

SIGNATURE: _____ _____ _____
School Representative Title Date

_____ _____ _____
SFA Reviewer Title Date

FOLLOW-UP VISIT (must be conducted within 45 days if corrective action was required): _____
Observations of corrective action implementation:

SIGNATURE: _____ _____ _____
School Representative Title Date

_____ _____ _____
SFA Reviewer Title Date

EDIT CHECKS FOR PROVISION 2/3

Site: _____ Attendance Factor: _____

Month: _____ Total Membership as of First Day of Month: _____

(1) Total Daily Lunches Claimed Per eClaims: _____

(2) Day of Month	(3) Actual Daily Total Lunch Count	(4) Average Daily Attendance
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		
31		

1. Total Daily Lunches Claimed Per eClaims: Check eClaims to determine this figure.
2. Day of Month: Locate the date of the month, and begin recording on the corresponding line. The site may wish to highlight any weekends, holidays, or professional days when the site was closed.
3. Actual Total Lunch Count: Record actual daily total meal count as taken by the SFA. Compare that number with the number on line 1 to ensure the school is neither overclaiming nor underclaiming.
4. Average Daily Attendance: The average daily attendance may be calculated by multiplying the attendance factor by the total membership. The average daily attendance will be the same number for the entire month.

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AGREEMENT TO FURNISH FOOD SERVICE

INSTRUCTIONS: This agreement should be used when contracting for food service between SFAs or outside entities that are not food service management companies (FSMC). A copy of this agreement must be submitted to the State Department of Education (SDE) for each site that contracts for meals.

The _____ and the _____
(Recipient) (Preparer)
enter into this agreement for the site to provide meals.

The site preparing the meals agrees to (Preparer):

1. Furnish meals as ordered during the period of _____ to _____
(Commencement Date) (Expiration Date)

   Meals shall be served _____ day(s) a week.

2. Provide meals that meet or exceed United States Department of Agriculture (USDA) requirements as set forth in program regulations.

3. Prepare meals in accordance with Oklahoma State Department of Health guidelines.

4. Provide the following meals to the receiving site.

_____	Breakfast	_____	a.m.
_____	Lunch	_____	a.m./p.m.
_____	After-School Snack	_____	p.m.

5. Furnish meals in the following manner:

   _____ Meals will be served at receiving site cafeteria.
   _____ Meals will be available for pick up.
   _____ Meals will be delivered to the receiving site.
   _____ Food will be portioned in bulk containers.
   _____Site preparing the food will provide portioning utensils.
   _____Site preparing the food will not provide portioning utensils.
   _____ Food will be portioned in individual serving containers.

6. Provide a food production record (Contract Meal Service Delivery Receipt), **page C-99**, for the recipient that documents each meal service, including the following information: complete menu and food items, quantities delivered, number of meals ordered/delivered, crediting information (Child Nutrition [CN] label and/or product formulation statement and/or recipe information, when applicable), and a signature indicating delivery of meals. The Preparer will also retain a copy of these food production records and make additional supporting documents available upon request (copy of CN label and/or product formulation statement or recipe information, when applicable). ***The preparer is obligated to relay daily the correct portion size required for each bulk item (if applicable) along with the quantity of each bulk item that is delivered to the recipient.***

*These options may only be implemented for children over the age of two.

7. Provide meals to the receiving site based on the number of meals ordered, with adjustments made as needed.

8. Do not claim reimbursement for all or part of the meals provided to the receiving site under any othe rprogram administered by the SDE.

9. Charge/invoice the receiving site, itemizing the number of child/adult meals provided and the total amount owed for each month that meals are provided.

The site receiving the meals agrees to (Recipient):

1. Inform the preparing site of the number of meals needed by the receiving site for each meal service. The preparation site will be notified of any adjustments in meals ordered within the predetermined time frame of _____.

2. Notify the preparing site of any children who may require special dietary considerations to fulfill their nutritional needs.

3. Pick up or accept meals for each meal service prepared within contractual requirements for the receiving site.

4. Serve meals to children in accordance with Oklahoma State Department of Health guidelines.

5. **Reimburse the preparing site for meals at the following rates:**

   $ _____ For each child's breakfast
   $ _____ For each child's lunch
   $ _____ For each child's snacks
   $ _____ For each adult's breakfast
   $ _____ For each adult's lunch
   $ _____ For each adult's snacks

MEAL PRICES MUST BE, AT A MINIMUM:

6. Lunch charge equals free reimbursement rate for lunch, including the value of USDA Foods (additional 2¢ does not apply).

7. Breakfast charge equals free reimbursement rate for regular breakfast.

8. Snack charge equals free reimbursement rate for snack.

I agree with all provisions of this contract.

_____ _____
(Signature of Preparing Site) (Date)

_____ _____
(Signature of Receiving Site) (Date)

Attachments: Minimum Meal Pattern Requirements

CONTRACT MEAL SERVICE
DELIVERY RECEIPT
(Keep in your monthly folder. *USE ONE RECEIPT PER MEAL SERVICE.*)

DATE: _____

MEAL TYPE: Breakfast _____ Lunch _____ After-School Snack _____

SITE PREPARING MEAL: _____

CHARTER SCHOOL RECEIVING MEAL: _____

DELIVERY TIME: _____ NUMBER OF MEALS ORDERED/DELIVERED: _____

FOOD ITEMS PREPARED AND QUANTITIES DELIVERED

Menu	Quantity Delivered: Number of Students _____ Bulk Delivery _____ Number of Adults _____ Preportioned _____	*Crediting/ Portioning Information
Milk	Milk provided by: SITE VENDOR (Circle One) Record Quantity: _____	
Vegetable/Fruit/ Juice		
Bread/Bread Alternate OR Side		
Meat/Meat Alternate		
Extras OR Additional Sides		

* Crediting/portioning information for food-based menu planning: i.e., 1 cup spaghetti sauce = 2 ounces meat/meat alternate, 6 chicken nuggets = 2 ounces meat/meat alternate and 1 ounce bread/bread alternate serving, 2 cheese sticks = 1 ounce meat/meat alternate.

I acknowledge that the above items and quantities were delivered to this contract site. I did complete the necessary portioning/crediting information. Child Nutrition (CN) labels, product formulation statements, and/or recipes are available for all combination food items or other applicable components.

_____
Signature of Preparer

I acknowledge that the above items and quantities were delivered to this contract site.

INSPECTION DELIVERY: Was the food delivered in a safe/sanitary method? Yes or No

Were food temperatures proper? Yes or No

_____
Signature of Recipient

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SPECIAL MILK PROGRAM (SMP)

A. In 1954 the Special Milk Program (SMP) was implemented to encourage fluid milk consumption by selling milk to students at the lowest possible price and serving milk free to students determined to be eligible. Beginning in 1961 and continuing through 1986, this program was available only to schools and nonprofit child care institutions not participating in the National School Lunch Program (NSLP) and School Breakfast Program (SBP). In 1986 the SMP was expanded to include split-session kindergarten children who do not have access to the breakfast and/or lunch programs because of their half-day schedules. The benefits of the program were also extended to preprimary class students who do not have access to the breakfast and/or lunch programs because of their half-day schedules.

School districts that have split-session kindergarten and preprimary students who do not have access to the NSLP and/or SBP may receive reimbursement for milk served to these students. Schools may choose either to serve milk free to students qualifying according to family income, serve milk at a set price to all students, or serve milk free to all students.

1. ***Nonpricing Program***: All children are served milk free of charge, and all milk served is claimed for reimbursement at the rate established by the United States Department of Agriculture (USDA).

2. ***Option 1 Pricing Program***: Children whose family size/income falls within the free guidelines are served free milk. Reimbursement is claimed for the average cost of milk served free to eligible children. Children who are not eligible for free milk pay for the milk served, and reimbursement is claimed for paid milk at the rate established by USDA.

3. ***Option 2 Pricing Program***: All children are charged for milk served regardless of family size/income. All milk served is claimed for reimbursement at the rate established by USDA.

B. Sites ***MUST*** offer students fluid pasteurized milk in at least two choices of fat content from the following:

- Unflavored or flavored fat-free
- Unflavored lowfat (1%)
- Lactose-reduced lowfat (1%) or fat-free
- Lactose-free lowfat (1%) or fat-free
- Cultured buttermilk lowfat (1%) or fat-free
- Acidified milk lowfat (1%) or fat-free

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STAFFING STANDARDS

As automation of preparing and serving food and use of prepared foods are increased, the staffing standards should be changed to reflect an increase in productivity. Frequently, the automation and prepared or convenience foods are added one at a time (or slowly)—and the labor cost is not reduced. Unnoticed, the work will expand to fill the time available. Consequently, in a short time the staff will argue that it is not possible to do the work with less labor hours. The staffing guidelines are found below.

In most instances, satellite sites that receive their food in bulk for portioning on site, sites that receive cooked or chilled food or cooked or frozen food for finishing off, and sites that receive preplated meals ready to heat and serve or ready to serve will have better productivity than those preparing food on site. Increased productivity rate, or meals per labor hour (MPLH), and reduced labor costs will be realized when the volume prepared at a location is great enough and when there have been reductions in specialized staff; e.g., bakers, cooks, and managers. Satelliting to only one site from another site may not produce sufficient volume to result in savings.

On-site production requires the most labor and has a lower productivity level than efficient satellite systems. As labor costs increase, ways must be found to eliminate the number of labor hours needed to do the job. Many SFAs are examining the many different systems of delivering food and reducing labor hours. The staffing information on the following page shows the average productivity of on-site and finishing kitchens serving 350 lunches. (A finishing kitchen is one that receives all food prepped, or prepared, ready for heating and serving.)

Sample Staffing Guidelines for On-Site Production

NUMBER OF EQUIVALENTS*	MEALS PER LABOR HOUR (MPLH)/TOTAL HOURS			
	CONVENTIONAL SYSTEM**		CONVENIENCE SYSTEM***	
	MPLH	TOTAL HOURS	MPLH	TOTAL HOURS
10 - 100	12	8	16	6
101 - 150	12	08 - 12	16	06 - 09
151 - 200	12	12 - 16	16	09 - 12
201 - 250	14	14 - 17	17	12 - 14
251 - 300	14	17 - 21	18	14 - 16
301 - 400	15	20 - 26	18	17 - 21
401 - 500	16	25 - 31	19	21 - 25
501 - 600	17	29 - 35	20	25 - 30
601 - 700	18	33 - 37	22	27 - 31

* Meal equivalents include breakfast and à la carte sales. One breakfast equates to one lunch, and four snacks equate to one lunch. À la carte sales of $2.77 or $2.79 equate to one lunch.

** The conventional system is preparation of food from raw ingredients on the premises (using some bakery bread and prepared pizza and washing dishes).

*** The convenience system is using the maximum amount of processed foods (for example: using all bakery breads, breaded chicken, proportioned condiments, and using disposable dishes).

Staffing for an Elementary Site With On-Site Production

Number Serving..... 350 Lunches
..... 40 Breakfasts
Staffed at.....12 Meals Per Labor Hour
Labor Hours..... 31 Labor Hours

Manager ..... 7 Hours
Baker ..... 5 Hours
Cook ..... 6 Hours
Cashier ..... 3 Hours
Salads/Server ..... 5 Hours
Dish Washer/Assistant ..... 5 Hours
TOTAL LABOR HOURS ..... 31 Hours

NOTE: If 31 hours @ $8.50 (including fringe benefits), labor costs are $263.50, or $.75 per lunch.
If 31 hours @ $12.88 (including fringe benefits), labor costs are $399.28, or $1.08 per lunch.

Staffing for an Elementary Site With a Finishing Kitchen

Number Serving..... 350 Lunches
..... 40 Breakfasts
Staffed at..... 26 Meals Per Labor Hour
Labor Hours..... 14 Labor Hours

Manager ..... 6 Hours
..... (Breakfast)*
Server/Preparation ..... 5 Hours
Cashier ..... 3 Hours
TOTAL LABOR HOURS ..... 14 Hours

NOTE: If 14 hours @ $8.50 (including fringe benefits), labor costs are $119.00, or $.32 per lunch.
If 14 hours @ $12.88 (including fringe benefits), labor costs are $180.32, or $.49 per lunch.

*Manager comes in an hour early and serves breakfast.

STAFFING STANDARDS EXAMPLE

(See the back of this example for a blank form to use to calculate your district's staffing standards.)

Use the following data to determine the meals per labor hour (MPLH):

Number of days in sample month	=	22	
Total number of breakfasts in sample month	=	5,720	
Total number of lunches in sample month	=	7,150	
Total number of snacks in sample month	=	3,500	
Average number of daily lunches served	=	325	(7,150 divided by 22)
Average adjusted number of daily breakfasts served (2 breakfasts = 1 lunch)	=	130	(2,860 divided by 22)
Average adjusted number of daily snacks served (4 snacks = 1 lunch)	=	40	(875 divided by 22)
Number of meal equivalents (average number of lunches plus adjusted number of breakfasts and adjusted number of snacks)	=	495	
4 food service workers work 6 hours each	=	24	hours
1 manager works 8 hours, but 2.5 is allotted to paperwork	=	5.5	hours
		29.5	hours

495	divided by	29.5	=	16.77
Number of Meal Equivalents		Number of Labor Hours		Meals Per Labor Hour (MPLH) or Productivity Rate

You can compare this information with the staffing chart on **page C-103**. Other factors to be considered in evaluating staffing pattern are equipment, menus, extent of à la carte, etc.

STAFFING STANDARDS

Use the following data to determine the meals per labor hour (MPLH):

Number of days in sample month	=		
Total number of breakfasts in sample month	=		
Total number of lunches in sample month	=		
Total number of snacks in sample month	=		
Average number of daily lunches served	=	_____	
Average adjusted number of daily breakfasts served (2 breakfasts = 1 lunch)	=	_____	
Average adjusted number of daily snacks served (4 snacks = 1 lunch)	=	_____	
Number of meal equivalents (average number of lunches plus adjusted number of breakfasts and adjusted number of snacks)	=	_____	
4 food service workers work 6 hours each	=	_____	hours
1 manager works 8 hours, but 2.5 is allotted to paperwork	=	_____	hours
		_____	hours

_____ divided by _____ = _____

Number of Meal Equivalents — Number of Labor Hours — Meals Per Labor Hour (MPLH) or Productivity Rate

STUDENT ISSUES

A. Failure to Pay for Meals/Charge Policy

The school food authority (SFA) is not required to provide meals if payment is not made for the ***CURRENT*** day's meal or if funds in a student's account are not sufficient to cover the cost of the meal. A district cannot deny a meal to a student who brings money to school for that day's meals, even though the student may have previous charges. The money brought for today must not be used for previous charges.

It is the responsibility of the SFA to develop a policy regarding students who are required to pay for their meals, but fail to do so. Although it is not required, it is recommended that a written policy regarding charged meals be prepared by each SFA and approved by the district school board. There is no minimum number of charges that need to be extended to the student; however, households should be notified of the SFA's policy. If a family does not pay for ***CHARGED*** meals, a site may wish to encourage the family to complete an Application for Free and Reduced-Price School Meals. If the family does not wish to complete the application or if they do not qualify for meal benefits after completing the application, the SFA is not obligated to continue providing meals without receiving payment. It is recommended that districts provide a sandwich and milk for any child who does not pay.

Sites are not allowed to withhold grades, records, or any other information owned by the student for meal payments owed.

All students must end the current fiscal year with a zero balance in their Child Nutrition accounts. **SFAs *MUST NOT* deny any meal service in a new school year to students with prior year's charges.** This means that a district's charge policy begins anew each year. However, this does not mean that SFAs cannot continue to attempt recovery of uncollected meal charges. Any monies collected in the new school year should be treated as new revenue. Use the following OCAS Codes: Fund 22 or Fund 11, Project Reporting Code 385, and Source of Revenue Code 1710. Any money lost from uncollected meal charges can be charged off to the school food service account or to the General Fund.

B. Refunding Unused Prepayments for Meals

Prepayment is the property of the family making the payment until it is charged against any meals taken. Therefore, any prepayments left at the end of the fiscal year must be repaid to the family ***if requested***. Any refusal to repay such prepayments would constitute an improper taking of property without due process, which is not allowed by a state or federal entity. Additionally, not refunding any prepayments would effectively increase the price of the meals which, in the case of reduced-price meals, may not exceed 40 cents and, in the case of both full-price and reduced-price meals, may not exceed the stated price in the parent letter that is part of the policy statement. Further, the failure to make refunds would serve as a disincentive for families to make prepayment which detracts from procedures to ensure confidentiality.

SFAs should develop a policy to inform parents how money left in a student's account at the end of the year will be handled. The policy needs to include:

1. A statement that refunds will be made upon request.

2. A statement concerning how, if a request is not made, the money will be handled (i.e., it will be put into the student's account for the next fiscal year—closing the current fiscal year out with a zero balance).

3. A statement concerning how, if the student leaves the school district without requesting a refund, the money will be handled. (For example, if the money is at or below a certain level [$2.00 or $3.00, or whatever the district decides], the money will be used as a donation to the CNP. If the amount is more than that, the money will be forwarded to the known address of the student. If the envelope is returned unopened, the money will be treated as a donation to the CNP.)

C. Fees for Credit Card Services (Reference FNS Instruction 782-6, Rev. 1, and USDA Policy Memo 2005-SP-10)

It is common for companies that accept payment for meal services electronically to add a service charge for the processing of such payments. It is acceptable that the organization administering the electronic credits add a service charge for both the full-price and reduced-price eligible students, provided that these students and families have another payment option available to them where there is no service charge, such as with the cashier or the school office. Since there ***MUST*** be another payment option available with no fees, the provision of FNS Instruction 782-6, Fees for Lunchroom Services, which prohibits additional fees for supervisory or other services, would not apply in this case. Additionally, if the SFA chooses to pay for these online payment charges, it would be an allowable cost out of the nonprofit school food service account.

D. Disciplinary Action (Reference FNS Instruction 791-1 Rev. 1)

The denial of free, reduced-price, or full-price meals and/or milk as a disciplinary action against any child who is enrolled in a site participating in the CNP is inconsistent with Sections 2 and 9 of the National School Lunch Act (NSLA) and Sections 2, 3, and 4 of the Child Nutrition Act (CNA) of 1966. Disciplinary action that ***INDIRECTLY*** results in the loss of meals or milk is allowable; e.g., a student is suspended from school. However, when the withholding of meals or milk ***IS*** the disciplinary action or if the disciplinary action ***DIRECTLY*** results in the loss of meals or milk, it is inconsistent with the law and is not allowable; e.g., a student is suspended from school during the meal or milk period only.

SFAs shall:

1. When considering disciplinary action against any child, ensure that such action is consistent with this policy.

2. Make a reimbursable meal or milk available to any child attending school who, for disciplinary reasons, is not allowed to eat in the cafeteria.

E. Substitutions to the Meal Pattern Requirements

1. Special Medical or Dietary Needs: Documentation of special dietary needs must be on file at the cafeteria manager's office.

   a. Disabled Students (Refer to **page C-115** for a copy of the form.):

      Generally, children with food allergies or intolerances do not have a disability as defined under either Section 504 of the Rehabilitation Act or Part B of IDEA.

CNP regulations require participating SFAs, institutions, and sponsors to offer to all participants breakfasts, lunches, suppers, snacks, and milk that meet the meal pattern requirements identified in the program regulations. USDA regulations further ***REQUIRE*** substitutions to the standard meal pattern requirements for participants who are considered disabled under 7 CFR §15(b) and whose disability restricts their diets. The provisions requiring substitutions for disabled participants respond to the requirements of Section 504 of the Rehabilitation Act of 1973 and to USDA's implementing regulations 7 CFR §15(b) which provide that no otherwise qualified disabled individuals shall, solely on the basis of disability, be excluded from participation in, be denied benefit of, or subjected to discrimination under any program or activity receiving federal financial assistance. (Reference FNS Instruction 783-2, Rev. 2)

When, in the licensed physician's assessment, food allergies may result in severe, life-threatening (anaphylactic) reactions, the child's condition would meet the definition of *disability* and the substitutions prescribed by the licensed physician must be made. It is the responsibility of the SFA to pay for any substitutions required. ***(For more information on allergy and anaphylaxis label reading, go to <www.foodallergy.org>.)***

b. Nondisabled Students (Refer to page **C-113** for a copy of the form.):

SFAs may, at their discretion, make substitutions for individual participants who are not *disabled persons* as defined in 7 CFR §15(b)(3)(i), but who are unable to consume a food item because of medical or other special dietary needs. This substitution ***DOES NOT*** include milk. See Item 2 below for milk substitution requirements. Such substitutions may only be made on a case-by-case basis when supported by a statement signed by a recognized medical authority. In these cases, recognized medical authorities may include physicians, physician assistants, nurse practitioners, or other professionals.

2. Milk Substitutions (Nondairy Beverage)

Public Law 108-265, Section 102, states that a school ***MAY*** substitute for the fluid milk requirement a nondairy beverage that is nutritionally equivalent to fluid milk and meets nutritional standards established by USDA for students who cannot consume fluid milk because of a medical or other special dietary need other than a disability:

Substitutions ***MAY*** be made if the school notifies the State Agency in its Renewal Policy Statement that the school is implementing this variation. The substitution is required to have a written statement from a medical authority or from a student's parent or legal guardian (refer to **page C-117** to see an example of the Milk Substitution Request Form) that identifies the medical or other special dietary need that restricts the student's diet. The school shall not be required to provide beverages other than beverages the school has identified as acceptable substitutes.

Expenses incurred in providing substitutions that are in excess of expenses covered by reimbursement shall be paid by the SFA.

NOTE: Only meals that contain milk* or an acceptable milk substitute are reimbursable unless the school is implementing the Offer versus Serve provision and the student declines the milk.

*Sites ***MUST*** offer students fluid pasteurized milk in at least two choices from the following:

- Unflavored or flavored fat-free
- Unflavored lowfat (1%)
- Lactose-reduced lowfat (1%) or fat-free

- Lactose-free lowfat (1%) or fat-free
- Cultured buttermilk lowfat (1%) or fat-free
- Acidified milk lowfat (1%) or fat-free

a. Fluid milk substitution rule applies to the following CNP:

- National School Lunch Program
- School Breakfast Program
- After-School Snack Program
- Special Milk Program

b. Nondairy beverage nutrient requirements per cup:

• Calcium	276 mg
• Protein	8 g
• Vitamin A	500 IU
• Vitamin D	100 IU
• Magnesium	24 mg
• Potassium	222 mg
• Phosphorus	349 mg
• Riboflavin	0.44 mg
• Vitamin B-12	1.1 mg

c. Acceptable reasons for requesting a milk substitute:

- Milk allergy
- Religious
- Cultural
- Ethical reason
- Vegan diet

NOTE: If a request states that a child does not like milk, this is not an acceptable reason.

d. Unacceptable milk substitutions:

- Water
- Juice

NOTE: When the milk substitution request is due to a medical or special dietary need other than a disability, the school chooses whether to accommodate the student and selects the nondairy beverage in accordance with the final milk substitution rule.

3. Substitutions Due to Ethnic or Religious Preferences

Sites ***MAY*** consider ethnic and religious preferences when planning and preparing meals. Variations on an experimental or continuing basis in the ***food components*** for the ***food-based*** menu-planning approaches must have written approval from USDA. Contact the State Agency for further instructions. (Reference USDA Regulations § 210.10[g][2])

F. Student and Parent Involvement

On August 17, 1979, regulations were signed requiring student and parent involvement in the National School Lunch Program (NSLP). Activities to fulfill this requirement may include menu planning, enhancement of the eating environment, program promotion, and related student-community support activities. USDA is not requiring any specific form of student or parental involvement, but is leaving this to the discretion of the individual SFA.

G. Student Workers

All student workers in the cafeteria must be paid for their labor. They cannot be compensated by receiving free meals for their work.

H. Lost, Stolen, or Misused Meal Tickets/Cards

SFAs are required to establish procedures for handling lost, stolen, and misused student meal tickets/cards. Any system that limits the number of tickets must conform to the following:

1. Parents and students must be advised in writing of the school's policy regarding missing meal tickets and of students' corresponding responsibility for their tickets. Such notice shall be provided at the time applications are distributed to households or upon approval for free or reduced-price benefits.

2. A minimum of ***THREE*** ticket/card replacements, or special meal arrangements resulting from three lost or stolen tickets, must be allowed each student within each school year.

3. The site must maintain a list of students who have reported missing original tickets in the current school year and the number of occurrences for each student. Prior to denying a meal to any student without a ticket, the list should always be reviewed to determine if the student has already had at least three ticket replacements or special meal arrangements for lost or stolen tickets within that school year.

4. At least one advance ***WRITTEN*** warning must be given to the student and the parents prior to refusal to allow additional meals or ticket replacements. The written warning must include an explanation that the student has repeatedly requested replacement tickets and that each subsequent time the student fails to have a ticket, he or she will be expected to either bring lunch or pay full price for lunch.

5. Meals must always be provided to preprimary and young primary students or to any disabled students who may be unable to take full responsibility for a meal ticket.

   Using the above criteria, SFAs may develop the most administratively feasible system to handle missing tickets as determined by individual site circumstances and frequency of ticket issuance. In cases of repeated ticket loss or misuse, site administrators may wish to contact an adult household member to arrange a meeting to discuss the problem.

6. It is recommended that the meal or ticket replacement policy for missing free and reduced-price tickets be extended to the loss of full-price tickets. If such a uniform policy covering both needy and nonneedy students is not implemented, sites must exercise care to preclude the overt identification of needy students when reissuing free or reduced-price meal tickets or making arrangements to provide meals to students whose tickets are missing.

7. Replacement fees may only be charged after the third replacement ticket (card) has been issued, as specified in FNS Instruction 765-7, Revision 2.

8. Ticket (card) replacement costs may not exceed the cost of one paid meal. The cost of one paid meal is interpreted to mean the charge for a full-price student meal.

I. Reimbursement for Off-Site Meal Consumption (Reference FNS Instruction 786-8, Revision 1)

Exceptional circumstances exist for students who are enrolled in one school but attend another work-study site for the part of the day that includes the meal hour. Those students applying for free or reduced-price meals should do so through their home-base school since the home-base school would be more familiar with individual circumstances. The work-study school is responsible for the service of meals and the record keeping for meals served and claimed for reimbursement. Therefore, the work-study school should obtain, for its own records, a copy of the Application for Free and Reduced-Price School Meals for any student to whom it serves a free or reduced-price meal. When the work-study site does not participate in the programs, takeout school meals meeting program requirements may be served to such students and claimed for reimbursement by their home-base school. The provision of such meals is at the option of the school, since SFAs are only required to make meals available to students who are present during the meal service period.
In all cases, care must be taken to ensure that accurate, detailed records are maintained, including meal counts for free, reduced-price, and full-price categories.

J. Prohibition on Advance Meal Payments in the NSLP/SBP/SMP (Reference USDA Policy Memos 2000-SP-21 and 2005-SP-10)

The requirement that meals be paid in advance will limit access by imposing an additional criterion for participation. While there must be provision for some type of prepayment and prepayment may be encouraged through discounts, prepayments may not be required. This would apply to electronic payments as well. These payment options must be specified in the SFA's free and reduced-price policy statement.

K. Mealtimes

1. Breakfast

The breakfast meal shall be served at or close to the beginning of the child's day at school. (Reference 7 CFR §220.2[b]) Each individual school district must decide the length of the meal service.

2 Lunch

Schools must offer lunches during the period the school has designated as the lunch period. Schools must offer lunches between 10 a.m. and 2 p.m. (Reference 7 CFR §210.10 [f]) Each individual school district must decide the length of the meal service.

MEDICAL STATEMENT
FOR
CHILDREN *WITHOUT* DISABILITIES
Requesting Special Foods in Child Nutrition Programs

Part I (to be filled out by SFA or Parent/Guardian)

Name of Student: _____ Age: _____

Name of Parent/Guardian: _____ Telephone Number: _____

School District: _____ School Attended by Student: _____

Part II (to be filled out by a recognized Medical Authority)

Diagnosis (include description of the patient's medical or other special dietary needs that restrict the child's diet):

_____

_____

_____

List food(s) to be omitted from diet:

_____

_____

_____

List food(s) that may be substituted (diet plan):

_____

_____

_____

Additional information:

_____

_____

_____

_____ _____

Date Signature of Recognized Medical Authority

Telephone Number: _____

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MEDICAL STATEMENT
FOR
CHILDREN *WITH* DISABILITIES
Requesting Special Foods in Child Nutrition Programs

Part I (to be filled out by the School District or the Parent/Guardian)

Name of Student: _____ Age: _____

Name of Parent/Guardian: _____ Telephone Number: _____

School District: _____ School Attended by Student: _____

Part II (to be filled out by a Physician)

Diagnosis (include description of the patient's disability and the major life activity affected by the disability):

_____

_____

_____

List food(s) to be omitted from diet:

_____

_____

_____

List food(s) that may be substituted (diet plan) and any modifications of texture or consistency that are necessary:

_____

_____

_____

_____

_____ _____

Date Signature of Physician

Physician'sTelephone Number: _____

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MILK SUBSTITUTION REQUEST

Student's Name: _____ Age: _____ Grade: _____

The _____ Public School is participating in the milk substitution provision which states that a school may substitute for the fluid milk a nondairy beverage that is nutritionally equivalent to fluid milk and meets Nutritional Standards established by the United States Department of Agriculture (USDA). At a minimum, the Nutritional Standards shall include fortification of calcium, protein, vitamin A, and vitamin D to levels founds in cow's milk for students who cannot consume fluid milk because of a medical or other special dietary need other than a disability.

The _____ Public School has notified the State Department of Education (the State Agency) that the school is implementing this variation. The substitution requires a written statement by a medical authority or by a student's parent or legal guardian that identifies the medical or other special dietary need which restricts the student's diet, except that the school shall not be required to provide beverages other than beverages the school has identified as acceptable substitutes.

Acceptable substitutes are as follows:

_____

_____

_____

_____

_____

Expenses incurred in providing substitutions that are in excess of expenses covered by reimbursements shall be paid by the school district.

For Medical Authority or Parent/Guardian to Complete:

Reason for Milk Substitution: _____

_____

_____

_____ _____

Date Signature of Medical Authority or Parent/Guardian

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SUMMER MEAL AVAILABILITY

A. The Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296, establishes requirements for conducting outreach to households on the availability of Summer Food Service Program (SFSP) meals.

Section 112 of the Act amends Section 13(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761[a]) to require that each SFA cooperates with SFSP service institutions to inform eligible families of the availability and location of free meals for students when the regular school year ends.

Acceptable activities may include developing or disseminating printed or electronic materials to families of school children prior to the end of the school year that provide information on the availability and location of SFSP meals. Other activities to promote the availability and location of SFSP meals may be approved by the State Agency. (Reference USDA Policy Memo SP-04-2011)

B. Options for Schools Operating Accredited Summer School Sites

A school site operating an accredited summer school as defined in Oklahoma Statute 210:35-15-2, after the regular school year has concluded, has ***THREE*** options in continuing to feed its students during the summer months:

1. Extend the National School Lunch Program (NSLP)/School Breakfast Program (SBP)/After-School Snack Program (ASSP).

   Schools sites extending these programs follow the same meal pattern requirements and same meal-counting and -claiming procedures as in the regular school year. In sites where these programs are extended, carryover applications from the previous school year are affected. If summer school and meal participation continue into the month of July, the first day of the 30-day operating period for that particular site would begin on the first day summer school is in session in July. Refer to the Eligibility Section for additional information on carryover applications.

2. Operate the Summer Food Service Program for Children (SFSP)

   School sites must operate an ***OPEN*** site under the SFSP. Please see the information below concerning open feeding sites under the SFSP.

3. Operate the Seamless Summer Option

   School sites must operate an ***OPEN*** site under the Seamless Summer Option. Please see the following information concerning open feeding sites under the Seamless Summer option.

C. Options for Schools ***NOT*** Operating Accredited Summer School Sites

A school site ***NOT*** operating an accredited summer school as defined in Oklahoma Statute 210:35-15-2, after the regular school year has concluded, has ***many different options*** to consider if continuing to feed students during the summer months. Participating in any of the options listed ***does not*** affect the way the school site uses its carryover applications from the previous school year into the next regular school year. Refer to the Eligibility Section for additional information on carryover applications.

1. Operating the Summer Food Service Program—***There must be, at a minimum, three consecutive weeks in which the program can operate.***

Schools may operate the SFSP at one or more sites, which are the actual locations where meals are served and children eat in a supervised setting. Eligible sites are those that serve children in low-income areas or specific groups of low-income children. Schools must provide documentation that their proposed sites meet the income-eligibility criteria required by law or use the census tract for documentation of eligibility. The most common types of sites are: open sites, restricted open sites, and closed enrolled sites.

a. Types of Sites—Schools may sponsor the following types of sites:

(1) Open Site—Children aged 18 and under eat free in the community where at least 50 percent of the children are eligible for free or reduced-price school meals. These sites may be operating an accredited summer school program or a 21st Century Grant Program. An open site may participate in the SFSP without offering any type of educational or enrichment program.
(2) Restricted Open Site—This is an open site restricted for safety, control, or security, and that meets the 50 percent criteria on the previous page. Educational or enrichment programs may or may not be offered along with the meal service.
(3) Closed Enrolled Sites—This site may be in any community for an enrolled group of low-income children, meeting the 50 percent criteria explained previously. This excludes accredited summer school programs, but includes programs such as 21st Century grants, tutoring, etc.

b. Special Types of Sites:

(1) Migrant Site—This site serves children of migrant families.
(2) Camps—A site is residential or nonresidential.

c. Basic Requirements:

(1) Application—SFAs may apply for the SFSP by calling Linda Wren at 405-522-5040. Ms. Wren will set up an appointment to visit the school. The school will receive a Username and Password to access the SFSP system.
(2) Meals Prepared in Schools (7 CFR 225.16[f][l][i])—Schools participating in the NSLP or SBP are accustomed to preparing meals that meet federal nutritional requirements. Sponsors serving meals that are prepared in schools may, with prior State Agency approval, use the meal requirements of those programs instead of the SFSP meal patterns. Sections 210.10 and 210.10(a) of NSLP regulations and Sections 220.8 and 220.8(a) of SBP regulations describe requirements for school meals.
(3) Reimbursement—Meals are reimbursed at a higher free reimbursement rate than the Seamless Summer Option. The site reports the number of reimbursable meals served each month and receives a combination of operating and administrative reimbursement. Schools receive the maximum reimbursement by claiming the number of reimbursable meals multiplied by the current rates.

2012 Rates for Summer Food Service Program for Children

	Rural or Self-Prep Sites	All Other Types of Sites
Breakfast	$ 1.935	$ 1.8975
Lunch/Supper	3.380	3.325
Snack	0.7975	0.78

(Operating and administrative reimbursement rates have been added together)

(4) Monitoring by SFA—SFAs operating sites under the SFSP must conduct the following monitoring visits:

(a) Preoperational site visit (part of application process)
(b) One visit within the first week of operation (This is waived for experienced SFAs whose sites did not experience operating problems in the prior year.)
(c) One visit during first four weeks of program operation.

The chart on **page C-123** shows the difference between the SFSP and the Seamless Summer Option.

2. Operating the Seamless Summer Option

The Seamless Summer Option combines features of the NSLP, the SBP, and the SFSP. SFAs participating in the Seamless Summer option basically follow the same guidelines as the NSLP and SBP.

a. Approval Criteria: In order for an open site to be approved, at least 50 percent of the children in the area to be served must be eligible for free or reduced-price school meals. Closed enrolled sites may also qualify if 50 percent of the enrolled children are eligible for free or reduced-price meals. At these sites, reimbursement is provided for meals served to all children aged 18 and under. Camps must qualify based on individual children's eligibility and may only claim reimbursement for children who are eligible for free or reduced-price meals.
b. Types of Sites—Schools may sponsor the following types of sites:

(1) Open Site—All children eat free in the community where at least 50 percent of the children are eligible for free or reduced-price meals. These sites may be operating an accredited summer school program, a 21st Century Grant Program, or the site ***may just be offering the meal***. An open site may participate in the Seamless Summer Option without offering any type of educational or enrichment program.
(2) Restricted Open Site—This is an open site restricted for safety, control, or security and that meets the 50 percent criteria above. Educational or enrichment programs may or may not be offered along with the meal service.
(3) Closed Enrolled Site—This site may be in any community for an enrolled group of low-income children meeting the 50 percent criteria for an open site or using the eligibility status of individual children if 50 percent or more of the enrolled children are free and reduced-price. The SFA must explain why a closed enrolled site is being sponsored.
(4) Migrant Site—This site serves children of migrant families.
(5) Camps—A site is residential or nonresidential. A camp may qualify if 50 percent or more of the enrolled children are eligible for free or reduced-price meals and can only claim reimbursement for those children. The SFA must explain why a camp is being sponsored instead of a more conventional Seamless Summer Option site.

c. Basic Requirements for the Seamless Summer Option

(1) Application—SFAs may apply online through the eClaims system. Log onto the SDE Web site at <www.state.sde.ok.us>, and click on *Site Index* on the left-hand side of the page. Scroll down and click on Child Nutrition eClaims. Click on the dollar sign icon, and enter your username and password. Click on the *Renewal Menu*, and scroll down and click on the Seamless Summer Application. Contact Judy Cowden-Smith at 405-522-5045 if you have questions.

(2) Meal Pattern Requirements—SFAs follow the same menu-planning option implemented during the regular school year.

(3) Reimbursement—Meals are reimbursed at the same NSLP/SBP/ASSP free rate as during the regular school year.

2012 Rates for Seamless Summer Option Through June 30, 2012

Meal Rate		
Breakfast	$1.51	or $1.80 (if site is Severe Need)
Lunch/Supper	2.77	or $2.79 (if district is a 60 percent district)
Snack	.76	

(4) Meal Service—Open and closed enrolled sites may claim up to two types of meals per day in any combination except lunch and supper. Camps and migrant sites may serve a maximum of three meals per day and may claim both lunch and supper on the same day.

(5) Monitoring by SFA—SFAs must review each site at least once during its operation to ensure compliance with meal counting, claiming, menu planning, and food safety requirements.

COMPARISON OF PROGRAMS—SUMMER FOOD SERVICE PROGRAM (SFSP) VERSUS SEAMLESS SUMMER FEEDING WAIVER

TOPIC	SFSP (Workshop Registration Due January/February)	SEAMLESS SUMMER OPTION (Application Due by May 15)
Agreement	• Agreement taken with the State Department of Education	• Agreement remains with the State Department of Education
Duration of Approval	• Per state agreement and application requirements	• Same as SFSP
Eligible Sponsors	• SFAs • Local government agencies • Private nonprofit organizations • Universities or colleges • Community and faith-based organizations	• SFAs
Type of Meals	• Breakfast • Lunch/supper • Snack (supplement)	• Same as SFSP
Maximum Number of Meals	• Two • Any combination except lunch and supper • Three meals for residential camps and migrants sites	• Same as SFSP, except no residential camps
Commodities	• SFSP rate for each lunch or supper • May receive bonus commodities	• NSLP rate for lunch or supper • May receive bonus commodities
Reimbursement Rates	• SFSP Operating and Administrative rates apply (these are higher rates than National School Lunch Program [NSLP]/School Breakfast Program [SBP]/After-School Snack Program [ASSP])	• NSLP, SBP, and ASSP rates appy (these are lower rates than SFSP)
Monitoring Required by School Food Authority (SFA)	• Required to perform preoperational visits before a site operates the summer program • Must visit all sites once during first week of operation (waived for experienced sponsors that are SFAs) • Must review once during first four weeks of operation and then monitor at a ***REASONABLE*** level	• Annual review of meal counting, claiming, and meal pattern compliance within three weeks of start of operations

COMPARISON OF PROGRAMS—SUMMER FOOD SERVICE PROGRAM (SFSP) VERSUS SEAMLESS SUMMER FEEDING WAIVER

TOPIC	SFSP (Workshop Registration Due January/February)	SEAMLESS SUMMER OPTION (Application Due by May 15)
Monitoring Required by State	• Subject to review by state at least once every three years	• Coordinated Review Effort (CRE) every five years • At least one seamless site must be included in a CRE review of an SFA
Type of Sites and How Eligibility Is Determined	***Open or Restricted-Open***—Based on 50 percent Free/Reduced-Price (F/RP) enrollment of the attendance area of a school or census block-group data ***Closed Enrolled***—50 percent of children enrolled in needy or nonneedy areas and are eligible for F/RP benefits ***Residential Camps***—Only meals for children who qualify for F/RP benefits are reimbursed	***Open or Restricted-Open***—Same as SFSP ***Closed Enrolled***—Same eligibility criteria, except that must be located in nonneedy areas only ***Residential Camps***—Not eligible
Meal Pattern	• Schools use NSLP/SBP/ASSP menu-planning approaches	• Same
Eligible Participants	• Children in low-income areas 18 years or younger; a person 19 or older who meets the state definition of having a physical or mental disability	• Same
Public Notification	• SFA/sponsor is required to send public media notice regarding program and eligibility	• Public media notice may be done, but is not required • SFA must state how each site (excluding closed enrolled sites) will advertise availability of meals to the neighborhood community
Weekend Meals	• Available with State Agency approval only	• Available with State Agency approval only
Times of Operation	• May-September for traditional school calendar areas • October-April during unanticipated school closures (i.e., emergencies) • During student vacations for schools on a continuous year calendar	• Same as SFSP
Meal Service Locations	Schools Camps Churches Community centers Housing projects Libraries Migrant centers Parks Playgrounds Pools Other public sites where children gather	• Same as SFSP
Meal Cost for Children	All meals are free (Although camps are only reimbursed for children who qualify for free or reduced-price meals, camp sponsors may, and usually do, provide meals free of charge to all children)	• Same as SFSP

RESIDENTIAL CHILD CARE INSTITUTIONS (RCCIs) ADDITIONAL REQUIREMENTS

NOTE: Boarding Schools Are Treated Exactly As a* Public *School

ELIGIBILITY DOCUMENTATION FOR *RESIDENTIAL STUDENTS*

Each child residing in an RCCI is considered a household of one. An application must be completed for each child, or the RCCI may use an eligibility documentation sheet (Master Roster) for all children residing in the RCCI.

A. Statement of Facts

The simplest method of documenting a student's eligibility is to have a Statement of Facts on file at the RCCI. This is a written statement outlining the general policy or condition within the RCCI that would define all the residential students (not including day students) to be eligible for free benefits. A copy of the form can be found on **page C-127**. The following are some acceptable examples of what would qualify as a Statement of Facts.

All our children are wards of the court. They are not permitted to earn, receive, or retain any money while in our custody.

Our students are permitted to hold part-time jobs (up to 16 hours per week). The maximum earnings we have seen have been $83 per week. We also permit students to receive up to $5 per week from home, but we require any money received or earned to be turned into our bank and to be drawn out only with permission.

B. Master Roster or Enrollment Application

If this method is used, the enrollment information must provide the birth date of each student to ensure that no meals served to students over the age of 21 are being claimed for reimbursement. Since all meals in this case are served at the free reimbursement rate, the RCCI may use the Meal Count Worksheet on **page C-129**.

If the RCCI does not have a Statement of Facts for its residential students that dictates the allowable income to students qualifying all of them as free or if the RCCI has day students, then it must record eligibility determination, by student, on a master roster or on an enrollment application. An application for free/reduced-price meals must be completed on each student to determine each one's eligibility. Direct Certification could also be used. (Refer to the Eligibility Section for more information.) A copy of a Master Roster can be found on **page C-131**. Both the master roster and enrollment application must contain the following information:

1. Child's name
2. Child's birth date (MM/DD/YY)
3. Date of entry
4. Child's personal income—indicate ***0*** if no income is received
5. Frequency with which income is received
6. Date of eligibility determination
7. Category of eligibility
8. Approving official's initials
9. Placement agency
10. Date of withdrawal

C. Child Attending School Off Campus

Students residing in an RCCI but attending school off campus are not ***AUTOMATICALLY*** eligible at ***THAT*** school to receive meal benefits. The RCCI may complete the Application for Free and Reduced-Price School Meals if the adult member of the household is not available. Income for the child must be shown on the application even if it is zero. If a child resides at an RCCI but attends a school off the RCCI campus, that school ***MUST*** have a completed application on file for each child for whom a free or reduced-price meal is served and claimed for reimbursement.

D. Attendance Records

If all students are residential and a general policy or condition (Statement of Facts) exists that causes all institutionalized children to be eligible for free benefits, the Master Roster is not required. However, monthly attendance records are required to be maintained by all RCCIs. Refer to **page C-133** for a copy of the form.

E. Point of Service Meal Count

All RCCIs must take a point of service count to ensure that reimbursable meals are served. RCCIs with day students must also ensure that these counts are categorical. RCCIs with day students should refer to Section IV of the School Food Service Compliance Document for further details.

F. Edit Check

All RCCIs are required to complete daily edit checks. Refer to **page C-135** for a copy of the RCCI Edit Check Worksheet.

STATEMENT OF FACTS
FOR
RESIDENTIAL STUDENTS UNDER THE AGE OF 21

_____

Name of RCCI

Explain what constitutes documentation of eligibility for free and reduced-price meals.

For the RCCI:

_____
Name

_____
Title

_____
Date

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RCCI MEAL COUNT WORKSHEET
FOR RESIDENTIAL STUDENTS WHO ALL QUALIFY FOR FREE MEALS

Name of RCCI: _____

County/District Code:_____ Month _____ 20 _____ (To be maintained at institutions with CNP records.)

DATE	NUMBER MEALS SERVED TO RESIDENTIAL STUDENTS		
	Breakfast	Lunch	Snack
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			
TOTALS			

RCCI MEAL COUNT WORKSHEET

The Meal Count Worksheet is to be used only for institutions where ***ALL*** students qualify for free meal benefits. An actual physical count must be taken at mealtime. The total verified meal count for each meal service is recorded after each enrolled student has received his/her meal. All meals served must meet minimum meal pattern requirements.

MASTER ROSTER

Name of Institution: _____

Child's Name	Personal Income (Earned Directly or Received by Child)	Child's Birth Date*	Date of Admission	Category of Eligibility (F/R/P)	Date of Release

Signature of Approving Official:_____ Title: _____

E-Mail Address: _____

NOTE: No student over the age of 21 is eligible for reimbursable meal benefits under the NSLP/SBP.

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MONTHLY ATTENDANCE RECORD

COUNTY/DISTRICT CODE: _____ Name of RCCI: _____ Month: _____ Year: _____

NAME	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31

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RCCI EDIT CHECK WORKSHEET

1. RCCI: _____

2. Month: _____

3. Attendance Factor (AF): 100%

4. Total Membership as of the First Day of the Month: _____

5. Day of Month	6. Daily Free Eligibles x AF	7. Free Meals Claimed	8. Daily Reduced-Price Eligibles x AF	9. Reduced-Price Meals Claimed	10. Daily Paid Eligibles x AF	11. Paid Meals Claimed	12. Total Meals Claimed Daily	13. (Average) Daily Attendance	14. Comments
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									
19									
20									
21									
22									
23									
24									
25									
26									
27									
28									
29									
30									
31									
15. Monthly Totals:									

16. Signature: _____

17. Date: _____

Note: RCCIs with ***RESIDENTIAL STUDENTS ONLY*** need to complete Columns 6, 7, 13, and 14, if necessary.

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Eligibility Documentation for Meal Application and Verification Section

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INTRODUCTION (Reference page vii of USDA Eligibility Manual—2011)

This manual contains information on determining eligibility for free and reduced-price meals for the National School Lunch Program (NSLP) (including commodity schools and the After-School Snack Program [ASSP]) and the School Breakfast Program (SBP). It is also applicable to the Special Milk Program (SMP) when schools and institutions serve free milk to eligible children. While this eligibility guidance directly addresses the school programs, it is also generally applicable to the Child and Adult Care Food Program (CACFP) and the Summer Food Service Program (SFSP) when individual children's eligibility must be established. These programs are collectively considered the Child Nutrition Programs (CNP).

Statutory and Regulatory Authority

Statutory authority for the CNP includes the Richard B. Russell National School Lunch Act (NSLA) and the Child Nutrition Act of 1966 (CNA). Regulatory authority is found, as follows, in the Code of Federal Regulations (CFR):

- 7 CFR Part 210, National School Lunch Program (NSLP)
- 7 CFR Part 215, Special Milk Program (SMP)
- 7 CFR Part 220, School Breakfast Program (SBP)
- 7 CFR Part 225, Summer Food Service Program (SFSP)
- 7 CFR Part 226, Child and Adult Care Food Program (CACFP)
- 7 CFR Part 245, Determining Eligibility for Free and Reduced-Price Meals and Free Milk in Schools

Administration of the Programs

The school meals programs are administered at the federal level by the Food and Nutrition Service (FNS) of the United States Department of Agriculture (USDA). At the state level, the programs are administered by the Oklahoma State Department of Education (the *State Agency*).

Resources

To keep up-to-date, regularly check the Child Nutrition (CN) Division's Web site at http://www.fns.usda.gov/cnd for recently posted regulations, policy clarifications, prototype application materials, and other information.

ADMINISTRATION

A. General Requirements (Reference page 2 of USDA Eligibility Manual—2011)

1. State agencies that administer the school meals programs must issue free and reduced-price policy guidance and any other instructions necessary to local educational agencies (LEAs) to ensure the awareness of federal and state requirements pertaining to free and reduced-price meals and free milk. Participating LEAs must provide free and reduced-price benefits to eligible children in accordance with the statutory and regulatory requirements as detailed in this manual.

2. All schools participating in the NSLP or SBP must make free and reduced-price meals available to eligible children, and all schools and institutions participating in the free milk option of the SMP must make free milk available to eligible children.

3. The term ***school food authority*** (SFA) is used for local agencies administering the school meals programs (i.e., the governing body that is responsible for the administration of one or more schools and has the legal authority to operate the school meals programs in those schools) while the term ***local educational agency*** (LEA) is used for those responsible for the application, certification, and verification activities of the NSLP and SBP.

4. LEA means:

   a. The public board of education or other public or private nonprofit authority legally constituted within a state for the administrative control of public or private nonprofit schools in a political subdivision of a state.

   b. An administrative agency or combination of school districts or counties recognized by the state.

   c. Any other public or private nonprofit institution or agency having administrative control and direction of a public or private nonprofit school or residential child care institution (RCCI).

B. Policy Statement (Reference pages 2 and 3 of USDA Eligibility Manual—2011)

Each LEA participating in the NSLP, SBP, or the SMP (with free milk option) must have an approved free and reduced-price policy statement on file at the State Agency. If an LEA is just starting its participation in the NSLP, SBP, or SMP, it must submit its policy statement to the State Agency for approval. Once approved, the policy statement becomes a permanent document, amended when the LEA makes a substantive change in its free and reduced-price policy.

1. The free and reduced-price policy statement must contain, at a minimum, the following:

   a. Names of official(s), or the position of the LEA or school official, designated to make eligibility determinations.
   b. An assurance that the LEA will determine eligibility in accordance with the current Income-Eligibility Guidelines (IEGs).
   c. LEA's specific procedures to accept applications for benefits and its direct certification procedures.
   d. Description of the method(s) used to collect payments from children paying the full price of the meal or milk or the reduced-price of the meal that prevents the overt identification of the children receiving free or reduced-price meals or free milk.
   e. An assurance that the school will abide by the hearing procedures and the nondiscrimination practices.
   f. Copy of the application form and Letter to Household.

2. The free and reduced-price policy statement should also contain a copy of the following:

   a. Media release.
   b. Notice to households of approval or denial of benefits.
   c. Notice to households of selection for verification.
   d. Notice to households of adverse action.
   e. In LEAs that have opted to implement direct certification, the notice of eligibility under direct certification.

3. Amendments:

   a. Unless there is a substantive change made to the free and reduced-price policy of the LEA, the policy statement need not be changed and resubmitted for State Agency approval. Routine changes such as the inclusion of the new IEGs are not sufficient to require resubmission.

   b. The LEA must amend its policy statement for any substantive changes to its free and reduced-price policy and include a description of the change. In all cases, the LEA must have an approved policy statement on file at the State Agency that accurately describes its current free and reduced-price policies. Amendments must be submitted for approval by the State Agency by October 15. The amendments must be approved by the State Agency prior to implementation.

   c. The amendments must reflect:

      - Changes made necessary by law/regulations.
      - Changes made by the LEA (e.g., changes in collection procedures, designation of new approving/hearing official[s]), changes in procedures for accepting applications, revisions in the Letter to Household or Application for Free and Reduced-Price School Meals/Free Milk.
      - Additional information specified by the State Agency.

4. Policy Statement for the SMP

   A free policy statement must be submitted to and approved by the State Agency for LEAs participating in the SMP with the free milk option. An LEA may submit a single policy statement for the NSLP/SBP and SMP when some of its schools participate in the SMP and others participate in the NSLP/SBP.

C. Public (Media) Release (Reference pages 3 and 4 of USDA Eligibility Manual—2011)

1. Near the beginning of each school year, the public must be notified that the NSLP, SBP, and/or SMP are available in the school or school district. This notice must include the eligibility criteria for free and reduced-price meals and/or free milk. It must be provided to the local news media, the unemployment office, and any major employers who are contemplating large layoffs in the attendance area of the school.

2. The public release must also include that:

   a. Households receiving assistance under Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), and, if applicable, Food Distribution Program on Indian Reservations (FDPIR) for their children (SNAP, TANF, and FDPIR are referred to as Assistance Programs) or if their children are considered Other Source Categorically Eligible (i.e., children categorized as homeless, runaway, migrant, in Head Start programs, and, as applicable, foster children), if known, will be notified of their eligibility for free benefits.

      - The household must notify the school if it chooses to decline benefits.

b. All children in households with any household member receiving benefits under Assistance Programs are eligible for free meals.

- Households should only submit an application if they are not notified of their children's eligibility for free meals by a specified date determined by the school.
- Children in Other Source Categorically Eligible Programs are also eligible for free meals.

c If any child is not identified and notified as above, the household should contact the child's school.

3. The public release must contain the same information supplied in the Letter to Household, except that the public release must contain both the free and reduced-price IEGs. However, a public release that only refers to the SMP should not contain the reduced-price IEGs.

4. Copies of the public release must be made available upon request to any interested person.

D. Terms Used in This Section (Reference pages 6 through 8 of USDA Eligibility Manual—2011)

1. **Assistance Programs**

a. Supplemental Nutrition Assistance Program (SNAP)
b. Temporary Assistance for Needy Families (TANF)
c. Food Distribution Program on Indian Reservations (FDPIR)

The determination is made through an application with appropriate case numbers or through ***direct certification***.

2. **Categorically eligible children** are those children automatically eligible for free meal benefits because they, or any household member, receive benefits under Assistance Programs or those children who are designated as members of Other Source Categorically Eligible Programs. An individual child's eligibility under any of the Other Source Categorically Eligible Programs does not convey to other children in the household.

There are two ways to be classified as categorically eligible:

- Through participation in Assistance Programs—SNAP, TANF, or FDPIR (a child or any member of the household receives benefits from SNAP, TANF, or FDPIR as determined through direct certification or an application with appropriate case numbers.

OR

- Through Other Source Categorically Eligible designation—homeless, runaway, migrant, foster child, federal Head Start program, state-funded Head Start program, and Even Start program.

3. **Direct certification** means determining children eligible for free meal benefits based on documentation obtained directly from the appropriate state agency. In most situations, direct certification of a child's eligibility status should not involve the household. The communication exchange should be between an appropriate agency and the LEA/school.

a. **Direct certification for Assistance Programs, excluding FDPIR,** is conducted through a computer/electronic match between the state and the LEA using the Oklahoma Student Information System (WAVE).

- Direct certification for SNAP households must be conducted using the WAVE.

- Direct certification may also be conducted using letters provided to eligible participants from TANF or FDPIR agencies that the family submits to the LEA/school. However, the use of eligibility letters does not fulfill the direct certification requirement for those households receiving SNAP benefits. No application is necessary if eligibility is determined through the direct certification process.

b. **Direct certification for Other Source Categorically Eligible Programs** can be conducted through a computer/electronic match between appropriate officials from other source programs and the LEA.

c. Direct certification may also be conducted using lists of eligible participants (Head Start, Even Start) provided to the LEA from appropriate officials from Other Source Categorically Eligible Programs. Letters provided by such programs to eligible participants may also be used for direct certification.

d. No application is necessary if eligibility is determined through the direct certification process.

4. **Direct verification** means using public records as means to verify children's eligibility for free meals.

   NOTE: Direct verification is only done AFTER the initial application has been processed at face value.

5. **Even Start** refers to a federally funded Even Start Family Literacy Program and must be at the prekindergarten level.

6. **Extension of categorical eligibility** means that all children in a household with at least one child or household member who receives benefits from Assistance Programs are considered categorically eligible for free meals. Any one child's or household member's receipt of benefits under Assistance Programs extends free school meal eligibility to all children who are members of the household.

7. **Foster child** means a child whose care and placement is the responsibility of the state or formally placed by a court with a caretaker household. A foster child is categorically eligible for free meals without further application. For purposes of determining eligibility for school meals for other children in the household, the foster child is considered a member of the household in which he or she resides. The foster child's income is only considered when the foster family applies for meal benefits for the nonfoster children in the household.

8. **Free Meal** is a meal served in the NSLP or SBP to a child eligible for such benefits under 7 CFR Part 245. Neither the child nor any member of the household pays or is required to work in the school or in the school's food service to receive a free meal.

9. **Free Milk** is milk served in the SMP to a child eligible for free milk under 7 CFR Part 245. Neither the child nor any member of the household pays or is required to work in the school or in the school's food service to receive free milk.

   Head Start refers to the federal Head Start program and any state-funded prekindergarten classes using identical or more stringent eligibility criteria than the federal Head Start program.

10. **Household** means a group of related or nonrelated individuals who are living as one economic unit. The term ***family*** has the same definition. These definitions are found in 7 CFR 245.2.

11. **Income-Eligibility Guidelines(IEGs)** are the household-size and income levels prescribed annually by the Secretary of Agriculture for determining eligibility for free and reduced-price meals and for free milk. The free guidelines are at or below 130 percent of the federal poverty guidelines and the reduced-price guidelines are between 130 percent and at or below 185 percent of the federal poverty guidelines.

12. **Mixed Households** are households that include children designated as Other Source Categorically Eligible as well as children who are not.

13. **Operating Days** are the accredited days during which meal service is provided.

14. **Other Source Categorically Eligible Programs** are those which make children automatically eligible for free benefits, either through direct certification or application, because the children are:

    a. Enrolled in a federal Head Start program.

    b. Enrolled in Even Start—a participant in a federally funded Even Start Family Literacy Program must be at the prekindergarten level.

    c. Determined a homeless child by the school district's homeless liaison or by the director of a homeless shelter.

    d. Determined a migrant child by the state or local Migrant Education Program (MEP) coordinator.

    e. Determined a runaway child who is receiving assistance from a program under the Runaway and Homeless Youth Act and is identified by the local education liaison.

    f. Determined to be a foster child whose care and placement is the responsibility of the state or formally placed by a court with a caretaker household.

    NOTE: A child's eligiblity for free meals under Other Source Categorical Eligibility does not extend to any other child in the household.

15. **Overt Identification** means any action that openly identifies children as eligible for free or reduced-price benefits in the NSLP, SBP, or SMP.

16. **Reduced-Price Meal** is a lunch priced at 40 cents or less, an afternoon snack priced at 15 cents or less, or a breakfast priced at 30 cents or less, to a child eligible for such benefits under 7 CFR Part 245.

17. **Residential Child Care Institution (RCCI**) is generally any distinct part of a public or nonprofit priviate institution that:

    a. Maintains children in residence.

    b. Operates principally for the care of children.

    c. If private, is licensed by the state or local government to provide residential child care services under the appropriate licensing code.

    The regulatory definition of ***SCHOOL*** for NSLP, SBP, and SMP includes RCCIs.

18. **School Year** is the period between July 1 and June 30.

19. **Working Days** are those days when school is open, teachers and/or school administrators are on-site, but food service is not in operation.

APPLICATIONS (Reference pages 10-35 of USDA Eligibility Manual—2011)

A. Submission of Applications for Free and Reduced-Price School Meals by All Households

1. The National School Lunch Act (NSLA), which includes snacks, the SBP, and the SMI, requires that SFAs inform households of the availability of the program(s) and how a household may apply for free or reduced-price benefits (7 CFR §245.5). However, neither the NSLA, the Child Nutrition Act, nor the regulations and guidance material governing these programs has a requirement that would mandate submission of an Application for Free and Reduced-Price School Meals. While school officials must make families aware of the availability of free and reduced-price meals (except for RCCIs and nonpricing schools) and may even request that households apply, school officials ***may not require*** that a household submit an Application for Free and Reduced-Price School Meals. A site or SFA wishing to require income information from all households with enrolled children for purposes other than child nutrition must secure information through means other than the household's Application for Free and Reduced-Price School Meals. SFAs that provide households with multiuse applications (i.e., those which include both meal program benefits as well as nonfood benefits) must ensure that the process does not violate the requirements specified herein. A copy of the Letter to Household and Application for Free and Reduced-Price School Meals can be found on **pages E-57** through **E-64**.

2. It is the household's responsibility to complete the application. The LEA may send households an application with the child's name and the household's name and address preprinted on it. However, no other information required for an eligibility determination may be preprinted.

B. Household Applications

Section 105 of the Child Nutrition and WIC Reauthorization Act of 2004 requires SFAs to distribute household applications rather than individual student applications.

1. SFAs may not request a separate application for each child in the household who attends different sites within the same district.

2. If a household does submit a separate application for each student in the household, the SFA should:

   a. Staple all individual applications pertaining to the same household together.

   b. Make sure all information on each application is the same; if so, approve or deny the application as usual.

   c. If the information is different, contact the household to clear up any questions and document correct information. Once correct information is obtained, approve or deny the application as usual.

   d. Count all individual student applications pertaining to the same household as ***ONE*** application when calculating the number that needs to be verified.

C. Application for Free and Reduced-Price School Meals—Refer to **page E-61** for a prototype application. ***NOTE: If an SFA changes the prototype, the changed application* must be *approved by the State Agency before the SFA is allowed to use it.***

The application and Letter to Household cannot be accepted or processed by an SFA prior to July 1 of each school year.

1. Categorically Eligible Children

Categorical Applications based on ***SNAP, TANF, and/or FDPIR Households (Assistance Programs)***

The application ***MUST*** request that the household provide the following:

a. Names of all household members.

b. A SNAP, TANF, or FDPIR case number for any household member. One case number will qualify all enrolled students to receive free meal benefits within that household. (Reference USDA Policy Memo SP-38-2009.)

(1) SNAP:* A valid SNAP number may begin with the letters ***A***, ***B***, ***C***, ***D***, ***H***, ***J***, or ***T*** followed by six to nine digits. All valid numbers ***MUST*** be Oklahoma-issued. Some numbers could also include a dash, followed by two additional numbers.

(2) TANF:* A valid TANF number is recognized by a six- to nine-digit number beginning with the letter ***C*** or ***H***. All valid numbers ***MUST*** be Oklahoma-issued. This number could be followed by a dash with two additional numbers.

(3) FDPIR:* An FDPIR number may appear to be any combination of letters and/or numbers. It has no identifiable format. ***NOTE:*** A number starting with *KK* should not be considered an FDPIR number.

* There are no ***mixed households*** under the Assistance Programs. (Reference pages 20 of USDA Eligibility Manual—2011) If an application contains a single case number for SNAP, TANF, or FDPIR, all enrolled children listed on the application must be approved for free meal benefits. This extension of categorical eligibility also applies to the direct certification process. Any income information on an application containing a ***SINGLE/CORRECT*** SNAP, TANF, or FDPIR case number should be disregarded. (Reference USDA Policy Memo SP-38-2009.)

* If there is any doubt of the validity of a case number submitted on an application, the SFA should contact the appropriate SNAP, TANF, or FDPIR official and document the findings. (This is only for numbers that are not formatted as Oklahoma numbers.)

c. The signature of an adult household member.

2. Other Source Categorically Eligible ***Foster Children*** (Reference pages 20-21 of USDA Eligibility Manual—2011)

Section 102 of the Healthy, Hunger-Free Act of 2010 amends Section 9(b)(12)(A) of the NSLA to provide categorical eligibility for free meals, without further application, to any foster child whose care and placement is the responsibility of the state or who is placed by a court with a caretaker household. In addition, the Act amends Section 9(b)(5) of the NSLA to allow certification of a foster child for free meals without application if the LEA or other CNP institution obtains documentation from an appropriate state or local agency indicating the status of the child as a foster child whose care and placement is the responsibility of the state or that the foster child has been placed with a caretaker household by a court. These provisions were effective October 1, 2010.

It is important to note that these provisions only apply to foster children formally placed by a state child welfare agency or a court. They do not apply to informal arrangements that may exist outside of state- or court-based systems.

This change to allow categorical eligibility for free meals for foster children necessitates changes in the way free and reduced-price applications are handled. Previously, a separate application for free and reduced-price meals was submitted for a foster child who was considered a household of one.

Now, the foster child is categorically eligible and may be certified without an application. Households with foster and nonfoster children may choose to include the foster child as a household member, as well as any personal income earned by the foster child on the same household application that includes their nonfoster children. This will streamline the application process and may help the foster family's nonfoster children qualify for free or reduced-price meals based on household size and income.

In processing the application, the SFA would certify the foster child for free meals and then make an eligibility determination for the remainder of the household based on the household's income (including personal income earned by the foster child) or other categorical eligibility information reported on the application. As before, foster payments received by the family from the placing agency are not considered income and do not need to be reported. ***NOTE: The presence of a foster child in the household does NOT convey eligibility for free meals to all children in the household in the same manner as SNAP, TANF, AND FDPIR participation does.***

3. Other Source Categorical Eligibility (***Except Foster Children***)

   Children may be categorically eligible due to Other Source Categorical Eligibility status through an application (or direct certification). Under this designation, an appropriate box on the application must be checked indicating the child's status. The child is determined eligible for free meals, and the LEA must then document the status with appropriate officials for each program. (Reference pages 20-21 of USDA Eligibility Manual—2011)

   A complete application must provide:

   - Names of children for whom application is made.
   - Indication of child's categorical eligibility status (a box for each category is shown on the application, and households must check the appropriate one).
   - Signature of an adult household member.

4. Income application must contain the following in order to be deemed a completed application: (Refer to **page E-65** for the IEGs)

   a. The names of all household members, including each child for whom the application is made.

   b. The amount of gross income received in the prior month by each member and the source of the income. ***NOTE: The* No *box must be checked by each individual's name if that individual does not have income. If the box* is not *checked and the person is not listed* with *income, the application is considered incomplete and* must not *be approved.***

   c. The last four digits of the social security number of the adult household member who signs the application or an indication that the household member does not have one. (Reference USDA Policy Memo SP-19-2011)

   d. The signature of an adult household member.

D. Foreign Language Translations

1. Where a significant number or proportion of the population eligible to be served in the SFA needs information in a language other than English, SFAs ***MUST*** make reasonable efforts, considering the size and concentration of such population, to send appropriate non-English-language household letters or notices and application forms to such households. USDA provides copies of these applications. Log onto **www.fns.usda.gov/cnd/FRP/frp.process.htm**. Click on the language desired, and print. (Reference USDA Policy Memo 2007-CN-10.)

2. LEAs are currently assisting Limited English Proficient (LEP) families as required under Title 6 of the Civil Rights Act of 1964. Under Title 6, LEAs have a responsibility to be aware of the language needs of LEP households and ensure these households have access to the same information other parents have in a manner they can easily understand. LEAs are reminded that free and reduced-price application materials can easily be included along with educational materials that are provided to LEP families under the requirements of Title 6.

E. Processing of Applications

1. Free and Reduced-Price Reimbursement

   The SFA or school ***MUST*** have on file an approved application or a list of directly certified students showing the name of each student served a meal or milk which meets program requirements.

2. Benefits Prior to Processing: Applications cannot be backdated; they are only effective from the date they are approved by the SFA.

   Before applications are processed for the school year, the SFA may only claim and be reimbursed for free and reduced-price meals or free milk served to:

   a. Children from households with approved applications on file from the previous year.

   b. New children in an SFA from households with children who were approved for benefits the previous year.

   c. ***Transfer Students*:** Previously approved children who transfer from one district to another, as long as the receiving site obtains a copy of the prior year's or current year's application from the sending SFA.

3. Carryover Applications

   a. SFAs ***MUST*** carry over the eligibility status from the previous year for any child enrolled in the current school year. This applies to direct certification, categorical eligibility determinations, and income applications. Carryover of the eligibility status from the previous year also applies to children in Head Start programs ***IF*** the SFA administers both the Head Start program and the school in which the child attends kindergarten.

b. Currently enrolled students' eligibility status from a prior year is only valid for the first 30 operating days of the school year (beginning with the first day of school in which meals are served and claimed for reimbursement after July 1). This means that if a site within the district operates a summer school in which meals are served ***under NSLP and/or SBP,*** and the summer school continues into the month of July, the first day of the 30-day operating period for that particular site would begin on the first day summer school is in session in July.

c. SFAs ***CANNOT*** establish a shorter time frame for carryover applications.

d. Once a new application is obtained and approved, the carryover application is no longer valid. If a new application is not received within the 30-day period, benefits are terminated for the child on Day 31. A letter of adverse action ***is not necessary*** if terminating benefits for this reason. However, if the eligibility status ***has changed***, the SFA would report the student's eligibility in both categories for the month that the new application was approved.

For example: The first 30 days of the new school year ends September 15. A student who qualified for free meals in the previous school year submits an application for the new school year on September 10. The school has ten days from receipt of an application to approve or deny and issue benefits if any apply. The SFA approves the new application at a reduced-price status on September 11; therefore, the SFA would report this student in the free eligible category from September 1 through 10 and claim the meals served to him or her accordingly. Effective September 11 through 30, the student would be reported in the reduced-price eligibility status and meals served to him or her during that time would be claimed as reduced-price. Beginning October 1, this student would be reported and claimed in the reduced-price category only.

e. If students listed on the household application attend different sites and each site begins school on a different date, each child's benefit on the household application would then expire on a different date.

4. Disaster Response (Reference USDA Policy Memo SP-25-2012)

The following students would be eligible for free meals in situations resulting from damage or disruptions due to natural disasters such as hurricanes, tornadoes, and/or floods.

a. Children determined to be homeless under the McKinney-Vento Homeless Assistance Act.

b. Children in households receiving Disaster Supplemental Nutrition Assistance Program (D-SNAP).

c. Certification by school officials.

PROCESSING APPLICATIONS (Reference pages 10-35 of USDA Eligibility Manual—2011)

A. Application Processing Time Frame (Reference page 19 of USDA Eligibility Manual—2011)

1. Applications should be reviewed and an eligibility determination must be made within ten operating days of the receipt of the application. (Whenever possible, applications should be processed immediately, particularly for children who do not have approved applications on file from the previous year.)

NOTE: The SFA ***must not*** delay approval of the application if the household fails to provide only information that is not required.

2. Households should be notified immediately if benefits are denied or reduced from the level of the previous year in order to provide adequate time for the family to make appropriate arrangements for payment to prevent the household from accumulating meal charges. No adverse action is required.

3. A new lower eligibility determination should be implemented only after the family has been notified. For example, in the case of a household that received free benefits the previous year and will now receive reduced-price benefits for the new school year, adequate notice should be provided. No adverse action is required.

4. The carryover period is in place to allow schools an appropriate amount of time to process applications, especially large school districts. However, it is not the intent that schools delay the processing of applications. Instead, schools must process applications as they are received and promptly notify the household.

B. Eligibility Criteria

1. For a child to be eligible for free or reduced-price benefits, the child ***MUST*** have been directly certified or the household ***MUST*** have submitted a complete application and be either categorically eligible or income-eligible. This includes students attending public school during the day, but who reside in an institution.

   a. Complete Application—An application that contains all required information for making an eligibility determination.

   b. Categorical Eligibility—If SNAP, TANF, or FDPIR benefits are received for a household, all enrolled children in that household would be eligible for free meals or milk when the household submits a complete application.

   c. ***Other Source Categorically Eligible Programs*** are those which make children automatically eligible for free benefits, either through direct certification or application, because the children are:

      - Enrolled in a federal Head Start program.
      - Enrolled in Even Start—a participant in a federally funded Even Start Family Literacy Program must be at the prekindergarten level.
      - Determined a homeless child by the school district's homeless liaison or by the director of a homeless shelter.
      - Determined a migrant child by the state or local Migrant Education Program (MEP) coordinator.
      - Determined a runaway child who is receiving assistance from a program under the Runaway and Homeless Youth Act and is identified by the local educational liaison.
      - Determined to be a foster child whose care and placement is the responsibility of the state or formally placed by a court with a caretaker household.

      A child's eligibility for free meals under Other Source Categorical Eligibility does not extend to any other child in the household.

d. Income Eligibility—Children from a household that submits a complete application, and the sum of the reported income for the household is at or below the income-eligibility guidelines, are eligible for either free or reduced-price benefits, as applicable.

2. The determining official ***MUST*** review each incoming application to ensure that the household has submitted a complete application. If the application is complete, the official ***MUST*** then determine whether the household is categorically eligible or income-eligible for benefits.

3. Applications for households that are not categorically eligible or income-eligible cannot be approved for benefits.

4. United States citizenship is ***NOT*** a condition of eligibility for free or reduced-price benefits. SFAs ***MUST*** apply the same eligibility criteria for citizens and noncitizens or regardless of immigration status.

5. USDA has determined that the CNP is not subject to Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) that restricts certain welfare and public benefits for aliens.

C. Indication of Different Types of Eligibility

1. On applications indicating mixed households where some children are Other Source Categorically Eligible and some children are not, the LEA must have a method to process different eligibility statuses that may result from these applications. While the household cannot be required to submit multiple applications, the LEA may reproduce the application to accommodate more than one eligibility status or may process the application separately in a computer-based system.

2. After the Other Source Categorically Eligible children are determined eligible for free meal benefits, the LEA must then use the household's income and size (including children in the Other Source category) to determine if the noncategorically eligible children listed on the application are eligible for meal benefits.

3. In such mixed households, Other Source Categorically Eligible children will receive free meal benefits even if other children listed on the application are determined either eligible for reduced-price meals or ineligible for free or reduced-price meal benefits.

4. A complete mixed application must provide:

   - Names of all household members.
   - A checked box indicating the Other Source Categorical Eligibility status of a child; for a foster child, list any personal income made available to the foster child and earned by the foster child, as appropriate.
   - Signature of an adult household member.
   - Last four digits of the social security number of the adult household member who signs the application or an indication that the household member does not have a social security number.
   - The *No* box must be checked if no income is received.

D. Computation of Current Income

1. Each household ***MUST*** provide the amount of gross income. Income ***MUST*** be identified with the individual who received it and the source of the income (such as wages or welfare). It is the responsibility of the determining official to compute the household's total current income and compare the total amount to the income-eligibility guidelines. A copy of the Income-Eligibility Guidelines (IEG) is on **page E-65**.

2. Income received at different intervals: Households may have income from different sources which are paid on different schedules. For example, the household may receive paychecks on a weekly basis and child support on a monthly basis. This section explains when conversion of income is required and how conversion is done.

   a. No conversion is required if there is only one source of income or if all sources are received in the same frequency. The SFA would total all sources and compare them to the appropriate IEG. For example, if a household of three reported receiving a monthly social security check and monthly child support, those amounts would be added together and the result compared to the monthly IEG for a household of three.

   b. Conversion is required if there are multiple income sources with more than one frequency; the SFA must annualize all income by multiplying:
      - Weekly income by 52.
      - Every other week income by 26.
      - Twice a month income by 24.
      - Monthly income by 12.

      NOTE: SFAs ***CANNOT*** use conversion factors such as 4.33 to convert weekly income or 2.15 to convert biweekly income to monthly amounts. Software used must reflect this policy.

   c. Do not round the values resulting from each conversion.

   d. Add all of the unrounded, converted values, and compare the unrounded total to the appropriate IEG for annual income for the household size.

      NOTE: In situations where income is reported weekly, every two weeks, monthly, or twice a month, and the software has no provision for dealing with dollars and cents, calculations should be done manually to arrive at the most accurate annual income. All computerized software must include both the dollar amount and the *cent* amount, unless the cents are computed manually.

E. Application Approval or Denial

1. Households that submit an incomplete application cannot be approved. If any ***REQUIRED*** information is missing, the information ***MUST*** be obtained before an eligibility determination can be made.

2. To get the required information, the school may return the application to the household or contact the household either in person, by phone, or in writing. The determining official must document the details of the contact and date and initial the entry. Applications missing the signature of an adult household member ***MUST*** be returned for signature.

3. Every reasonable effort should be made to obtain the missing information prior to denying the application.

4. If there are any inconsistencies or questions concerning the required eligibility information provided, the household's application ***MUST*** be denied unless the inconsistencies or questions are resolved. For instance, if it is unclear whether the household provided weekly or monthly income, this issue ***MUST*** be resolved before an eligibility determination can be made. The official may contact the household prior to denial, document the details of the contact, and date and initial the entry.

F. Homeless, Migrant, Runaway Children

1. Documentation of free meal eligibility:

   Rather than an approved Application for Free and Reduced-Price School Meals, site officials must accept documentation from the local educational liaison/coordinator or a director of a shelter where the child resides to establish free meal benefits. Documentation to substantiate free meal eligibility must consist of the child's name or a list of names, effective date(s), and the signature of the local educational liaison/coordinator or the director of the shelter.

   To implement these procedures, school officials must work closely with the educational liaison/coordinator or director of a shelter to ensure that the child is provided free meal benefits as soon as possible.

   Exception: Because of delays in receiving documentation from appropriate agencies or officials, a school official may submit an application on behalf of a child that he or she knows to be categorically eligible due to his or her status as a migrant, homeless, or runaway child. These applications must be done in accordance with the temporary approval procedures.

   Once the documentation is received, that information must be noted on the application and the child's eligibility status is effective for the remainder of the school year and also would carry over for up to 30 operating days in the next school year. If no documentation is received to confirm the child's status as a migrant, homeless, or runaway child, the child's benefits are terminated and a new application must be filed, either by a school official or by the child's parent or guardian.

2. Homeless, migrant, runaway children residing with another household:

   A child or family may temporarily reside with another household and still be considered homeless under the definition of homeless in the McKinney-Vento Homeless Assistance Act. In these cases, the household size and income of the host family is ***NOT*** taken into consideration in determining the free meal eligibility for the child designated by the LEA liaison/coordinator.

   Additionally, when a host family applies for free or reduced-price meals for its own children, the host family may include the homeless/migrant family or runaway children as household members if the host family provides financial support to the homeless/migrant family or runaway children, such as shelter, utilities, clothing, or food. In such cases, the host family must also include any income received by the homeless/migrant family or runaway children. Site officials must determine eligibility for the host family in the traditional manner. However, free meal eligibility for the homeless/migrant/runaway child is based on the documentation provided by the LEA liaison/coordinator, even when the child is included on the host family's Application for Free and Reduced-Price School Meals.

   If the host family meets the free or reduced-price meal eligibility criteria, school officials should provide the host family with approval for free or reduced-price meal benefits, as appropriate.

3. Continuing certification:

   Public Law 108-265 also amended the Richard B. Russell National School Lunch Act to establish that, once a homeless/migrant or runaway child is certified as eligible to receive free meals, eligibility remains effective for the remainder of the school year. Further, SFAs are allowed to continue the child's eligibility from the previous year for 30 operating days into the subsequent school year or until a new eligibility determination is made. This determination must be reconfirmed with the liaison each school year.

G. Households That Fail to Apply

1. School officials may complete an application for a student ***known to be eligible*** if the household fails to apply. When exercising this option, the school official ***MUST*** complete an application on behalf of the student based on his or her knowledge of household-size and income information. ***The source of the information MUST be noted on the application.*** Names of household members and the last four digits of the social security number and signature of an adult household member need not be secured. These applications should be excluded from verification. However, the household ***MUST*** be notified that the student has been certified and is receiving free meal benefits.

2. This option is intended for ***LIMITED*** use in ***INDIVIDUAL*** situations and ***must not*** be used to make eligibility determinations for categories or groups of students. This option ***IS NOT INTENDED*** to be used for households who qualified in the previous year but for some reason have failed to apply in the current school year.

H. Notice to Households of Approval/Denial of Benefits

1. All households ***MUST*** be notified of their eligibility status.

2. Households ***DENIED*** benefits or approved for benefits through direct certification ***MUST*** be given written notification of denial or approval. A copy of Notice to Households of Approval/Denial of Benefits is found on **page E-67**. The notification ***MUST*** advise the household of:

   a. The reason for the denial of benefits.

   b. The right to appeal.

   c. Instructions on how to appeal.

   d. A statement that households may reapply for free or reduced-price benefits at any time during the school year.

3. Duration of free and reduced-price eligibility determination.

   a. The Child Nutrition and WIC Reauthorization Act of 2004 states that once a household is approved for free and reduced-price benefits, the household will remain eligible for those benefits for the remainder of the school year plus a maximum of 30 operating days in the subsequent school year. Also, the family is no longer required to report income increases; loss of SNAP, TANF, or FDPIR eligibility; or family-size reductions. (Reference USDA Policy Memos 2004-CN-07, 2004-CN-09, 2004-SP-02, and 2004-SP-03)

b. There are three exceptions in which the duration of an application would not last the entire school year.

- Application error: The SFA finds that it made an error in initial approval.
- Verification: Through the verification process, documentation does not support initial approval.
- Family refuses benefits: Family notifies SFA to decline any meal benefit.

NOTE: Temporary approval of an application is no longer applicable because of the yearlong duration of eligibility provision. If LEAs/schools are concerned with the authenticity of the information provided on an application, they may, on a case-by-case basis, verify the application for cause. (Reference page 26 of USDA Eligibility Manual—2011)

c. If a family notifies the SFA later in the year which would result in benefits less than initially approved at the beginning of the school year (e.g., from free to reduced-price or full-price), the family ***MUST*** be given the option to continue with the benefits approved at the beginning of the year or choose the reduced benefits. If the family chooses the reduced benefits, the SFA must provide a notice of adverse action. However, if a family notifies the SFA later in the year which qualifies them for increased benefits (e.g., from reduced-price to free), the increase in benefits must be provided.

I. Record Keeping

1. All free and reduced-price applications, including applications from households denied benefits and inactive applications, ***MUST*** be kept on file for a minimum of three years after the final claim is submitted for the fiscal year to which they pertain, and they ***MUST*** be readily retrievable by school site. Files ***MUST*** be kept longer if they are required for an audit. If audit findings have not been resolved, the applications ***MUST*** be maintained as long as required for resolution of the issues raised by the audit.

   NOTE: Provision 2 and Provision 3 schools must maintain base year applications for as long as the schools are participating in Provision 2 or Provision 3.

2. For applications from households approved for benefits, the determining official must indicate the date each application is approved and the level of benefit for which each child is approved. The determining official must also sign or initial the application.

3. For applications from households denied benefits, the determining official ***MUST*** identify and retain on file the reasons for the denial. Records should also include the date of the denial, the date the denial notice is sent, and the signature or initials of the determining official. These may be noted directly on the application.

4. If there are changes in application status (i.e., approval errors, verification, parental request), determining officials should note the change and the date of the change on the application and on any rosters used. Thorough annotation includes:

    a. The date the change was reported.

    b. Why the change was made.

    c. Who called and reported the change.

    d. The initials of the person making the change.

5. When a child transfers to another site within the SFA or transfers to another district within the state, a copy of the application ***MUST*** be retained at both the sending and receiving sites and the date of the transfer noted, unless applications are filed centrally. Current applications ***MUST*** be on file, and there ***MUST*** be records to support transfers of students in and out of the site.

6. When a child transfers within the same LEA from a school using Provision 2 or 3, a new application or direct certification is required unless the transfer is in a base year and the child's individual eligibility information is available. If the transfer is done in a nonbase year, a new application is required. This is also applicable when a child transfers to a new school district.

J. Restrictions

1. Distribution and processing applications ***solely for information about household income*** to determine the funding or benefits for programs other than the school meals programs or to determine eligibility for other programs is not permitted. Therefore, funds in the nonprofit school food service account cannot be used to pay the costs associated with collecting and processing such information.

2. A school or LEA must obtain the household income information for nonprogram purposes through means other than the household's application for free or reduced-price school meal benefits. If schools or LEAs collect such information for ***nonprogram purposes***, the applications ***may not be labeled as applications for meal benefits*** under the school meals/milk programs or give any indication tht such benefits are contingent upon a household returning the application.

3. If LEAs provide households with multiuse applications, which include both meal program benefits as well as nonfood benefits, they must ensure that the process allows submission of an application solely for free or reduced-price meal or free milk benefits.

4. The LEA must seek consent from the parent(s) or guardian(s) to use the information provided on the application for nonprogram purposes or for purposes not permitted in this guidance.

K. Computerized Application Approval

1. Any computerized approval process:

   A signature of approval is not required on each application if the approval process is computerized. A list of the children approved for free or reduced-price meals needs to be printed, signed, and dated to indicate approval of the applications. If changes are made, a new roster should be printed, signed, and dated at least monthly.

2. Scanner system:

   a. The SFA is assured that the scanner system is accurately and reliably capturing the Application for Free and Reduced-Price School Meals information. It must be capturing both the dollar and cent amounts reported by the household unless computed manually. (Reference USDA Policy Memo 2007-CN-04)

   b. If software is used to determine eligibility from the scanned applications, the SFA must ensure that manual edits are in place to secure accurate free and reduced-price determinations. (Reference USDA Policy Memo 2007-CN-04)

   c. Access or security procedures are maintained to ensure confidentiality of the information. All disclosure restrictions must be met, and acceptance of the application and electronic signatures must be in accordance with guidance issued by FNS <http://www.fns.usda.gov/cnd/governance/Policy-Memos/2007/SP 10-2007.pdf>.

   d. The paper copies of applications are maintained in any current year. Electronically scanned copies must be maintained for a minimum of three years after the submission of the final claim for reimbursement for the fiscal year or longer as required for audit resolution.

   e. Procedures are developed to make an accurate count of the Applications for Free and Reduced-Price School Meals prior to the scanning of each batch. This count must be compared to applications successfully scanned to ensure that all applications are entered into the system.

   f. The State Agency may require that the paper copies be retrieved by school (if desired) if the electronically scanned versions of the applications are not operationally accessible in a timely manner or for any other reason.

   g. Paper copies of the applications must be retained for any sites on Provision 1, 2, or 3 for three years beyond the establishment of a new base year or longer as needed for audit resolution.

   h. Adequate backup is maintained for the electronic files.

3. Electronic signatures and applications (Public Law 108-265, Section 105).

   A household application may be executed using an electronic signature if:

   a. The application is submitted electronically.

      AND

   b. The electronic application filing system meets confidentiality standards established by USDA.

   NOTE: USDA, FNS, and State Agencies do not evaluate, recommend, approve, or endorse any software used for certification or verification purposes. There are no federal specifications for software vendors. LEAs are responsible for assuring that the certification and verification processes meet all regulatory requirements and policies, including the calculation of income frequencies. Therefore, if software is used to perform all or part of the certification or verification process, the LEA must assure the software used is performing correctly and meets all requirements.

L. Child Nutrition Programs (CNP) Roster

1. Once applications are approved, the SFA is responsible for maintaining current eligibility status of all students. Benefit issuance rosters are lists of students eligible to receive free, reduced-price, or full-price meals. As with the Application for Free and Reduced-Price School Meals, these rosters are to be considered confidential and used only by persons directly involved with the CNP. An example of a CNP Roster is on **page E-69**.

   Although most SFAs are computerized in their meal-counting and meal-claiming process, most of these systems do not provide all the necessary information that the roster reflects.

2. Rosters should include the following information:

   a. The date a student became eligible for benefits.

   b. The date a student withdraws from school or transfers to another school.

   c. The date a student's eligibility category changes as a result of verification or reported change in household status.

3. If multiple rosters are used (e.g., one in the office for benefit issuance and one at the point of service for meal counts), it is essential that all rosters be updated and printed on a regular basis (at least monthly) to reflect current eligibility status.

M. Eligibility Definitions

Although school officials may have to use their own discretion in some instances, the following guidelines are intended to provide assistance in answering questions from households and in making income-eligibility determinations.

1. Determining Household Size

a. ***Adopted Child***—An adopted child for whom a household has accepted legal responsibility is considered to be a member of that household. If the adoption is a ***SUBSIDIZED*** adoption (children who are difficult to place), the subsidy is included in the total household income.

b. ***Child Attending an Institution***—A child who attends but does not reside in an institution is considered a member of the household in which he or she resides.

c. ***Child Away at School***—A child who is temporarily away at school (e.g., attending boarding school or college) should be considered as a member of the household.

d. ***Child Living With One Parent, Relatives, or Friends***—In cases where no specific welfare agency or court is legally responsible for the child or where the child is living with one parent, other relatives, or friends of the family, the child is considered to be a member of the household with whom he or she resides. Children of divorced or separated parents are generally part of the household that has custody.

e. ***Emancipated Child***—A child living alone as a separate economic unit is considered to be a household of one.

f. ***Family Members Living Apart***—Family members living apart on a temporary basis are considered household members. Family members not living with the household for an extended period of time are not considered members of the household for purposes of determining eligibility, but any money made available by them or on their behalf for the household is included as income to the household.

g. ***Foreign Exchange Student***—A foreign exchange student is considered to be a member of the household in which he or she resides; i.e., the household hosting the student.

h. ***Foster Child***—A foster child is a child who is living with a household but who remains the legal responsibility of the welfare agency or court. The household keeping the foster child ***DOES*** include the foster child in its family size, and it does include as part of the household income any monies the foster child receives. However, the household does not report any monies the foster parents are receiving for the care of the foster child. ***NOTE:*** Because some adopted children were first placed in families as foster children, parents may not be aware that once a child is adopted, he or she must be determined eligible based on the economic unit and all income available to that household, including any adoption assistance, is counted when making an eligibility determination.

i. ***Homeless***—An individual who lacks a fixed, regular, and adequate nighttime residence is considered homeless. The definition includes:

(1) Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative accommodations; living in emergency or transitional shelters; abandoned in hospitals; or awaiting foster care placement.

(2) Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

(3) Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.

(4) Migratory/runaway children who qualify as homeless because the children are living in circumstances described on **page E-17** in Section F-2.

j. ***Household/Economic Unit—***A group of related or unrelated individuals who are not residents of an institution or boarding house, but who are living as one economic unit and who share housing and/or significant income and expenses of its members. Generally, individuals residing in the same house are an economic unit. However, more than one economic unit may reside together in the same house. Separate economic units in the same house are characterized by prorating expenses and maintaining economic independence from one another.

k. ***Institutionalized Child***—An institutionalized child is a child who resides in a residential-type facility that the state has determined is not a boarding school. Such a child is considered a household of one.

l. ***Joint Custody***—In cases where joint custody has been awarded and the child physically changes residence, the SFA has the authority to assign the child's eligibility to the household that best benefits the child. This eligibility does not extend to members of the second household.

m. ***Military Family Member***—For the purpose of determining household size, deployed service members should be considered as family members living apart on a temporary basis. A school or an institution would instruct families to include the names and only that portion of the deployed service member's income made available by the service member, or on his or her behalf, to the household where the children are staying should be counted as income for eligibility determination purposes.

2. Determining Household Income

a. Reportable Income

(1) Income is any money received on a recurring basis, including ***GROSS*** earned income, unless specifically excluded by legislation. Specifically, gross earned income means all money earned before deductions for employee's income taxes, social security taxes, insurance premiums, bonds, savings programs, and/or other income deductions.

(2) Income includes the following:

(a) ***Adopted Child Subsidy***—The subsidy a household receives for a child who has been adopted is counted as income.

(b) ***Alimony and Child Support***—Any money received by a household in the form of alimony or child support is considered as income to the receiving household. However, any money paid out for alimony or child support may not be deducted from that household's reported gross income.

(c) ***Child's Income***—The earnings of a child who is a full-time or regular part-time employee ***MUST*** be listed on the application as income. However, occasional earnings such as income from occasional baby-sitting or mowing lawns should not be listed on the application as income.

(d) ***Current Gross Income***—Households ***MUST*** report current income (before taxes) on an Application for Free and Reduced-Price School Meals.

Current income means income received by the household. For the purposes of certification of eligibility for free or reduced-price meals or free milk, the household must provide its current income which is based on the most recent information available. This may be for the current month, the amount projected for the first month the application is made for, or for the month prior to application. If the household's current income is not a reflection of income that will be available over the school year, the household should contact the SFA for assistance. The SFA would determine the amount and frequency of income available during the school year for households.

(e) ***Earnings From Work—***Wages, salaries, tips, commissions, net income from self-owned businesses and farms, strike benefits, unemployment compensation, and workers' compensation.

(f) ***Foster Child's Income***—A foster child is a child who is living with a household but who remains the legal responsibility of the welfare agency or court. The household keeping the foster child ***DOES*** include the foster child in its family size, and it does include as part of the household income any monies the foster child receives. However, the household does not report any monies the foster parents are receiving for the care of the foster child. ***NOTE: Because some adopted children were first placed in families as foster children, parents may not be aware that once a child is adopted, he or she must be determined eligible based on the economic unit and all income available to that household, including any adoption assistance, is counted when making an eligibility determination.***

(g) ***Garnisheed Wages and Bankruptcy***—Income is the gross income received by a household before deductions. In the case of garnisheed wages and income ordered to be used in a specified manner, the total gross income ***MUST*** be considered, regardless of whatever portions are garnisheed or used to pay creditors.

(h) ***Income for the Self-Employed***—Self-employed persons may use last year's income as a basis to project their current year's net income, unless their current net income provides a more accurate measure. Self-employed persons are credited with net income rather than gross income. Net income for self-employment is determined by subtracting business expenses from gross receipts.

1) Gross receipts include the total income from goods sold or services rendered by the business.

2) Deductible business expenses include the cost of goods purchased, rent, utilities, depreciation charges, wages and salaries paid, and business taxes (not personal, federal, state, or local income taxes).

3) Nondeductible business expenses include the value of salable merchandise used by the proprietors of retail businesses.

4) For a household with income from wages and self-employment, each amount ***MUST*** be listed separately. When there is a business loss, income from wages may not be reduced by the amount of the business loss. If income from self-employment is negative, it should be listed as zero income.

(i) ***Institutionalized Child's Income***—Payments from any source directly received by the institution on a child's behalf are not considered as income to the child. Only the income a child earns from full-time or regular part-time employment and/or personally receives while in residence at the institution is considered as income.

(j) ***Lump Sum Payments***–When lump sum payments are put into a savings account and the household regularly draws from that account for living expenses, the amount withdrawn is counted as income.

(k) ***Military Benefits***—Gross income, including base pay, regular housing allowance (BAH, VHA, BAQ), subsistence (BAS), clothing allowance, hazardous duty, hostile fire, flight pay, incentive, etc., must be included for military families. The only exceptions are as follows:

1) ***U.S. Armed Forces Family Subsistence Supplemental Allowances (FSSA).*** (Reference USDA Policy Memo 2006-CN-10)

2) ***Privatized housing*** refers to the Military Housing Privatization Initiative, a program operating at a number of military installations. This initiative puts the operation of military-owned housing under private contractors. Under this privatization initiative, a housing allowance appears on the leave and earnings statement of service members living in privatized housing. It is important to note that this income exclusion is only for service members living in housing covered under the Military Housing Privatization Initiative. It is not an allowable exclusion for households living off base in the general commercial/private real estate market.

3) During Operation Enduring Freedom, where a household member is deployed to any location, regardless of the specific military operation, only the income made available to the household is to be counted and the deployed household member is to be counted as part of the household. (Reference USDA Policy Memo 2003-CN-06)

Additionally, USDA has provided clarification regarding household-size and income determination where both parents are deployed military and their children are staying with friends or relatives. Consistent with the above policy, the children would be counted as part of the household where they are staying; however, both parents would also be included in the household and only the funds provided to the household by the deployed military parents would be included in total household income.

4) Military Combat Pay. This exclusion is authorized by the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (P.L. 111-80; October 21, 2009).

   As set forth in the statute, combat pay is defined as an additional payment made under Chapter 5 of Title 37 of the United States Code, or as otherwise designated by the Secretary to be excluded, that is received by the household member who is deployed to a designated combat zone. Combat pay is excluded if it is:

   - Received in addition to the service member's basic pay.
   - Received as a result of the service member's deployment to or service in an area that has been designated as a combat zone.

   AND

   - Not received by the service member prior to his or her deployment to or service in the designated combat zone.

   A combat zone is any area that the President of the United States designates by Executive Order as an area in which the U.S. Armed Forces are engaging or have engaged in combat. As with other types of income commonly received by military personnel (such as the Basic Allowance for Housing or Basic Allowance for Subsistence payments), combat pay received by service members is normally reflected in the entitlements column of the military Leave and Earning Statement (LES). Information regarding deployment to or service in a combat zone may also be available through military orders or public records on deployment of military units. Deployed service members are considered members of the household for purposes of determining income eligibility for the CNP. (Reference USDA Memo SP-06-2010)

5) Deployment Extension Incentive Pay (DEIP)

   The exclusion of combat pay, as described in P.L. 111-80, is extended to DEIP. DEIP is given to active-duty service members who agree to extend their military service by completing deployment with their units without reenlisting. This exemption applies only until the service members return to their home station. Any additional DEIP payments provided to service members serving at their home station is considered income as they are no longer considered deployed. (Reference USDA Policy Memo SP-06-2011)

6) The Earned Income Tax Credit (EITC). (Reference USDA Policy Memo 2003-CN-13)

7) Any payments made under the Agent Orange Compensation Exclusion Act.

8) Any payments made or any mandatory salary reduction related to the Veteran's Educational Assistance Act of 1964 (GI Bill).

(l) ***Other Income***—Net rental income; annuities; net royalties; disability benefits; interest; dividend income; cash withdrawn from savings; income from estates, trusts, and/or investments; regular contributions from persons not living in the household; and any other money that may be available to pay for the children's meals.

(m) ***Pensions/Retirements/Social Security***—Pensions, retirement income, social security, supplemental security income (SSI), and veterans' payments.

(n) ***Seasonal/Temporary Workers***—Seasonal workers such as migrants and others whose income fluctuates so that they usually earn more money in some months than in other months. In these situations, the household may project its annual rate of income and report this amount as its current income. If the prior year's income provides an accurate reflection of the household's current annual rate of income, the prior year may be used as a basis for the projected annual rate of income.

(o) ***Welfare***—Public assistance payments/welfare receipts (General Assistance, General Relief, etc.).

b. Income Exclusions—Income ***NOT*** to be reported or counted as income in the determination of a household's eligibility for free or reduced-price benefits includes:

(1) Any cash income or value of benefits a household receives from any federal program that excludes such income by ***legislative prohibition***, such as the value of assistance provided under SNAP, TANF, or FDPIR benefits.

(2) ***Student financial assistance*** provided for the costs of attendance at an educational institution, such as grants and scholarships, awarded to meet educational expenses and not available to pay for meals.

(3) The foster parent does not include as part of the household income any monies the foster parent receives from the welfare agency for shelter and care.

(4) ***LOANS***, such as bank loans, since these funds are only temporarily available and ***MUST*** be repaid.

(5) The value of ***in-kind compensation*** such as housing for clergy or any other noncash benefit.

(6) ***Occasional earnings*** received on an irregular basis; e.g., nonrecurring, such as payment for occasional baby-sitting, mowing lawns, or overtime pay that is not consistently received.

(7) Lump sum payments or large cash settlements are not counted as income since they are not received on a regular basis. These funds may be provided as compensation for a loss that ***MUST*** be replaced, such as payment from an insurance company for fire damage to a house.

(8) Any subsidy that a household receives through the prescription drug discount card program is not considered income. (Reference USDA Policy Memo 2004-CN-04)

(9) Military exclusions—see **pages E-26** through **E-28**.

(10) Earned Income Tax Credit: The federal earned income tax credit may be a refund of taxes withheld, a credit against taxes withheld, or a cash payment in excess of what was withheld. (Reference USDA Policy Memo 2003-CN-13)

(11) Payments made under the National Flood Insurance Act of 1968 for flood mitigation activities. (Reference USDA Policy Memo 2006-CN-04)

This list is not inclusive. Legislation is periodically enacted that excludes income for the purposes of the school meals/milk programs. Go to <http://www.ssa.gov/OP Home/cfr20/416/416-ap01.htm.> for a complete listing.

N. Automatic Eligibility of Unenrolled Children

1. Head Start

a. Children enrolled in ***FEDERALLY*** funded Head Start centers are considered categorically eligible for free meals in the NSLP no matter what the income level of the household. Public Law 110-134 makes any child enrolled in Head Start automatically eligible for free meals without further application or eligibility documentation. (Reference USDA Policy Memo 2008-CN-05) The following documentation is needed for meeting this criteria:

(1) ***Documentation for Head Start Enrollees***—The SFA must obtain documentation of the Head Start participants in order to confirm automatic eligibility for free meals. The documentation may be a list of the names of the Head Start participants. The documentation must also include the signature of a Head Start employee authorized to provide the certification on behalf of the Head Start office, as appropriate, and the date. Verification of eligibility from the household is not required when documentation of categorical eligibility is obtained from Head Start officials. Refer to **page E-71** for a copy of the Even Start/Head Start *Federally* Funded Enrollment form.

(2) ***Annual Update***–At the beginning of each year, the determining official must establish whether each child continues to be enrolled in Head Start. Carryover of the eligibility status from the previous year also applies to children in Head Start programs ***IF*** the SFA administers both the Head Start program and the school in which the child attends kindergarten.

(3) ***Record Retention***–The Head Start list of participants must be maintained on file and readily available for review by USDA, the State Agency, or other appropriate agencies for a minimum of three years from the end of the fiscal year to which the information applies or as otherwise specified in program regulations.

b. Head Start children ***do not*** need to be enrolled in the school, but if they are not enrolled in the school, they cannot be counted in the school's free and/or reduced-price eligible count, but the meals served to the children can be counted and claimed for reimbursement.

c. The categorical eligibility of a Head Start child does ***NOT*** extend to the other children in the household.

2. Even Start

For a child to be categorically eligible for free meals based on his or her participation in Even Start, the child ***MUST*** be enrolled as a participant in a ***FEDERALLY*** funded Even Start Family Literacy Program and ***MUST*** be at the prekindergarten level.

a. Categorical eligibility does ***NOT*** apply to other family members.

b. ***Documentation for Even Start Enrollees***—The SFA must obtain documentation of the Even Start participants. The documentation may be a list of the names of the Even Start participants and a statement certifying that those children are currently enrolled as participants in the Even Start program. The documentation must also include the signature of an Even Start employee authorized to provide the certification on behalf of the Even Start office, as appropriate, and the date. Verification of eligibility from the household is not required when documentation of categorical eligibility is obtained from Even Start officials. Refer to **page E-71** for a copy of the Even Start/Head Start *Federally* Funded Enrollment form. Confirmation that the child has not yet entered kindergarten must also be included in the documentation from the Even Start official. ***Once a child has entered kindergarten, that child loses his or her categorical eligibility for free meals based upon Even Start.***

c. ***Recertification of Categorical Eligibility***–At the beginning of each year, the official responsible for determining Even Start participation must update each child on the list to ensure each one has not entered kindergarten.

d. Meal Reimbursements for Adults Participating in Even Start

(1) Reimbursements may be claimed for adults participating in Even Start programs when the adults are enrolled in a General Educational Development (GED) program that meets in the school during the school day. GED students are not enrolled in the school; thus, they cannot be counted in the school's free and/or reduced-price eligible counts. ***NOTE: If the adult is not enrolled in a daytime GED program, he or she should be treated as a visitor.***

(2) In the case where the adult student is enrolled in a school of high school level or under (not in a GED program), meals served may also be claimed for reimbursement. The adult student would be included in the SFA's total enrollment of students for funding and other purposes the same as other students of high school level or under. Any adults meeting either of these criteria who wish to obtain free or reduced-price benefits under the NSLP/SBP must complete an application for meal benefits.

(3) If an adult is enrolled in only English as a second language (ESL) classes that are not part of a regular high school completion program, he or she should be treated as a visitor.

3. Preprimary

Preprimary is defined as a child or group of children ranging from birth to school age.

Preprimary classes are eligible to participate in the NSLP and SBP when they are conducted in a school having classes of primary or higher grades, regardless of whether such preprimary classes are recognized as part of the educational system of the state. They may be approved for meal benefits by completing Applications for Free and Reduced-Price School Meals. If these children are ***NOT*** enrolled, they ***must not*** be reported as part of the site's free and/or reduced-price eligible counts on the claim for reimbursement nor the Low-Income Student Count Report. Only the meals served to these children may be reported on the claim for reimbursement.

DIRECT CERTIFICATION (Reference pages 59-63 of USDA Eligibility Manual—2011)

A. Direct certification is a simplified method of determining some children's eligibility for free meals under the NSLP, SBP, or free milk under the SMP without having the family complete an Application for Free and Reduced-Price School Meals or a free milk application. ***NOTE: All LEAs MUST participate in direct certification.***

B. Direct Certification Through the WAVE

1. The WAVE is Oklahoma's secure electronic student information system (SIS). There is a mandatory element in the SIS where a district must indicate whether a student qualifies for free, reduced-price, or no (paid) meal benefits. Although this is confidential information, other elements in the SIS are also confidential. Therefore, meal-eligibility information must be entered into the SIS or provided to the SIS staff in some manner. Log onto <www.thewave.sde.ok.gov>.

2. To provide better service to school districts across the state, direct certification is being conducted through the WAVE. The reports contain students who have enrolled in the district, either this year or at the end of last school year, who are directly certified. The list of students pulled from these reports will automatically receive ***FREE*** meal benefits. A *Direct Certification Application Manual* containing instructions for using this application is provided on the WAVE Web site.

3. Once the list of students is obtained, each district is required to send a written notice to each household that has students identified as being directly certified. Refer to **page E-75** for a copy of the Notice of Direct Certification form. Once the notice is sent, the district may begin claiming every meal served to these students at the free reimbursement rate. There is also a list of students (Remaining Records) that may be accessed that were not identified through the WAVE's matching process, but who receive SNAP benefits. If a student is found on the list enrolled in the school district, go ahead and directly certify him/her and all of the other children within that same household. As new students enter the district and receive a Student Testing Number (STN), check these reports to find out if the new student is directly certified. The WAVE will update this information nightly so that students may be readily identified upon enrollment. If information is received on a student from another district and direct certification information did not come with the student's transfer papers or the student is received before the records arrive, check the WAVE Web site to ensure that every child possible is identified.

4. Direct Certification Reports Under the WAVE

   a. **Original Report**—This is the first report made, created at the beginning of the school year. No modifications are made to this report. It is the first match made by the WAVE with Department of Human Services (DHS) data. All students contained in this report are a Direct Certification Match.

   b. **Updated Report**—This report is updated every night based on new data from DHS and/or students entering your district or receiving an STN at your district for the first time. This report shows all changes that have occurred, different than the *Original Report*. It contains a column entitled *Changes* that will either contain the wording *New Match*, indicating a record not found in the *Original Report*, or it will contain the wording *Match Error Remove From Direct Certification* that will indicate a record identified on either the Original Report or the Updated Report where an STN was incorrectly assigned to a student and has been removed from the direct certification list. This is only the updated list of students for districts who utilized the *Original Report* and only want to see changes that have occurred after that time.

c. **Full Report**—This report contains all of the records from the Original Report and the Updated Report. This is the complete list of students directly certified in the match process conducted by the WAVE.

d. **Remaining Records**—This contains all of the records by zip code for which the WAVE was unable to find a direct match. This file will be similar to the file you have received in the past but will be reduced in size. With this file, you will need to search for students to directly certify using your own match criteria and your own student level data. This file may increase or reduce in size depending on the number of records the WAVE is able to match nightly.

e. **Full Report Address and Case Number**—This report is best viewed when exported to an Excel format as it contains a large amount of data. From Excel you can modify the report and use only the data you need. This report contains the DHS case number and the address provided by DHS along with several other key data fields joined to your local district data. This is a complete list of all of the matches. If the data is blank or empty, it is because we do not have that data or it was not provided to us by DHS on the student selected.

C. Frequency of Direct Certification (Reference page 69 of USDA Eligibility Manual—2011)

1. LEAs must conduct direct certification with SNAP at least three times during the school year. More frequent direct certification efforts are permissible and encouraged. The efforts must be made:

   - At or around the beginning of the school year (i.e., July 1).
   - Three months after the beginning of the school year.
   - Six months after the beginning of the school year.

   Because the WAVE enables LEAs to do direct certification so easily, most do direct certification every day or at least weekly.

2. Subsequent direct certification efforts are required for children who were not initially directly certified and who are currently reduced-price or paid. This can be done through the WAVE. If the LEA has the capability, the status of any new enrolled child must be checked for SNAP eligibility at the time of enrollment. If this is not possible, the household must be provided with an application so that the child's benefits are not delayed until the next scheduled direct certification update.

3. USDA regulations do not allow a school to backdate direct certification benefits. Approval of the free-meal benefits begins on the date that the school looks at the direct certification documentation.

4. Under direct certification, if one child in the household is directly certified, then all children in that household that are enrolled in the school must be given free meal benefits. (Reference SP-38-2009)

5. If an application for directly certified children is received at any time during the school year, the school should disregard the application. The Child Nutrition and WIC Reauthorization Act of 2004 states that once a household is approved for free or reduced-price benefits, the household will remain eligible for those benefits for the remainder of the school year plus a maximum of 30 operating days in the subsequent school year. Also, the family is no longer required to report income increases; loss of SNAP, TANF, or FDPIR eligibility; or family-size reductions. (Reference USDA Policy Memo 2004-CN-07, 2004-CN-09, 2004-SP-02, and 2004-SP-03)

6. The documentation ***MUST*** be retrievable by school to ensure proper delivery of benefits and to allow substantiation of the number of children eligible for free meals or milk.

7. Delivery of Benefits

   a. The SFA ***MUST*** provide benefits promptly. Eligible students may receive benefits immediately, and the SFA may assume consent if refusal has not been received by a certain number of days as determined by the SFA.

   b. If the household refuses benefits, the SFA ***MUST*** discontinue benefits immediately and document the refusal.

8. Direct Certification: FDPIR Listing

   a. SFAs may request or accept a listing provided by tribal authorities indicating households that participate in the FDPIR program.

   b. Upon receipt of the information, it is the responsibility of the SFA to compare each child enrolled in the SFA, using at least two identifying pieces of information; i.e., name of child, social security number, birth date, name of parent or legal guardian, or sex. When a child matches on at least two identifying pieces of information, the child automatically qualifies for free meal benefits. In addition, any other children within the same household who are enrolled in school will also qualify for free meal benefits. The SFA should identify the children on the direct certification list who are enrolled in the SFA along with any other children identified as part of that household who are enrolled. An example of this would be highlighting each child's name on the list that matches the SFA's enrollment. The SFA must then notify the parent or legal guardian of the child's/children's eligibility.

   c. An SFA may also receive a notice from a tribe that a particular household receives FDPIR benefits. Upon receipt of this type of form, the SFA can automatically certify the children listed as well as the other children within that household who are enrolled in school as being directly certified to receive free meal benefits. An example of this form is on **page E-73**.

CONFIDENTIALITY/DISCLOSURE OF ELIGIBILITY INFORMATION

A. General Information

1. The issues of privacy and confidentiality of personal data are complicated as well as sensitive. SFAs may disclose children's free or reduced-price meal eligibility information to programs, activities, and individuals who are specifically authorized access under the National School Lunch Act (NSLA). This is an option, not a requirement; therefore, funds in the nonprofit school food service account cannot be used to pay the costs associated with collecting and processing such information.

2. The eligibility status of a child by a noncustodial parent must not be released without a court order.

3. The SFA or the school administration may opt to disclose children's eligibility information to Sooner Care Benefits officials if the household does not decline to have its children's eligibility information released. The Oklahoma Health Care Authority (which administers the Sooner Care Benefits Program) receiving children's free and reduced-price meal or free milk eligibility information ***MUST*** use that information to enroll eligible children in the Sooner Care Benefits Program.

4. The SFA may disclose aggregate information to any program or individual, such as the number of children eligible for free or reduced-price meals. Information in the aggregate does not identify individual children. Therefore, parental notification and parental consent are not needed.

5. The NSLA specifies that persons directly connected to the administration or enforcement of certain programs or activities are permitted to have access to children's eligibility information. The Disclosure Chart for Eligibility Information on **page E-77** lists programs, the extent of information that may be disclosed (only eligibility status or all eligibility information), and whether the program may have access to children's eligibility information without parental consent or without the opportunity to decline the disclosure.

6. Although a program or person may be authorized under the NSLA to receive free and reduced-price eligibility information, there ***MUST*** be a legitimate need to know to provide a service or carry out an authorized activity.

7. **No Child Left Behind (NCLB)**: Because NCLB is a federal education program, school district officials may disclose a child's eligibility status to persons directly connected with, and who have a need to know, a child's free or reduced-price meal eligibility status in order to administer and enforce the NCLB requirements. However, other information obtained from a free and reduced-price meal application or obtained through direct certification cannot be disclosed. School district officials must keep in mind that the intent of the confidentiality provisions is to limit the disclosure of a child's eligibility status to those who have a *need to know* for proper administration and enforcement of a federal education program. School districts must establish procedures that limit access to a child's eligibility status to as few individuals as possible.

8. National Assessment of Education Progress (NAEP) (Reference pages 67-68 of USDA Eligibility Manual—2011)

   a. LEAs may disclose, without parent/guardian consent, children's names and eligibility status to persons who are directly connected to the administration or enforcement of NAEP because NAEP is a federal education program. Additionally, LEAs may disclose children's name and eligibility status to persons directly connected with the administration or enforcement of state educational assessment programs to the extent that the state assessment is part of the NAEP or the assessment program is established at the state, not local, level. Other state education programs also are eligible to have access to participants' names and eligibility status, without parent/guardian consent, but the program must be established at the state, not local, level.

   b. The term *persons directly connected* for the purpose of disclosure to NAEP includes federal, state, and local program operators responsible for NAEP program administration or program compliance and their contractors. This does not imply that these persons have routine access to participants' eligibility status. There must be a *need to know* for legitimate NAEP purposes.

   c. LEAs are encouraged to inform households when they plan to disclose or use eligibility information outside the originating program and to have a written agreement with NAEP officials.

9. Family Educational Rights and Privacy Act (FERPA)

   The federal Department of Education has established that education records are under the purview of FERPA. However, for school meals and milk programs, the restrictions imposed by the laws governing these programs apply, not FERPA.

B. Parental Notification for Disclosure

1. Unless otherwise indicated, SFAs should inform households if they plan to disclose or use eligibility information outside the originating program (i.e., lunch, breakfast, milk).

   a. The notice of potential disclosure may be in the Letter to Household that accompanies the Application for Free and Reduced-Price School Meals or free milk application; on the application; or for children directly certified, in the document informing households of the participants' eligibility through direct certification.

   b. The notification should state that the children's names, eligibility status, and other information provided on the application or obtained through direct certification may be disclosed to certain other federal, state, or local agencies as authorized by the NSLA.

2. Parents or guardians ***MUST*** be notified of the potential disclosure and given the opportunity to elect ***NOT*** to have their children's information disclosed in certain cases (i.e., Sooner Care).

   a. The notification ***MUST*** inform the parents or guardians:

      (1) They are not required to consent to the disclosure.

      (2) The information will be used to facilitate the enrollment of eligible children in a health insurance program.

      (3) Their decision will not affect their children's eligibility for free or reduced-price meals or free milk.

C. Agreements/Memorandum of Understanding (Reference pages 68-69 of USDA Eligibility Manual—2011)

1. An agreement is not needed for federal, state, or local agencies evaluating or reviewing CNP operations. Similarly, an agreement is not necessary for disclosure to the Comptroller General. These activities are part of routine CNP operations and enforcement.

2. Non-Medicaid Sooner Care Agencies: The SFA should enter into a written agreement (refer to the Disclosure of Free and Reduced-Price Information Agreement form on **page E-79**) with other entities, including NAEP, requesting the information prior to disclosing children's eligibility information. The agreement must:

   a. Be signed by both the SFA and receiving entity.

   b. Identify the entity receiving the information.

   c. Describe the information to be disclosed and how it will be used. Eligibility information may only be used for the purpose for which the disclosure was made.

   d. Describe how the information will be protected from unauthorized uses and disclosures. Further use or disclosure to other parties is prohibited.

   e. Describe the penalties for unauthorized disclosure. A violation of this provision may result in a fine of not more than $1,000 or imprisonment of not more than one year, or both.

3. Medicaid/Sooner Care Agencies

   a. For any disclosures to Medicaid or Sooner Care agencies, the LEA and receiving agency must have an agreement or Memorandum of Understanding that includes:

      - Health insurance program or health agency receiving child's eligibility information.
      - Information that will be disclosed, specifying that the information must only be used to seek to enroll children in state Medicaid or Sooner Care.
      - How the information will be used and how it will be protected from unauthorized uses and disclosures.
      - Penalties for unauthorized disclosure.
      - Signature of the determining agency and the state Medicaid/Sooner Care or agency receiving the children's eligibility information.

   b. In all cases, the receiving entity must be informed in writing that:

      - Eligibility information may only be used for the purpose for which the disclosure was made.
      - Further use or disclosure to other parties is prohibited.
      - A violation of this provision may result in a fine of not more than $1,000 or imprisonment of not more than one year, or both.

4. Other Disclosures That Require Parental Consent

   a. Parents or guardians may always provide consent for the disclosure of any or all of the information related to their children's eligibility status (i.e., whether children are eligible for free or reduced-price meals) or the information that the household provided through the free and reduced-price meal eligibility process.

   b. A disclosure to any other federal, state, or local program or individual not included in the NSLA requires parental consent. Other programs that require parental consent are local health and local educational programs and other local-level activities. For example, the disclosure of children's eligibility for free or reduced-price meals to determine children's eligibility for free textbooks or reduced-price fees for summer school requires consent when these are local initiatives and not state programs.

   c. The disclosure of information other than names and eligibility status to the programs authorized only to receive participants' names and eligibility status also requires written consent. For example, determining agencies may disclose names and eligibility status to a federal education program, but if the program requests family size, determining agencies ***MUST*** obtain consent prior to disclosure.

5. Consent Statement Requirements

   a. The consent statement ***MUST*** be in writing. It may be obtained at the time of application or at a later time.

   b. The consent statement must:

      - Identify the information that will be shared and how the information will be used.

- Be signed and dated. In the case of a child participant, the consent statement ***MUST*** be signed by the parent or guardian of the applicant household, even though the Application for Free and Reduced-Price School Meals or free milk application may be signed by any adult household member.

- State that failing to sign the consent statement will not affect eligibility or participation for the program and that the information will not be shared by the receiving program with any other entity or program.

- Enable the parent/guardian to limit consent to only those programs with which he or she wishes to share information. For example, the consent statement could use a checkoff system under which the applicant would check or initial a box to indicate that he or she wants to have information disclosed to determine eligibility for benefits from a particular program.

6. Requirements for Social Security Numbers: The Application for Free and Reduced-Price School Meals requires the last four digits of the social security number of the adult household member who signs the application.

VERIFICATION OF ELIGIBILITY (Reference pages 74-91 of USDA Eligibility Manual—2011)

A. General Information

1. Definitions

   a. **Verification** is confirmation of eligibility for free and reduced-price meals under the NSLP and SBP. Verification is only required when eligibility is determined through the application process, not through direct certification conducted with an Assistance Program or officials or agencies that documented Other Source Categorical Eligibility. Verification must include other confirmation of income eligibility or confirmation that the child or any member of the household is receiving assistance under SNAP, TANF, or FDPIR, or that a child is Other Source Categorically Eligible. Verification may include confirmation of any other information required on the application, such as household size.

   b. **Direct verification** is using records from public agencies to verify income and/or program participation.

   c. **Error prone** means applications within $100 per month of the applicable Income-Eligibility Guidelines. Error prone replaces the term *Focused Sample*.

   d. **Random sampling** means each application has an equal chance of being selected. A statistically valid random sample is not required. The LEA must determine a selection interval by dividing the number of applications by the required sample size.

2. Verification must take place ***AFTER*** the application has been approved.

3. Prior to any verification activity, each SFA must ensure that it will provide a toll-free phone number for households to use during the verification process. The toll-free phone number must be included in the SFA's written notice to the household. USDA has indicated that if an SFA has no *long-distance* telephone patrons, a regular phone number will suffice. Although the language of the law states that a toll-free phone number must be provided, the intent is that a household can get help from the SFA without any expense to the household. Therefore, an SFA could provide a *collect call* number to households to meet this requirement.

B. Exceptions From Verification Requirements

1. Definitions:

   a. **Sample pool** means the total number of applications approved as of October 1.

   b. **Sample size** means the number of applications subject to verification; the minimum and maximum sample size is three percent total.

2. Verification efforts are not required:

   a. For children who have been certified under direct certification procedures, including children documented as eligible migrant, runaway, homeless children; foster children; and children participating in Head Start/ Even Start.

   b. Children in RCCIs, except for applications for any day students attending the institution. These applications are not included in the sample pool.

   c. In schools participating only in the SMP.

   d. In schools where all children are served with no separate charge for food service and no special cash assistance is claimed (i.e., nonpricing programs claiming only the paid rate of reimbursement).

   e. In LEAs where all schools participate in Provision 2 or 3, except in those years in which applications are taken for all students in attendance (i.e., the base year).

   f. Sites may choose not to count applications for students in split-session kindergarten programs participating in the SMP when determining the verification sample size.

3. Verification Requirements ***(Verification process must be completed by November 15.)*** (Reference USDA Policy Memos 2005-SP-09, 2005-SP-01, and 2005-SP-1.)

   a. Annually, each SFA ***MUST*** select and verify a sample of applications approved for benefits unless the SFA is otherwise exempt. At least one application must be verified.

   b. ***Sample size:***

      (1) The required sample size is based on the total number of approved applications on file October 1. Verification may begin prior to October 1 if the SFA projects the number of approved applications that will be on file October 1. SFAs following this procedure must check the number of applications on file as of October 1 to ensure that the minimum required sample size has been verified. School districts ***must not*** verify more than or less than the sample size chosen.

      NOTE: If the school's 30th operating day happens to fall on or after October 1, DO NOT include carryover applications in this pool because they are temporary.

      (2) An application is counted as one application, regardless of the number of children represented on the application. The sample size depends on the number of paper applications, not the number of children represented. When calculating sample sizes, all fractions or decimals ***MUST*** be rounded upward to the nearest whole number. ***NOTE: If one household has submitted an individual application for each student, the SFA should staple all of them together and count them as one application.***

(3) Types of sample sizes.

(a) ***Standard sample size***—The ***standard sample size*** is the lesser of 3 percent of all approved applications or 3,000 applications and must be drawn from error-prone applications. Fractions must be rounded up.

Error-Prone Application: An application with incomes of $1,200 annually or $100 monthly ***BELOW*** the free scale or ***BELOW*** the reduced-price scale. In cases in which there are not enough error-prone applications to comply with the required sample size options, SFAs must randomly select additional applications to fulfill the percentage or number requirement.

Substitutions of Original Sample: Out of the 3 percent error-prone application sample size (round-up), up to 5 percent may be declined (school districts ***MUST*** round ***DOWN***) and replaced with other error-prone applications. The reason an SFA would decline an application is if the SFA was aware of extenuating circumstances that may cause difficulty in obtaining a response from the family. If the SFA knows the family is ***FRAGILE*** and would not respond for some reason (i.e., cannot read, incapable), then the application selected for verification may be replaced. The SFA would need to document why it determined that the family was fragile and replace that selected application with another. The application that replaces the ***FRAGILE*** family application must also be error-prone.

(b) ***Alternate Sample Sizes:*** In lieu of the standard sample size, SFAs may elect to use one of two ***alternate sample sizes*** if the following condition is met: Their nonresponse rate for the preceding school year is less than 20 percent. The Verification Response Worksheet is on **page E-83** that SFAs must use in determining if an alternate sample size is used. (Reference USDA Policy Memo 2005-SP-27)

Nonresponse rate is defined as the percentage of approved household applications selected for verification for which verification information was not obtained by the SFA. This definition is used to determine if a follow-up contact is required.

The following are considered nonresponses:

- The household does not contact the SFA when the initial request for verification is sent or when the SFA attempts follow-up.
- The household responds to the initial request but provides incomplete information, and the SFA is unable to determine if the eligibility determination was correct.
- The household responds to the initial request but fails to provide the SFA with documents or is otherwise unable to provide appropriate documentation. (Reference USDA Policy Memo 2009-SP-13)

Students who reapplied and were reapproved for benefits after being terminated for nonresponse cannot be counted as having responded when determining the response rate. (Reference USDA Policy Memo 2005-SP-24)

The alternate sample sizes set forth in the law for SFAs meeting the above criteria are the same options established in current regulations:

ALTERNATE RANDOM SAMPLE SIZE

1) The lesser of 3 percent or 3,000 of all approved applications as of October 1 selected at random.

OR

ALTERNATE FOCUSED SAMPLE SIZE

2) The lesser of 1,000 or 1 percent of all applications approved as of October 1 selected from error-prone applications ***PLUS*** the lesser of 500 or one-half of 1 percent of all applications approved as of October 1 selected from applications that provided a case number in lieu of income.

C. Confirmation Review

1. Prior to conducting any verification activity for applications selected for verification, the SFA shall ensure that the initial eligibility determination is reviewed for accuracy by an individual other than the determining official. The SA may waive this requirement if the local SFA is using a computer software program that demonstrates a high level of accuracy in processing an initial eligibility determination in accordance with the income-eligibility guidelines. ***NOTE: An LEA wanting this waiver must contact the area consultant. Further, any LEA that conducts a confirmation review of all applications at the time of certification is not required to conduct confirmation reviews prior to verification.***

2. Outcome of Confirmation Review—Depending on the outcome of each confirmation review, the LEA takes one of the following actions:

   a. No change in status—If the initial eligibility status was correct, the SFA verifies the application.

   b. Status changes from reduced-price to free—The SFA makes the increased benefits available immediately, notifies the household of the change in benefits, and verifies the application. If verification reduces the level of benefits from free to reduced-price or paid, the household is sent a notice of adverse action.

   c. Status changes from free to reduced-price—The SFA does not change the child's status and verifies the application. If the child's free status is verified, the SFA does not notify the household. However, if the child's status changes from free to either reduced-price or paid, the household is sent a notice of adverse action.

   d. Status changes from free or reduced-price to paid—The SFA immediately sends the household a notice of adverse action, does not verify the application, selects a similar application (for example, another error-prone application) for verification, and follows the confirmation review procedures for the newly selected application. (Refer to **page E-85** for a copy of the Confirmation Review of Benefits Notification and Adverse Action form that SFAs must use when notifying households of changes.)

3. Notification of Selection for Verification of Eligibility

   a. When a household is selected for verification and is required by the SFA to submit documents or other forms of evidence to document eligibility, the household ***MUST*** be sent a notice informing it of its selection and of the types of information acceptable to the SFA. Refer to **page E-87** for a copy of Notification of Selection for Verification of Eligibility. The notice ***MUST*** include the following:

      (1) The household has been selected for verification.

(2) Use of Information Statement.

(3) The types of acceptable information that may be provided to confirm current income, including pay stubs, award letters from assistance agencies for benefits such as social security or supplemental security income, and support payment decrees from courts.

(4) The household is to provide documentation of income for any point in time between the month prior to application and the time the household is required to provide income documentation. (Reference USDA Policy Memo 2004-SP-5)

(5) The household may provide proof that the child is a member of a currently certified SNAP, TANF, or FDPIR household instead of providing income information or that a child is Other Source Categorically Eligible. Documentation must include effective dates.

(6) Information ***MUST*** be provided by a date specified by the SFA and that failure to do so will result in termination of benefits.

(7) The name and toll-free/collect/local telephone number of a site official who can answer questions and provide assistance.

b. When the SFA uses direct verification (agency records, SNAP, TANF, or FDPIR) to verify eligibility, the notice of selection is ***NOT*** required since the household will not have to provide documentation and household cooperation will not be necessary.

4. Verification Documentation

a. **Written Evidence**—Written evidence is the primary source of eligibility confirmation for all households, including SNAP, TANF, FDPIR households, Other Source Categorical Eligibility Programs, and foster child households.

(1) Written evidence may be in the form of pay stubs from employers or award letters from welfare departments or other government agencies submitted by the household to the verifying officials as confirmation of eligibility.

(2) Acceptable written evidence for income-eligible households contains the name of the household member, amount of income received, frequency received, and the date the income was received. For example, a pay stub with no dates would be insufficient.

(3) Acceptable written evidence for categorically eligible households contains a written statement from the SNAP, TANF, or FDPIR agency that specifies that the child is a member of a household currently receiving benefits. For Other Source Categorical Eligibility Programs, an official letter, notice, or list from the appropriate state agency; from a social services agency or court system for foster children; or for Head Start/Even Start enrollees, from the office or coordinator for those programs will suffice as written evidence. The verifying official should examine the document provided to ensure that the child for whom the application was made is part of a household currently participating in any of these programs or is a foster child. Electronic Benefit Transfer (EBT) cards cannot be used to confirm eligibility in SNAP and therefore cannot be used for categorical eligibility purposes. A document from an assistance program that does not specify the certification period is not adequate for documentation. For example, the SNAP identification card is not acceptable because it usually does not have an expiration date.

A household that does not have satisfactory documentation from the assistance office, state or local agency for other source categorical eligibility may request a signed, dated letter from these offices verifying that the child is part of a household currently receiving their benefits. ***NOTE: If a household is selected for regular verification or verification for cause and the application indicates zero income, the LEA must request an explanation of how living expenses are met and may request additional written documentation or collateral contacts.***

b. **Collateral Contacts**—A collateral contact is a person outside of the household who is knowledgeable about the household's circumstances and can give confirmation of a household's income or SNAP, TANF, FDPIR, or Other Source Categorical Eligibility Program status.

(1) Collateral contacts include employers, social service agencies, migrant workers' agencies, and religious or civic organizations.

(2) The verifying official should request a collateral contact only in cases when the household has not been able to provide adequate written evidence.

(3) The verifying official ***MUST*** give the household the opportunity to designate the collateral contact. However, the verifying official may select a collateral contact if the household fails to designate one or designates one who is unacceptable to the verifying official. In either case, no contact may be made without first notifying the household and obtaining its permission.

(4) All collateral contacts may be written or oral and must be documented, dated, and initialed.

(5) The LEA will examine any written information provided by the collateral contact or evaluate any oral information. If the collateral contact is unwilling or unable to provide the requested information, the LEA must contact the household to complete the verification process.

c. **Direct verification** is only to be used during the verification process (Reference USDA Policy Memo 2005-SP-08 and 2005-SP-29)—A household's eligibility may be confirmed through the use of information maintained by other government agencies to which the SFA has legal access. Direct verification must be conducted prior to contacting the household for documentation. When verification is made through other agency records, such agencies may have their own notification requirements.

(1) SFAs and state agencies may use:

(a) The latest available information for one month (no older than 180 days prior to the date of the free and reduced-priced application).

(b) Information for all months from the month prior to application through the month direct verification is conducted.

(2) The LEA must only submit the names of school children certified for free or reduced-price meal benefits listed on the application. These names are submitted to the agency administering an eligible program (for example, SNAP or the Medicaid program). The names of other household members (all adults, children who are not attending school, or children not approved for free or reduced-price meals) cannot be submitted for direct verification purposes. (Refer to **page E-89** for a copy of a Direct Verification form.)

(3) If information obtained through direct verification of an application for free or reduced-price meal benefits indicates a child is participating in one of these programs, no additional verification is required. The eligibility status of the child or children listed on the application is considered verified.

(4) If information provided by the public agency does not verify eligibility, the LEA must proceed with regular verification activities.

5. Verification Results

If verification results in a change in benefit level or termination, the change ***MUST*** be extended to all children in the household who were determined eligible by information that no longer supports the benefit level. If verification results in higher benefits (e.g., a child who is moved from the reduced-price to free category), this change is effective immediately and ***MUST*** be implemented no later than three operating days after verification. Parents should be notified through whatever channels the SFA uses to notify the household of approval for benefits. Verification of a household's income eligibility for free or reduced-price meals ***MUST*** result in one of the following:

a. **No change in benefit level**—The household's current documentation supports the level of benefits for which the household has been approved.

b. **Reduction in benefit level**—The household's current documentation identifies income too high for the level of benefits for which the child has been approved. Therefore, the household's eligibility ***MUST*** be changed from free to reduced-price, free to full-price, or from reduced-price to full-price. Refer to Items 7 and 8 on **pages E-44** and **E-45** for additional procedures in this case.

c. **Increase in benefit level**—The household's current documentation qualifies the household for free meals rather than reduced-price meals. Therefore, the household's eligibility ***MUST*** be changed from reduced-price to free meals.

d. **Termination of benefits**—Free or reduced-price benefits ***MUST*** be terminated for households that do not respond to verification efforts or whose current documentation does not support eligibility for either free or reduced-price meals.

6. Verification Completion

a. To continue the verification process subsequent to household notification, the LEA must either determine:

(1) If the household has submitted adequate information to complete its individual verification activity.

(2) If follow-up with the household is needed.

b. When the household does comply:

(1) If the household submits written evidence, review the document for the name, date, and amounts stated to determine if it is sufficient to determine total ***CURRENT*** income. If the written evidence is current and confirms the eligibility determination previously made, the verification requirement has been satisfied.

(2) If the written evidence confirms a higher or lower income and changes the eligibility determination previously made, the verification requirement has been satisfied.

(a) If written evidence confirms a higher income and benefits are reduced or terminated, procedures in Item 7 and Item 8 on **pages E-44** and **E-45** need to be implemented.

(b) If written evidence confirms a lower income and benefits are increased, the household must be notified.

(3) Complete the verification section at the bottom of each Application for Free and Reduced-Price School Meals verified in order to document the verification process. ***NOTE: If this information is computer-generated, this step is not required. The verification process must be completed by November 15.***

c. When the household does not comply:

(1) All households not responding to the initial verification notice ***MUST*** be contacted again in writing, by e-mail, or by phone. This information ***MUST*** be documented. If the household does not submit sufficient written evidence, site officials must contact the household to request the missing written evidence of current income and advise the household that failure to comply or designate a collateral contact will result in termination of benefits. The Verification Results and Adverse Action form on **page E-91** may be used for this purpose.

(2) If, after the contact above, the household still does not submit sufficient written evidence or fails to respond, send the ten calendar days' advance notice of adverse action and the verification requirement has been satisfied. If the household reapplies for benefits after the ten-day notice of adverse action has been processed, the household would need to submit not only a new application, but also the verification documentation. The SFA may verify the household's eligibility prior to approval.

(3) Complete the verification section at the bottom of each Application for Free and Reduced-Price School Meals verified in order to document the verification process. ***NOTE: If this information is computer-generated, this step is not required. The verification process must be completed by November 15.***

(4) If the household selected for verification transfers out of the district before the information can be verified, verification cannot be completed. To meet the minimum verification requirements, a new application ***MUST*** be selected.

7. Letter of Verification Results and Adverse Action

All households for whom benefits are to be reduced or terminated ***MUST*** be given ten calendar days' written advance notice of the change. (Exception: If the SFA is ***NONPRICING*** and all students eat free, regardless of whether they are ***REDUCED-PRICE*** or ***PAID***, written notification is not required.)

a. The first day of the advance notice period is the day the notice is sent.

b. The notice ***MUST*** advise the household of the following:

(1) The change in benefits.

(2) The reason(s) for the change.

(3) An appeal ***MUST*** be filed within the ten calendar days' advance notice period to ensure continued benefits while awaiting a hearing and decision.

(4) The instructions on how to appeal.

(5) The household may reapply for benefits at any time during the school year. (Verification documentation must be submitted before approval can be given.)

(6) Assistance Program households may submit an application containing household names and income information and provide written evidence of current household income.

A copy of the form is on **page E-91**.

8. Benefits During Appeal

When a household appeals a reduction or termination of benefits within the ten calendar days' advance notice period, the SFA ***MUST*** continue to provide the benefits for which the child was originally approved until a final determination is made. The SFA may continue to claim reimbursement at that level during this period.

When a household does not appeal a reduction or termination of benefits during the ten calendar days' advance notice period or the hearing official rules that benefits ***MUST*** be reduced, the actual reduction or termination of benefits ***MUST*** take place no later than ten operating days after the ten calendar days' advance notice period or ten calendar days after the decision of the hearing official.

9. Hearing Procedure

The hearing procedure in the SFA's free and reduced-price policy statement ***MUST*** be followed. The hearing official ***MUST*** be an individual who was not connected with the approval or verification process.

The household may request a school conference prior to a formal hearing. Any such conference ***must not*** prejudice a later appeal.

10. Households That Reapply for Program Benefits Once Verification Has Caused a Reduction in Benefits or a Termination of Benefits

Households affected by a reduction or termination of benefits may reapply for benefits at any time during the school year. ***However, if benefits to a household have been reduced or terminated and the household reapplies in the same school year, the household must be required to submit income documentation or proof of participation in Assistance Programs at the time of reapplication.*** The SFA may verify the household's eligibility prior to approval. These are not considered new applications.

11. Verification for Cause

    a. An SFA has the authority and is obligated to verify all questionable applications ***(verification for cause)*** at any time, including those who are eligible through direct certification. *For cause* applications are verified outside the basic sample process. A *for cause* verification is when an SFA has reason to believe that an application is not correct or information has come to the SFA's attention that questions the validity of the application. Please remember that an ***application cannot be verified until it has been approved***. SFAs should be cautioned that *for cause* verification should be handled in such a manner that there is no discrimination or intended harassment in the selection.

    b. To verify an approved application for cause, the SFA must send the household a letter explaining that it must submit verification of eligibility information for continued eligibility. The verification letter may be sent at the same time as a notice of eligibility.

    c. The SFA verifies applications for cause following the same procedures as normal verification procedures. Any household that fails to submit requested verification information by the date specified by the SFA or that submits verification information that does not support the initial determination of eligibility must be sent a notice of adverse action.

    d. Recently, concerns have been raised about school district employees allegedly misrepresenting their incomes on applications to receive free or reduced-price school meals for their children. As a result, LEAs have asked if they may use the salary information of their own employees, maintained for business purposes, as a tool to implement verification for cause and help ensure the integrity of free and reduced-price certifications.

       LEAs can use verification for cause to review approved applications for free or reduced-price meals when known or available information indicates school district employees may have misrepresented their incomes on their applications to receive free or reduced-price meals for their children. It is recommended that an LEA consult with legal counsel in establishing the parameters of verification for cause for school district employees.

       Verification for cause must not be used to automatically verify the households of all school district employees whose children are certified for free or reduced-price meals. However, from among the list of children approved for free or reduced-price meals, an LEA could identify children of school district employees and use LEA salary information available to them to identify questionable applications and then conduct verifications for cause on those questionable applications. (Reference USDA Policy Memo SP-13-2012)

12. Record Keeping

    Documentation ***MUST*** be kept by the SFA to demonstrate compliance with the verification requirements when SFAs are reviewed by state or federal reviewers. Documentation would also be needed in case of an applicant's appeal.

a. The description must include:

(1) A summary of the verification efforts, such as the selection process and the source of information used.

(2) The total number of applications on file October 1.

(3) The percentage and number of applications verified. (Remember to always round the fraction upward when figuring the number of applications to be verified.)

b. The verifying official's signature on the Application for Free and Reduced-Price School Meals must be completed by the SFA to document verification results.

c. SFAs must submit the Verification Summary Report through eClaims before the January claim may be submitted. This form will be new for the 2013 school year.

d. The following is to be maintained on file each year:

(1) A copy of the Verification Summary of Applications and the Verification Summary Report submitted to the State Agency.

(2) A copy of each Application for Free and Reduced-Price School Meals selected for verification.

(3) Written evidence submitted by households, including a *stamped-in* date and/or the envelope in which the documents were sent to the SFA.

(4) Calculation information used in comparing the income documents submitted and the amount of income originally reported by the households.

(5) A copy of any correspondence to the households concerning verification efforts, including notice of reduction or termination of benefits.

(6) Annotation of any information obtained through telephone or *in-person* contacts that resulted in some type of action being taken in completing the verification process.

13. Implementation of Verification Process

a. Each SFA may develop its own time frame calendar, as long as ***the entire verification process is completed by November 15.*** The following is an example of dates that could be used:

(1) **OCTOBER 1—**(First notice required) Select applications and notify households and/or SNAP, TANF, or FDPIR agency. The SFA must indicate the date that the information from the household or agency is due.

(2) **OCTOBER 15—**(Second notice required) Contact households that have not responded and those who presented insufficient written documentation.

(3) **OCTOBER 29—**Send ten calendar days' advance notice of adverse action to households that have not responded or have not submitted the required information in full or are no longer eligible for meal benefits by the established due date.

(4) **NOVEMBER 9—**Terminate those who do not respond. If a household appeals, benefits must continue as approved until the hearing official's decision is rendered.

(5) **NOVEMBER 15—**All verification efforts must be completed.

b. Applications are to be verified as the income, SNAP, TANF, or FDPIR information is received. If a household is to receive a reduction or termination of benefits as a result of verification, the ten calendar days' advance notice of the change must be sent immediately after the information is received.

QUESTIONS AND ANSWERS

A. Applications

Q1: How do I handle the distribution of applications for year-round schools?

A: Applications should be distributed on or about the beginning of the school year, or soon thereafter, so that households are provided with current eligibility criteria and so that eligibility determinations are based on the current Income-Eligibility Guidelines.

Q2: In a computerized operation, may I submit a preprinted copy of last year's application for the household to confirm the accuracy of the application and sign it? If not, what items may I preprint?

A: It is the household's responsibility to complete the application. The LEA may send households an appliction with the child's name. No other information required for an eligibility determination may be preprinted.

Q3: A school wants to use the application for free and reduced-price meal benefits to collect information from all households on their citizenship status. Is this permissible?

A: Schools may not collect information regarding a household's citizenship on the application for school meal benefits because citizenship is not a requirement for participation in the school meal programs. Doing so would create a barrier to participation by deterring eligible households from applying for meals for their children.

Q4: School applications sometimes request a birth date or other information not required through statute or regulation as a required field. Can these applications be marked as incomplete and not processed?

A: The LEA must not delay approval of applications, both on-line applications as well as hard copies of applictions, if the household fails to provide any information that is not required. For example, if the household fails to include its street address or birth dates, processing of the application cannot be delayed.

B. Processing Applications

Q1: ***How much judgment or discretion may the LEA exercise in determining whether a household does or does not meet the eligibility criteria for benefits?***

A: Questions frequently arise concerning what is to be included as income and what constitutes a household. This manual is intended to provide guidelines for those individuals making eligibility determinations. The guidance cannot, however, address each individual situation. Determining officials will occasionally have to apply the broad concepts set forth in this guidance to some individual situations. If unusual situations unlike any examples in this guidance arise, the LEA determining official should contact the State Agency.

Q2: ***If any item of required information is missing from the free and reduced-price application submitted by the household, may the determining official complete the application for the household using information derived from other records available to the school?***

A: No. All required information must be provided by the household and cannot be derived from another source.

Q3: ***A school sent home a statement requiring all households to complete and submit the application for free and reduced-price meal benefits. Is this permissible?***

A: No. Schools cannot require a household to submit an application if they choose not to do so.

Q4: ***Can the determining official make an eligibility determination based upon other income sources that were not declared on the application, but about which the official knows?***

A: No. The determining official must make the initial determination based upon the face value of the application. However, immediately after the application is approved, the LEA may verify that application for cause.

Q5: ***A household voluntarily provided pay stubs that conflict with the income information on the application. According to the income information on the application, the household is eligible for benefits. However, from the pay stubs, it appears that the household is not eligible. What should the determining official do?***

A: The submission of documentation that does not support the information provided on the application must not affect the initial eligibility determination. The determining official must approve or deny the application on face value and notify the household of the initial eligibility determination.

Under these circumstances, an LEA official must take appropriate action by either:

- Sending the household a notice of approval and a notice of adverse action at the same time. This provides the household the opportunity to resolve the discrepancy during the (10 operating days) advance notice of adverse action.
- Sending the household a notice of approval and a verification letter (based on verification for cause) at the same time.

LEA officials are in the best position to determine the appropriate action to take. However, the inconsistency must be resolved expeditiously.

Q6: ***A household voluntarily provided pay stubs with the application but did not write the amount of each person's income on the application. All other items were completed. According to the pay stubs, the household is eligible for benefits. What should the determining official do?***

A: Rather than denying the application or returning the application to the household, the determining official should contact the household to ensure that the household submitted information from all sources of income. The official should document the contact, enter the income information on the application, and initial and date the action. The application would then be processed accordingly.

Q7: ***May the approval of applications be delegated to a food service management company (FSMC) along with other management responsibilities?***

A: An employee of the FSMC may act as an agent for the LEA in various aspects of the application, certification, and verification processes. The company's employee must comply with all requirements for these processes, including limited disclosure of individual eligibility information. However, the LEA is ultimately responsible for ensuring that all requirements are being met and the information on the application remains the property of the LEA and cannot be used or possessed by the FSMC for any use other than to determine eligibility for free or reduced-price meals.

Q8: ***In a computerized operation, where the computer generates the determination, does the determining official have to sign or initial each application?***

A: No. The determining official may sign or initial and date a sheet of paper that would then be attached to a batch of applications or make a note to the electronic file. However, the computer system should be able to capture the original date of approval, the basis for the determination (i.e., what household size and income was used), and to update the status of applications to account for transfers, withdrawals, terminations, and other changes.

Q9: ***A number of children from a federally declared disaster area temporarily moved to my school district. How do I certify these children?***

A: If these children are determined homeless by the school district's homeless liaison, they must be certified for free meals or free milk.

C. Determining a Completed Application

Q1: ***Does an emancipated child sign his/her own application? Are the last 4 digits of a social security number required?***

A: An emancipated child who lives alone as a household of one or as a member of a household with no adult household members must sign his or her own application. No social security number is required for the emancipated child.

Q2: ***What if the racial/ethnic data collection question is not completed?***

A: Parents' provision of this information is voluntary, and failure to provide the information must not affect the child's eligibility for benefits.

Q3: ***If a school is providing benfits for a child during the first 30 operating days of the school year based upon income information from the previous year's eligibility and upon receiving the current year application for the household, the school determines that there is a decrease in the child's benefits, is it necessary to provide a notice of adverse action at the end of the 30 days?***

A: No, it is not necessary to provide a notice of adverse action. The LEA must, however, notify the household of the decision made (within ten days of receiving the application) on the current school year's application.

Q4: ***What kinds of notice are recommended for children determined to be eligible for free or reduced-price meals?***

A: Households must be notified of their eligibility for benefits; however, notification does not have to be in writing. LEAs may notify households of their children's eligibility for free or reduced-price benefits by letter, e-mail, or phone. LEAs may also use an automated system that assures accuracy of information and confidentiality. When an application is denied, the household must always be notified in writing.

Q5: ***When foster parents apply for benefits for their own children, do they include their foster children as household members?***

A: Yes. Foster parents who apply for benefits for their children may include their foster child(ren) (including a preschool foster child) on the application as a household member. A foster child's income (personal income provided to the child or earned by the child) is only considered when the foster parents submit an application for the nonfoster children in the household.

Q6: ***A child and his mother are living with her sister's family because they were evicted. The child was determined homeless by our liaison and is therefore categorically eligible for free meals. Can the sister count the child and his mother in her household?***

A: Yes, unless the mother and her child are not part of the same economic unit as her sister. This homeless child is always eligible for free meals even if the sister's children are ineligible or only qualify for reduced-price meals. Further, based on yearlong duration, the homeless child retains his/her free meal status when his/her family is no longer homeless and the sister's children also retain their eligibility status for the current school year.

D. Custody Situations

Q1: ***Parents share custody of their daughter, and the child lives alternately with her mother and her father. Based on the mother's income, she is entitled to free meals. I understand that the child is entitled to free meals even when she is with her father. My question is—Can the father include her as a household member in his household?***

A: Yes. Since the daughter is part of each parent's economic unit while she is in residence at the respective households, both parents may include her as a household member.

Q2: ***In a split custody situation, a child is eligible for free meals based on the application submitted by his mother. However, his father told us he does not want his son to get free meals while he is with him. May I still claim the boy's meals at the free rate?***

A: No. When the child is residing with his father and the father pays for the meals, you cannot claim that child's meals at the free rate.

E. Accepting Benefits

Q1: What if a child is eligible for free meals, but the household wants to pay the reduced-meal price?

A: The school should respect the family's wishes and allow the child to pay the reduced-price charge. The application should correctly reflect that the child is eligible for free meals. However, the school should note on the application that the family has elected to pay the reduced-price charge. The meals served to such a child must be claimed for reduced-price reimbursement since the school received the reduced-price payment from the household.

F. Income Eligibility

Q1: Why is the housing allowance provided to service personnel counted as income when the value of provided housing is not?

A: Income is defined as all cash received on a recurring basis. In-kind benefits, by definition, are not cash payments, and, therefore, are not considered as income for the purpose of determining free and reduced-price eligibility. School officials are not in a position to determine the value of in-kind benefits such as housing for clergy, cars for salespersons, or employee medical or dental benefits. The income exclusion for in-kind benefits is uniform through the school meal programs. To treat in-kind benefits provided to military households differently from in-kind benefits provided to the general population would create an inequity. The fact that the value of military on-base housing is more readily identifiable than other sources of in-kind benefits would not lessen the inequity.

Q2: If one household owns a housing unit and rents living space to another household, must the household receiving the rental fee report this amount as income?

A: Yes. Income includes money derived from rental of room(s), apartment(s), etc. If a household receives rental income from another household, it must be included as income. The treatement of rental income would be similar to the treatment of self-employment income.

Q3: Are children for whom households receive adoption assistance payments under Title IV-E of the Social Security Act automatically eligible for free school meals?

A: No. Although Sections 673 and 674 of the Social Security Act specify that, for purposes of Titles XIX (medical assistance) and XX (child care), children whose parents receive adoption payments shall be deemed to be zero benefit recipients of the Aid to Families with Dependent Children (now TANF), the statute did not extend this TANF equivalency to the NSLP, SBP, or SMP. Additionally, since there is no legislative prohibition from considering the adoption assistance payments as income, the amount of assistance must be included as household income in the free and reduced-price meal eligibility determination.

Q4: If a child lives with his/her parents and is required to pay for room and board, is the child a separate household?

A: The child is considered to be a separate household only when the child is living alone or as a separate economic unit. Separate economic units are usually characterized by the prorating of most household expenses. Most children paying room and board are usually paying a token amount and are not economically independent of their parents and are, therefore, not considered to be emancipated.

Q5: ***If two separate households rent living space (e.g., an apartment or a house) and one household gives its portion of the rent to the other household that, in turn, transmits the full rent to the landlord, does the rental income given to the transmitting household count as rental income?***

A: No. The transmitting household has not received income; rather, it is performing a simple financial transaction that does not provide it with additional income.

G. Categorical Eligibility

Q1: ***A child who has been certified homeless by the liaison earlier this year returns home. The child remains categorically eligible based on having been determined categorically eligible earlier in the year; but he was with a host family that had the option of including him on their application for meal benefits. Now that the child is back home, can his*** **home** ***family apply for free or reduced-price benefits and include him as a household member?***

A: There are several points that need to be addressed in responding to this question.

- The homeless child's eligibility status cannot *convey* to the other children in either the host or *home* family. However, the homeless child is counted as a household member in the other households.
- The homeless child remains eligible for free meals for the current school year (and up to 30 operating days in the next), regardless of where he is living.
- The host family can include the child if it applies for benefits while the child is living with the family and, if he moves out of the home, there is no change in eligibility status for the remaining children because of yearlong eligibility.
- When the child returns to his *home* family, he is counted as a household member if his family applies for benefits for the other children in the household. By the same token, if the homeless child leaves the family that has an approved application on file, the status of the remaining children does not change unless something happens that would improve their status.

Q2: ***May a private school serve free meals to homeless students using documentation provided by a public school homeless liaison?***

A: Although the McKinney-Vento Homeless Assistance Act only applies to public schools, public school liaisons may share documentation with a private school and the private school may use this information to support serving free meals to this population.

Q3: ***Does the categorical eligibility status of a homeless student remain in effect for the entire school year even if the homeless student secures permanent housing and continues to reside in the same SFA?***

A: Yes. A homeless child remains eligible for free meals for the current school year, plus up to 30 operating days in the subsequent school year, even if that child secures a permanent residence (e.g., returns home) at some point during the current school year.

Q4: ***Does the categorical eligibility status of a homeless student remain in effect for the entire school year even if the homeless student secures permanent housing but now attends a school in a different LEA?***

A: The new LEA may accept the eligibility determination for students provided by the former LEA. However, if the LEA does not elect to accept the eligibility determination from the prior LEA, then the household is required to reapply for benefits with the new LEA. The homeless coordinator may still make a determination that the student is *homeless* and thus eligible for free meal benefits even if the student is considered to have a permanent residence (not with his/her family). If the student's status is not designated as homeless, the household where the student resides must apply for meal benefits based on household size and gross income.

Q5: Is a child considered a foster child if placed in a relative's home?

A: Provided a child is placed in a relative's home by a state or court system, he/she is considered a foster child and eligible for free meals. Informal arrangements among relatives do not qualify a child as a foster child, and thus the child is not categorically eligible for free meals.

Q6: Does a foster child's categorical eligibility extend to other children in the household, the same as with Assistance Programs (SNAP, TANF, or FDPIR)?

A: No. A foster child's eligibility status for free meals does not extend to other children in the household.

Q7: Is the direct certification process required for a foster child, and what documentation is required to verify a child's status as a foster child?

A: Direct certification is not required for foster children; however, LEAs and other child nutrition institutions are strongly encouraged to establish formal mechanisms with state and local foster care agencies or the courts to receive information directly from these agencies to facilitate certification for free meals for foster children. Documentation may consist of welfare agency or court documents stating that the courts have taken legal custody of a child and he/she has been placed in the foster care system or, if appropriate, a list of children in foster care from the welfare or court system is sufficient.

Q8: What if one of the children listed on an income application is checked as a foster child?

A: Since foster children are categorically eligible for free meals, the LEA notes the foster child's free meal status and then must determine the eligibility status of other children listed on the application based on household size and income. The foster child may be included on the application (at the household's discretion) as a household member along with any personal income he or she may have.

Q9: Is direct certification required for children in Head Start, migrant, runaway, or homeless programs?

A: No. Direct certification is not a requirement for these programs but is strongly encouraged by FNS.

Q10: An application is submitted indicating a child is one of these categories: Head Start, migrant, runaway, or homeless (Other Source Categorically Eligible), but is additional documentation needed?

A: Yes. Additional documentation is required to certify that a child participates in one of these programs (this does not include foster children).

H. Confidentiality Disclosure of Eligibility Information

Q1: What does disclosure mean as it relates to children's personal free and reduced-price meal or free milk eligibility information?

A: Disclosure means revealing or using individual children's program eligibility information that is obtained through the free and reduced-price eligibility process for a purpose other than the purpose for which the information was obtained. Disclosure includes, but is not limited to, access, release, or transfer of personal data about children by means of print, tape, microfilm, microfiche, electronic communication, or any other means. It includes eligibility information obtained through the free and reduced-price application or through direct certification and whether the children are eligible for free meals or reduced-price meals.

Q2: ***May the principal of a school compare the test scores of individual students in his/her school to the test scores of students in another school in the same district by socioeconomic status?***

A: Students' names and free or reduced-price eligibility status may be disclosed, without consent, for a federal or state education program. However, parental consent is required for disclosure to a local educational program. Aggregate data may be disclosed, provided that it does not allow for individual student identification.

Q3: ***May the LEA disclose eligibility information to other CNPs?***

A: The LEA may disclose all eligibility information from children's free and reduced-price applications or information obtained through direct certification to persons directly connected with the administration or enforcement of the programs authorized under the NLSA or Child Nutrition Act of 1966. This includes the NSLP, SBP, SMP, CACFP, SFSP, and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). This means that program eligibility information collected for any one of the CNPs may be shared with another CNP, even if the programs are sponsored by different entities. For example, a public school may disclose information from children's free and reduced-price school meal applications, without parental consent, to an SFSP administered by a parks and recreation agency.

Q4: ***Who are persons* directly connected *to the administration or enforcement of a program?***

A: The LEA may disclose children's eligibility status only to persons determined to be ***directly connected*** with the administration or enforcement of a federal education program, state education program, state health program, or a means-tested nutrition program; also, to persons directly connected with the Comptroller General's Office or law enforcement for an authorized activity.

Persons directly connected to program administration or program enforcement include federal, state, and local program operators responsible for the ongoing operation or activities of their respective program and compliance officials responsible for the monitoring, reviewing, auditing, or investigating of a program authorized to have access to free and reduced-price eligibility information.

Q5: ***Who are persons* directly connected *with the administration of Sooner Care?***

A: Persons directly connected with the administration of Sooner Care, for purposes of disclosure of free and reduced-price meal and free milk eligibility information, are state employees and persons authorized under federal and state Medicaid and Sooner Care requirements to carry out initial processing of applications or to make eligibility determinations.

Q6: ***What eligibility information may an LEA disclose to means-tested nutrition programs?***

A: Without parental consent, the LEA may only disclose name and eligibilty status. Disclosure of other information, such as parents' names and address, requires parental notification and consent.

Q7: ***Who is responsible for making the decision on whether to disclose children's eligibility status and/or to disclose other personal information?***

A: Whether or not to disclose children's eligibility information is a local decision. The LEA should develop a policy on disclosing free and reduced-price meal eligibility information. However, for disclosures to Sooner Care, the decision in disclosure is a joint State Agency/LEA decision. Both the State Agency and LEA must agree to disclose children's information to Sooner Care.

I. Verification

Q1: ***What if an appliation is selected for verification, but the household transfers out of the school district before the information can be verified?***

A: If a household selected for verification transfers out of the district before the information can be verified, verification cannot be completed. To meet the minimum verification requirements, a new application must be selected.

Q2: ***What if I am using other agency records, and that agency does not respond before November 15?***

A: The LEA should document that it contacted another agency well in advance of the deadline, which demonstrates good faith. This would be a valid reason for the State Agency to extend the deadline.

Q3: ***How is overtime income counted for the purposes of verification?***

A: The LEA official should work with the household to determine whether the overtime for the month being verified is representative of overtime received in other months. If the overtime is a one-time or sporadic source of income, income should be calculated based on the regular monthly income without overtime.

Q4: ***If a household is paid weekly and submits a pay stub for a week, must I go back and ask for pay stubs for a whole month?***

A: No. If the weekly pay stub is representative of what the household normally receives each week, one pay stub is sufficient.

Q5: ***In our school district, no one lives outside of the local calling area. Do we have to provide a no-cost telephone number for verification questions?***

A: The LEA does not have to have a toll-free number to call, but a parent must be able to call collect if, for example, he or she works outside of the local calling area and is unable to contact the LEA during the LEA's hours of operation.

LETTER TO HOUSEHOLD
SCHOOL YEAR _____

Dear Parent/Guardian:

Children need healthy meals to learn. ***(Name of School)*** _____ offers healthy meals every school day. Breakfast costs ***$*** _____; lunch costs ***$*** _____. Your children may qualify for free meals or for reduced-price meals. Reduced-price is ***$*** _____ for breakfast and ***$*** _____ for lunch.

1. DO I NEED TO FILL OUT AN APPLICATION FOR EACH CHILD? No. Complete the application to apply for free or reduced-price meals. ***Use one Application for Free and Reduced-Price School Meals for all students in your household.*** We cannot approve an application that is not complete, so be sure to fill out all required information. Return the completed application to: ***(name, address, phone number)*** _____.

2. WHO CAN GET FREE MEALS? All children in households receiving benefits from ***Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance to Needy Families (TANF)***, or ***Food Distribution Program on Indian Reservations (FDPIR)*** can get free meals regardless of your income. Also, your children can get free meals if your household's gross income is within the free limits on the federal Income-Eligibility Guidelines.

3. CAN FOSTER CHILDREN GET FREE MEALS? Yes, foster children who are under the legal responsibility of a foster care agency or court are eligible for free meals. Any foster child in the household is eligible for free meals regardless of income.

4. CAN HOMELESS, RUNAWAY, AND MIGRANT CHILDREN GET FREE MEALS? Yes, children who meet the definition of homeless, runaway, or migrant qualify for free meals. If you have not been told your children will get free meals, please call or e-mail ***(school, homeless liaison, or migrant coordinator information)*** _____ to see if they qualify.

5. WHO CAN GET REDUCED-PRICE MEALS? Your children can get low-cost meals if your household income is within the reduced-price limits on the federal Eligibility Income Chart, shown on this application.

6. SHOULD I FILL OUT AN APPLICATION IF I RECEIVED A LETTER THIS SCHOOL YEAR SAYING MY CHILDREN ARE APPROVED FOR FREE MEALS? Please read the letter you got carefully, and follow the instructions. Call the school at ***(phone number)*** _____ if you have questions.

7. MY CHILD'S APPLICATION WAS APPROVED LAST YEAR. DO I NEED TO FILL OUT ANOTHER ONE? Yes. Your child's application is only good for that school year and for the first few days of this school year. You must send in a new application unless the school told you that your child is eligible for the new school year.

8. I GET WIC (WOMEN, INFANTS, AND CHILDREN). CAN MY CHILD(REN) GET FREE MEALS? Children in households participating in WIC ***MAY*** be eligible for free or reduced-price meals. Please fill out an application.

9. WILL THE INFORMATION I GIVE BE CHECKED? Yes, and we may also ask you to send written proof.

10. IF I DO NOT QUALIFY NOW, MAY I APPLY LATER? Yes, you may apply at any time during the school year. For example, children with a parent or guardian who becomes unemployed may become eligible for free or reduced-price meals if the household income drops below the income limit.

11. WHAT IF I DISAGREE WITH THE SCHOOL'S DECISION ABOUT MY APPLICATION? You should talk to school officials. You also may ask for a hearing by calling or writing to: ***(name, address, phone number, e-mail)*** _____.

12. MAY I APPLY IF SOMEONE IN MY HOUSEHOLD IS NOT A U.S. CITIZEN? Yes. You or your child(ren) do not have to be U.S. citizens to qualify for free or reduced-price meals.

13. WHO SHOULD I INCLUDE AS MEMBERS OF MY HOUSEHOLD? You must include all people living in your household, related or not (such as grandparents, other relatives, or friends) who share income and expenses. You must include yourself and all children living with you. If you live with other people who are economically independent (for example, people who you do not support, who do not share income with you or your children, and who pay a prorated share of expenses), do not include them.

14. WHAT IF MY INCOME IS NOT ALWAYS THE SAME? List the amount that you normally receive. For example, if you normally make $1000 each month, but you missed some work last month and only made $900, put down that you make $1000 per month. If you normally get overtime, include it, but do not include it if you only work overtime sometimes. If you have lost a job or had your hours or wages reduced, use your current income.

15. WE ARE IN THE MILITARY. DO WE INCLUDE OUR HOUSING ALLOWANCE AS INCOME? If you get an off-base housing allowance, it must be included as income. However, if your housing is part of the Military Housing Privatization Initiative, do not include your housing allowance as income.

16. MY SPOUSE IS DEPLOYED TO A COMBAT ZONE. IS HIS/HER COMBAT PAY COUNTED AS INCOME? No, if the combat pay is received in addition to his/her basic pay because of his/her deployment and it was not received before he/she was deployed, combat pay is not counted as income. Contact your school for more information.

17. MY FAMILY NEEDS MORE HELP. ARE THERE OTHER PROGRAMS WE MIGHT APPLY FOR? To find out how to apply for ***SNAP*** or other assistance benefits, contact your local assistance office or call ***405-521-3076***.

If you have any other questions or need help, call ***(phone number)*** _____.

Si necesita ayuda, por favor llame al teléfono: ***(phone number)*** _____.

Si vous voudriez d'aide, contactez nous au numero: ***(phone number)*** _____.

Sincerely,

_____

(Signature)

LETTER TO HOUSEHOLD

INSTRUCTIONS FOR APPLYING

A HOUSEHOLD MEMBER IS ANY CHILD OR ADULT LIVING WITH YOU

IF YOUR HOUSEHOLD RECEIVES BENEFITS FROM ***SNAP***, ***TANF***, OR ***FDPIR***, FOLLOW THESE INSTRUCTIONS:

Part 1: List all household members, the name of school for each child, each child's grade, and each child's birth date.
Part 2: List the name and case number for any household member (including adults) receiving ***SNAP, TANF,*** or ***FDPIR*** benefits. One case number per household will qualify all enrolled students within the household.
Part 3: Skip this part.
Part 4: Skip this part.
Part 5: Sign the form. The last four digits of a social security number are ***NOT*** necessary.
Part 6: Answer this question if you choose to.
Part 7: Answer this question if you choose to.

IF NO ONE IN YOUR HOUSEHOLD GETS ***SNAP, TANF***, OR ***FDPIR*** BENEFITS, AND IF ANY CHILD IN YOUR HOUSEHOLD IS HOMELESS, A MIGRANT, OR RUNAWAY, FOLLOW THESE INSTRUCTIONS:

Part 1: List all household members, the name of school for each child, each child's grade, and each child's birth date.
Part 2: Skip this part.
Part 3: If any child you are applying for is homeless, migrant, or a runaway, check the appropriate box and call ***(your school, homeless liaison, or migrant coordinator)*** _____.
Part 4: Complete only if a child in your household is not eligible under Part 3. See instructions for All Other Households.
Part 5: Sign the form. The last four digits of a social security number are ***NOT*** necessary if you did not need to fill in Part 4.
Part 6: Answer this question if you choose to.
Part 7: Answer this question if you choose to.

IF YOU ARE APPLYING FOR A FOSTER CHILD, FOLLOW THESE INSTRUCTIONS:

If *ALL* children in the household are foster children:
Part 1: List all foster children, the name of school for each child, each child's grade, and each child's birth date. Check the box indicating the child is a foster child.
Part 2: Skip this part.
Part 3: Skip this part.
Part 4: Skip this part.
Part 5: Sign the form. The last four digits of a social security number are ***NOT*** necessary.
Part 6: Answer this question if you choose to.
Part 7: Answer this question if you choose to.

If some of the children in the household are foster children:
Part 1: List all household members, the name of school for each child, each child's grade, and each child's birth date. For any person, including children, with no income, you must check the ***No Income*** box. Check the box if the child is a foster child.
Part 2: If the household does not have a case number, skip this part.
Part 3: If any child you are applying for is homeless, migrant, or a runaway, check the appropriate box and call ***(your school, homeless liaison, or migrant coordinator)*** _____. If not, skip this part.
Part 4: Follow these instructions to report total household income from this month or last month.
- **Box A—Name:** List all household members with income.

- **Box B—Gross Income and How Often It Was Received:** For each household member, list each type of income received for the month. You must tell us how often the money is received—***weekly, every other week, twice a month, or monthly***. For earnings, be sure to list the ***gross income***, not the take-home pay. Gross income is the amount earned ***BEFORE*** taxes and other deductions. You should be able to find it on your pay stub, or your boss can tell you. For other income, list the amount each person got for the month from welfare, child support, alimony, pensions, retirement, Social Security, Supplemental Security Income (SSI), Veteran's benefits (VA benefits), and disability benefits. Under ***All Other Income***, list Worker's Compensation, unemployment or strike benefits, regular contributions from people who do not live in your household, and any other income. Do not include income from SNAP, TANF, FDPIR, WIC, federal education benefits, and foster payments received by the family from the placing agency. For ***ONLY*** the self-employed, under *Earnings From Work*, **report income after expenses. This is for your business, farm, or rental property. If you are in the Military Privatized Housing Initiative or get combat pay, do not include these allowances as income.**

Part 5: Adult household member must sign the form and list the last four digits of his/her social security number or mark the box if he/she does not have one.

Part 6: Answer this question if you choose to.

Part 7: Answer this question if you choose to.

ALL OTHER HOUSEHOLDS, INCLUDING WIC HOUSEHOLDS, FOLLOW THESE INSTRUCTIONS:

Part 1: List all household members, the name of school for each child, each child's grade, and each child's birth date. For any person, including children, with no income, you must check the ***No Income*** box.

Part 2: If the household does not have a case number, skip this part.

Part 3: If any child you are applying for is homeless, migrant, or a runaway, check the appropriate box and call ***(your school, homeless liaison, or migrant coordinator)*** _____. If not, skip this part.

Part 4: Follow these instructions to report total household income from this month or last month.

- **Box A—Name:** List all household members with income.
- **Box B—Gross Income and How Often It Was Received:** For each household member, list each type of income received for the month. You must tell us how often the money is received—***weekly, every other week, twice a month, or monthly***. For earnings, be sure to list the ***gross income***, not the take-home pay. Gross income is the amount earned ***BEFORE*** taxes and other deductions. You should be able to find it on your pay stub, or your boss can tell you. For other income, list the amount each person got for the month from welfare, child support, alimony, pensions, retirement, Social Security, Supplemental Security Income (SSI), Veteran's benefits (VA benefits), and disability benefits. Under ***All Other Income***, list Worker's Compensation, unemployment or strike benefits, regular contributions from people who do not live in your household, and any other income. Do not include income from SNAP, TANF, FDPIR, WIC, federal education benefits, and foster payments received by the family from the placing agency. For ***ONLY*** the self-employed, under *Earnings From Work*, **report income after expenses. This is for your business, farm, or rental property. If you are in the Military Privatized Housing Initiative or get combat pay, do not include these allowances as income.**

Part 5: Adult household member must sign the form and list the last four digits of his/her social security number or mark the box if he/she does not have one.

Part 6: Answer this question if you choose to.

Part 7: Answer this question if you choose to.

Date Received: _____

APPLICATION FOR FREE AND REDUCED-PRICE SCHOOL MEALS

PART 1. ALL HOUSEHOLD MEMBERS

Names of *ALL* Household Members (First, Middle Initial, Last)	Name of School for Each Child/Or Indicate *NA* If Person Is Not in School	Grade	Birth Date	Check If a Foster Child (Legal Responsibility of Welfare Agency or Court)* *If all children in the household are foster children, skip to Part 5 to sign this form.	Check if *NO* Income *(Must be checked if no income)*
				☐	☐
				☐	☐
				☐	☐
				☐	☐
				☐	☐
				☐	☐

PART 2. BENEFITS

If any member of your household receives ***SNAP***, ***TANF,*** or ***FDPIR***, provide the name and case number for the ***ONE*** person who receives benefits and skip to Part 5. If no one receives these benefits, skip to Part 3.

NAME: _____ CASE NUMBER: _____

PART 3. IF ANY CHILD YOU ARE APPLYING FOR IS HOMELESS, MIGRANT, OR A RUNAWAY, CHECK THE APPROPRIATE BOX AND CALL *(YOUR SCHOOL, HOMELESS LIAISON, OR MIGRANT COORDINATOR) AT PHONE NUMBER* _____.

☐ **Homeless** ☐ **Migrant** ☐ **Runaway**

NOTE TO SFA: A household completing this part does not automatically qualify the child for eligibility. The child must be on the Homeless, Migrant, Runaway List to qualify for free meal benefits.

PART 4. TOTAL HOUSEHOLD GROSS INCOME. You must tell us how much and how often.

A. NAME (List only household members with income)	B. GROSS INCOME AND HOW OFTEN IT WAS RECEIVED			
	Earnings From Work Before Deductions	Welfare, Child Support, Alimony	Pensions, Retirement, Social Security, SSI, VA Benefits	All Other Income
(Example) Jane Smith	$ *199.99* / *weekly*	$ *149.99* / *every other week*	$ *99.99* / *monthly*	$ *50.00* / *monthly*
	$_____/_____	$_____/_____	$_____/_____	$_____/_____
	$_____/_____	$_____/_____	$_____/_____	$_____/_____
	$_____/_____	$_____/_____	$_____/_____	$_____/_____
	$_____/_____	$_____/_____	$_____/_____	$_____/_____
	$_____/_____	$_____/_____	$_____/_____	$_____/_____

PART 5. SIGNATURE AND LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER (ADULT MUST SIGN)

An adult household member must sign the application. ***If Part 4 is completed, the adult signing the form also must list the last four digits of his or her social security number or mark the*** **I do not have a social security number *box.*** (See Privacy Act Statement on the back of the next page.)

I certify (promise) that all information on this application is true and that all income is reported. I understand that the school will get federal funds based on the information that I give. I understand that school officials may verify (check) the information. I understand that if I purposely give false information, my children may lose meal benefits and I may be prosecuted.

Sign Here:_____ Date:_____

Print Name: _____

Address: _____ Phone Number: _____

City:_____ State:_____ Zip Code:_____

Last four digits of social security number: *** - **-___ ___ ___ ___ ☐ I do not have a social security number.

Part 6: Children's Ethnic and Racial Identities (Optional)

Choose one ethnicity:	*Choose one or more (regardless of ethnicity):*		
☐ Hispanic or Latino	☐ Asian	☐ American Indian or Alaska Native	☐ Black or African American
☐ Not Hispanic or Latino	☐ White	☐ Native Hawaiian or other Pacific Islander	

PART 7: *OTHER BENEFITS*: You do not have to complete this part to get free or reduced-price school meals.

Health Insurance ☐ Yes, I want health insurance for my children. School officials may give information from my Application for Free and Reduced-Price School Meals to Medicaid or Sooner Care Benefits officials so that they can send me information about free or low-cost health insurance for my children.

☐ No, I ***DO NOT*** want information from my Application for Free and Reduced-Price School Meals shared with Medicaid or Sooner Care Benefits officials.

I certify that I am the parent/guardian of the children for whom application is being made.

I understand that I will be releasing information that will show that I applied for free or reduced-price school meals for my children. I give up my rights to confidentiality for this purpose only.

Signature of Parent/Guardian: _____ Date:_____

DO NOT FILL OUT THIS PART. THIS IS FOR SCHOOL USE ONLY.

Annual Income Conversion: Weekly x 52, Every 2 Weeks x 26, Twice a Month x 24, Monthly x 12

Income Eligibility:

Total Income: _____ Per: Week ____ Every 2 Weeks ____ Twice a Month _____ Month _____ Year ____

Household Size: _____ Eligibility: Free ☐ Reduced ☐ Denied ☐

Categorical Eligibility: SNAP/TANF ☐ FDPIR ☐

Other Source Categorical Eligibility:

☐ Head Start ☐ Even Start ☐ Homeless ☐ Migrant ☐ Runaway ☐ Foster Child

Reason: _____ Date Withdrawn: _____

Determining Official's Signature: _____ Date: _____

Confirming Official's Signature: _____ Date: _____
(For Confirmation Reviews Under Verification)

Verifying Official's Signature: _____ Date: _____
(If stamped signature is used, signature must be registered with the Secretary of State and the SFA must have this on file.)

185% of Poverty Level

Your children may qualify for free or reduced-price meals if your household income falls at or below the limits of this chart.

FEDERAL ELIGIBILITY INCOME CHART for School Year 2013

Household Size	Yearly	Monthly	Weekly
1	20,665	1,723	398
2	27,991	2,333	539
3	35,317	2,944	680
4	42,643	3,554	821
5	49,969	4,165	961
6	57,295	4,775	1,102
7	64,621	5,386	1,243
8	71,947	5,996	1,384
Each additional person:	7,326	611	141

Privacy Act Statement: This explains how we will use the information you give us.

The Richard B. Russell National School Lunch Act requires the information on this application. You do not have to give the information, but if you do not, we cannot approve your child for free or reduced-price meals. You must include the last four digits of the social security number of the adult household member who signs the application. The last four digits of the social security number is not required when you apply on behalf of a foster child or you list a Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), or Food Distribution Program on Indian Reservations (FDPIR) case number or other FDPIR identifier for your child or when you indicate that the adult household member signing the application does not have a social security number. We will use your information to determine if your child is eligible for free or reduced-price meals and for administration and enforcement of the lunch and breakfast programs. We ***MAY*** share your eligibility information with education, health, and nutrition programs to help them evaluate, fund, or determine benefits for their programs, auditors for program reviews, and law enforcement officials to help them look into violations of program rules.

In accordance with federal law and United States Department of Agriculture (USDA) policy, participating institutions are prohibited from discrimination on the basis of race, color, national origin, sex, age, or disability. To file a complaint of discrimination, write USDA, Office of Adjudication, 1400 Independence Avenue, SW, Washington, DC, 20250-9410, or call toll-free 866-632-9992 (Voice). Individuals who are hearing-impaired or have speech disabilities may contact USDA through the Federal Relay Service at 800-877-8339 or 800-845-6136 (Spanish). USDA is an equal opportunity provider and employer.

SHARING INFORMATION WITH OTHER PROGRAMS

Dear Parent/Guardian:

To save you time and effort, the information you gave on your Application for Free and Reduced-Price School Meals may be shared with other programs for which your children may qualify. For the following programs, we must have your permission to share your information. Sending in this form will not change whether your children get free or reduced-price meals.

☐ Yes! I ***DO*** want school officials to share information from my Application for Free and Reduced-Price School Meals with ***(Name of Program Specific to Your School)*** _____.

☐ Yes! I ***DO*** want school officials to share information from my Application for Free and Reduced-Price School Meals with ***(Name of Program Specific to Your School)*** _____.

☐ Yes! I ***DO*** want school officials to share information from my Application for Free and Reduced-Price School Meals with ***(Name of Program Specific to Your School)*** _____.

If you checked *Yes* to any or all of the boxes above, fill out the form below to ensure that your information is shared for the child(ren) listed below. Your information will be shared only with the programs you checked.

Child's Name: _____ School: _____

Child's Name: _____ School: _____

Child's Name: _____ School: _____

Child's Name: _____ School: _____

Signature of Parent/Guardian: _____ Date: _____

Printed Name: _____

Address: _____

_____

For more information, you may call ***(Name)*** _____ at ***(Phone)*** _____ or e-mail at ***(E-Mail Address)*** _____.

Return this form to: ***(Address)*** _____ by ***(Date)*** _____.

INCOME-ELIGIBILITY GUIDELINES FOR SCHOOL YEAR 2013
FOR *FREE* AND *REDUCED-PRICE* MEALS

This is the income scale used by _____
(School Food Authority)

to determine eligibility for free meals.

(The Free Scale Should Not Be Distributed to Families)

ELIGIBILITY SCALE FOR FREE MEALS 130 Percent of Poverty Level					
Household Size	**Income**				
	Annual	**Monthly**	**Twice Per Month**	**Every Two Weeks**	**Weekly**
1	14,521	1,211	606	559	280
2	19,669	1,640	820	757	379
3	24,817	2,069	1,035	955	478
4	29,965	2,498	1,249	1,153	577
5	35,113	2,927	1,464	1,351	676
6	40,261	3,356	1,678	1,549	775
7	45,409	3,785	1,893	1,747	874
8	50,557	4,214	2,107	1,945	973
For each additional family member, add:	5,148	429	215	198	99

ELIGIBILITY SCALE FOR REDUCED-PRICE MEALS 185 Percent of Poverty Level					
Household Size	**Income**				
	Annual	**Monthly**	**Twice Per Month**	**Every Two Weeks**	**Weekly**
1	20,665	1,723	862	795	398
2	27,991	2,333	1,167	1,077	539
3	35,317	2,944	1,472	1,359	680
4	42,643	3,554	1,777	1,641	821
5	49,969	4,165	2,083	1,922	961
6	57,295	4,775	2,388	2,204	1,102
7	64,621	5,386	2,693	2,486	1,243
8	71,947	5,996	2,998	2,768	1,384
For each additional family member, add:	7,326	611	306	282	141

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NOTICE TO HOUSEHOLDS OF APPROVAL/DENIAL OF BENEFITS

Dear _____ :

Your application for free or reduced-price school meals for your child(ren) has been:

- ☐ Approved for free meals.
- ☐ Approved for reduced-price meals at $ _____ for lunch, $ _____ for breakfast, and $ _____ for snacks.
- ☐ Denied for the following reason(s):
  - ☐ Income over the allowable amount
  - ☐ Incomplete application
  - ☐ Other: _____

If you do not agree with the decision, you may discuss it with the school.

If you wish to review the decision further, you have a right to a fair hearing. This can be done by calling or writing the following official:

NAME: _____

ADDRESS: _____

TOLL-FREE/COLLECT/LOCAL PHONE NUMBER: (Circle One) _____

If you are not eligible now but have a decrease in household income, become unemployed, or have an increase in family size, fill out an application at that time.

Sincerely,

_____ (Name)

_____ (Title)

_____ (Date)

In accordance with federal law and United States Department of Agriculture (USDA) policy, participating institutions are prohibited from discrimination on the basis of race, color, national origin, sex, age, or disability. To file a complaint of discrimination, write USDA, Office of Adjudication, 1400 Independence Avenue, SW, Washington, DC, 20250-9410, or call toll-free 866-632-9992 (Voice). Individuals who are hearing-impaired or have speech disabilities may contact USDA through the Federal Relay Service at 800-877-8339 or 800-845-6136 (Spanish). USDA is an equal opportunity provider and employer.

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Child Nutrition Programs (CNP) Roster

	STUDENT'S NAME	CATEGORY *F* OR *R*	DATE APPROVED	DATE DROPPED OR TRANSFERRED	STATUS CHANGE AND COMMENTS
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					
19.					
20.					
21.					
22.					
23.					
24.					
25.					

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EVEN START/HEAD START *FEDERALLY* FUNDED ENROLLMENT

Name of School: _____ Manager: _____

NAME OF CHILD (List every child enrolled in Head Start or Even Start)	AGE	ENTRY DATE	DROP DATE	EVEN START	HEAD START

I certify that the children listed above are currently enrolled as participants in the Even Start/Head Start Program and that those children enrolled in Even Start are at the prekindergarten level.

_____ _____

Signature of Person Authorized to Provide Certification on Behalf of Even Start/Head Start — Date

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FDPIR DIRECT CERTIFICATION NOTICE EXAMPLE

INTER-TRIBAL COUNCIL INCORPORATED

FOOD DISTRIBUTION PROGRAM

P.O. Box 1308
Miami, Oklahoma 74355
918-542-3443 • FAX 918-542-5529

VERIFICATION OF PARTICIPATION
In
FDPIR
(FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS)

To Whom It May Concern:

Please accept this form as verification the below-named household is currently participating in the Inter-Tribal Council, Inc., Food Distribution Program on Indian Reservations (FDPIR), which will qualify the household for the free School Lunch Program. The household's eligibility is not guaranteed to be ongoing and may change at any time. Please do not hesitate to call for up-to-date information on the household.

The household of John Q Public is currently certified to receive benefits through the FDPIR program listed above. The certification includes the following school-age children:

Peter Public
Pamela Public

The current certification period for the household is from 08/01/12 through 7/31/13. The FDPIR identification number for the purpose of receiving free and reduced-price meals is 1234-5678 .

If you have any questions, please do not hesitate to contact our office at 918-542-3443.

Suzie Smith	Certificator	08/01/12
FDP Personnel	**Title**	**Date**

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ATTACHMENT I
NOTICE OF DIRECT CERTIFICATION

Dear Parent/Guardian:

We want to let you know that the child(ren) listed below will receive free lunches, breakfasts, and snacks at school because they receive ***SNAP***, ***TANF***, or ***FDPIR*** benefits.

United States Department of Agriculture (USDA) regulations require that if one person within a household is directly certified through a household member receiving SNAP, TANF, or FDPIR benefits, then all children within the household are directly certified.

Name of Child	Name of School

If there are other children enrolled in the school district in your household who are not listed above, ***they also qualify for free meals***.

Please contact the school your child/children attend in the following situations:

- If there are other children in your household who are not listed above and you would like them to receive free meals at school.
- You do not want your children to have free meals.
- You have any additional questions.

School Name:_____

Name of Contact:_____

Phone Number:_____

E-Mail Address:_____

Signature of School Official:_____

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DISCLOSURE CHART FOR ELIGIBILITY INFORMATION

Recipient of Information	Information That May Be Disclosed to Recipient	Required Notification and Consent
Child Nutrition Programs (CNP) under the National School Lunch Act (NSLA) or Child Nutrition Act (CNA)	All eligibility information	Prior notice and consent not required
Federal, state, or local means-tested nutrition programs with eligibility standards comparable to the National School Lunch Program (NSLP)	Eligibility ***STATUS*** only	Prior notice and consent not required
Federal education programs, including No Child Left Behind (NCLB)	Eligibility ***STATUS*** only	Prior notice and consent not required
The WAVE (Student Information System)	Eligibility ***STATUS*** only	Prior notice and consent not required
State education programs administered by a state agency or local education agency	Eligibility ***STATUS*** only	Prior notice and consent not required
Local education programs	***NO*** eligibility information unless parental consent is obtained	Must obtain parental consent
Sooner Care Benefits, administered by a state or local agency authorized under Title XIX or XX of the Social Security Act to identify and enroll eligible children	All eligibility information unless parents elect not to have information disclosed	Must give prior notice to parents and opportunity for parents to decline to have their information disclosed
State health programs other than Sooner Care administered by a state agency or local education agency	Eligibility ***STATUS*** only	Prior consent not required
Federal health programs other than Medicaid/Sooner Care	***NO*** eligibility information unless parental consent is obtained	Must obtain parental consent
Local health programs	***NO*** eligibility information unless parental consent is obtained	Must obtain parental consent
Comptroller General of the United States for purposes of audit and examination	All eligibility information	Prior notice and consent not required
Federal, state, or local law enforcement officials investigating alleged violations of any of the programs under the NSLA or CNA or investigating violations of any of the programs that are authorized to have access to names and eligibility status	All eligibility information	Prior notice and consent not required

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DISCLOSURE OF FREE AND REDUCED-PRICE INFORMATION AGREEMENT

I. PURPOSE AND SCOPE

_____ and _____ acknowledge and agree that children's free and
(Insert Name of LEA) (Insert Name of Receiving Agency)

reduced-price meal and free milk eligibility information obtained under provisions of the Richard B. Russell National School Lunch Act (NSLA) (42 USC 1751 et. seq.) or Child Nutrition Act of 1966 (42 USC 1771 et. seq.) (CNA) and the regulations implementing those Acts is confidential information. This Agreement is intended to ensure that any information disclosed by the _____ to the _____
(Insert Name of LEA Agency) (Insert Name of Receiving Agency)

about children eligible for free or reduced-price meals or free milk will be used only for purposes specified in this Agreement and that the _____ and the _____
(Insert Name of LEA) (Insert Name of Receiving Agency)

recognize that there are penalties for unauthorized disclosures of this eligibility information.

II. AUTHORITY

Section 9(b)(6)(A) of the NSLA (42 USC 1758[b][6][A]) authorizes the limited disclosure of children's free or reduced-price meal or free milk eligibility information to specific programs or individuals without prior parent/guardian consent. Except that, the parent/guardian must be provided the opportunity to decline to share eligibility information prior to the disclosure for identifying children eligible for benefits under or enrolling children in the state Medicaid program and the Sooner Care program. Additionally, the statute specifies that, for any disclosures not authorized by the statute, the consent of children's parents/guardians must be obtained prior to the disclosure.

The receiving agency certifies that it is currently authorized to administer the following program(s) and that information requested will only be used by the program(s) indicated.

NOTE: Section 9(b)(6)(A) specifies that certain programs may receive children's eligibility status only, without parental consent. Parental consent must be obtained to disclose any additional eligibility information. Section 9(b)(6)(D)(ii) specifies that for state Medicaid or Sooner Care, parents must be notified and given the opportunity to elect not to have information disclosed. Social security numbers may only be disclosed if households are given notice of the disclosure and the uses to be made of their social security numbers as required by Sec. 7 of the Privacy Act.

III. RESPONSIBILITIES

_____ will:
(Insert Name of LEA)

- When required, secure parents/guardians consent prior to any disclosure not authorized by the NSLA or any regulations under that act, unless prior consent is secured by the receiving agency and made available to the LEA.
- For state Medicaid and Sooner Care, notify parents/guardians of potential disclosures and provide the opportunity for parents/guardians to elect not to have information disclosed.
- Disclose eligibility information only to persons directly connected to the administration or enforcement of programs authorized access under the NSLA or regulations under the Act or to programs or services for which parents/guardians gave consent.

_____ will:
(Insert Name of Receiving Official)

- Ensure that only persons who are directly connected with the administration or enforcement of the _____ and whose job responsibilities require use of
(Insert Name of the Program)
the eligibility information will have access to children's eligibility information:

- Specify by name(s) or title(s): _____

- Use children's free and reduced-price eligibility information for the following specific purpose(s):

  (Describe): _____

- Inform all persons that have access to children's free and reduced-price meal eligibility information that the information is confidential, that children's eligibility information must only be used for purposes specified above, and the penalties for unauthorized disclosures.

- Protect the confidentiality of children's free and reduced-price meal or free milk eligibility information as follows:

- Specifically describe how the information will be protected from unauthorized uses and further disclosures.

Description of Procedures to Transfer Meal Eligibility Information (May be completed by either the LEA or receiving agency)

Describe the procedures for transferring students' meal-eligibility information from the LEA to the requesting agency/program so as to limit the number of individuals who have access to the information.

(Describe): _____

_____

_____

_____

IV. EFFECTIVE DATES

This agreement shall be effective from _____ to _____ .

V. PENALTIES

Any person who publishes, divulges, discloses, or makes known in any manner, or to any extent not authorized by federal law (§9[b][6][C] of the NSLA; 42 USC 1758[b][6][C]) or a regulation, any information about a child's eligibility for free or reduced-price meals or free milk shall be fined not more than $1,000 or imprisonment of not more than one year or both.

VI. SIGNATURES

The parties acknowledge that children's free or reduced-price meal and free milk eligibility information may be used only for the specific purposes stated; that unauthorized use of free or reduced-price meal and free milk information or further disclosure to other persons or programs is prohibited and a violation of federal law which may result in civil and criminal penalties.

Requesting Agency/Program Administrator

Printed Name: _____

Title: _____ Phone: _____

Signature: _____

Date: _____

LEA Administrator

Printed Name: _____

Title: _____ Phone: _____

Signature: _____

Date: _____

NOTE: Any attachments will become part of this agreement.

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VERIFICATION RESPONSE WORKSHEET

This form MUST be used and kept on file if selecting an alternate sample size for verification. Approval of the alternate sample size is granted by the State Agency if all required conditions are met.

School Food Authority (SFA): _____County/District Code:_____

For all SFAs except Oklahoma City Public Schools and Tulsa Public Schools:

1. Current School Year: _____
2. Number of applications on file as of October 1: _____

1. Previous School Year: _____
2. Number of applications selected for verification in previous school year:_____
3. Number of responses from verification in the previous school year: _____
4. _____ x .80 = _____

   Number of applications from verification in the previous year (#2 answer) — Required response rate

If Item 3 is equal to or exceeds the product in Item 4, the SFA may use any verification method in the current school year.

VERIFICATION RESPONSE WORKSHEET

Oklahoma City/Tulsa Public Schools Only

This form MUST be used and kept on file if selecting an alternate sample size for verification. Approval of the alternate sample size is granted by the State Agency if all required conditions are met. For the purposes of verification, large SFAs are only those that have 20,000 or more free or reduced-price applications on file as of October 1 in any given year.

1. Current School Year: _____

2. Number of applications on file as of October 1: _____

   This number should be the same as the sum of items 4.2, 4.3, and 5 under Column B of the Summary Verification Report

1. Previous School Year: _____

2. Number of applications selected for verification: _____

3. Number of households (applications) that did not respond: _____

4. _____ (Number 3) ÷ _____ (Number 2) = _____ (Nonresponse rate from the previous school year)

5. Second Preceding School Year: _____

6. Number of applications selected for verification: _____

7. Number of households (applications) that did not respond: _____

8. _____ (Number 7) ÷ _____ (Number 6) = _____ (Nonresponse rate from the second preceding school year)

9. _____ (2nd preceding year nonresponse rate) x .10 = _____ (Percentage of improvement needed)

10. _____ (2nd preceding year nonresponse rate (Number 8 answer)) — _____ (Previous year nonresponse rate (Number 4 answer)) = _____ (+/—) Nonresponse rate improvement)

If Number 10 is greater than Number 9, then the SFA may use the alternate sample size.

CONFIRMATION REVIEW OF BENEFITS NOTIFICATION AND ADVERSE ACTION

Children's Names: _____

School: _____ Date: _____

Dear _____:

We have completed a confirmation review of your children's eligibility. This review brought to our attention that an error was made in the children's initial determination of benefits. Starting _____ (10 calendar days from the date sent) your children's eligibility for meal benefits will be:

☐ Changed from free to reduced-price. The reduced-price charge is _____ cents for lunch and _____ cents for breakfast.

☐ Stopped for the following reason(s): _____

_____

Starting immediately, your children's eligibility for meal benefits will be:

☐ Changed from reduced-price to free. Your children will receive meals at no cost.

If you are not eligible for benefits now but have a decrease in household income, become unemployed, or have an increase in the size of your household, you may fill out a form at that time to reapply for benefits.

If you do not agree with the decision, you may discuss it with _____ (Verifying Official).

You also have the right to a fair hearing. If you request a hearing by _____ (Date),

your children will continue to receive _____ (Free or reduced-price meals) until the decision

of the hearing official is made. You may request a fair hearing by calling or writing the following official:

Name: _____
Address: _____
Toll-Free/Collect/Local Telephone Number: _____
(Circle One)

Sincerely,

In accordance with federal law and United States Department of Agriculture (USDA) policy, participating institutions are prohibited from discrimination on the basis of race, color, national origin, sex, age, or disability. To file a complaint of discrimination, write USDA, Office of Adjudication, 1400 Independence Avenue, SW, Washington, DC, 20250-9410, or call toll-free 866-632-9992 (Voice). Individuals who are hearing-impaired or have speech disabilities may contact USDA through the Federal Relay Service at 800-877-8339 or 800-845-6136 (Spanish). USDA is an equal opportunity provider and employer.

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NOTIFICATION OF SELECTION FOR VERIFICATION OF ELIGIBILITY
WE MUST CHECK YOUR APPLICATION

You must send the information we need, or contact ***(Name of School)*** _____ by ***(Date)*** _____, or your child(ren) will stop getting free or reduced-price meals.

School: _____ Date: _____

Dear _____ :

We are checking your Application for Free and Reduced-Price School Meals. Federal rules require that we do this to make sure only eligible children get free or reduced-price meals. You must send us information to prove that ***(Name[s] of Child[ren])*** _____ ***is/are*** eligible.

If possible, send copies, not original papers. If you do send originals, they will be sent back to you only if you ask.

1. IF YOU WERE RECEIVING BENEFITS FROM SNAP, TANF, OR FDPIR WHEN YOU APPLIED FOR FREE OR REDUCED-PRICE MEALS, OR AT ANY TIME SINCE THEN, SEND US A COPY OF ONE OF THESE:

   - SNAP, TANF, or FDPIR Certification of Notice that shows dates of certification.
   - Letter from SNAP, TANF, or FDPIR office that shows dates of certification.
   - Do not send your EBT card.

2. IF YOU GET THIS LETTER FOR A HOMELESS, MIGRANT, OR RUNAWAY CHILD, PLEASE CONTACT ***(SCHOOL, HOMELESS LIAISON, OR MIGRANT COORDINATOR)*** _____ FOR HELP.

3. IF THE CHILD IS A FOSTER CHILD: Provide written documentation that verifies the child is the legal responsibility of the agency or court, or provide the name and contact information for a person at the agency or court who can verify that the child is a foster child.

4. IF NO ONE IN YOUR HOUSEHOLD RECEIVES SNAP, TANF, OR FDPIR BENEFITS: Send this page along with papers that show the amount of money your household gets from each source of income. The papers you send must show the ***NAME*** of the person who received the income, the ***DATE*** it was received, ***HOW MUCH*** was received, and ***HOW OFTEN*** it was received. ***Send information to:*** _____
   _____

   Acceptable papers include:

   JOBS: Paycheck stub or pay envelope that shows the amount and how often pay is received; letter from employer stating gross wages and how often you are paid; or, if you work for yourself, business or farming papers such as ledger or tax books.

   SOCIAL SECURITY, PENSIONS, or ***RETIREMENT:*** Social Security retirement benefit letter, statement of benefits received, or pension award notice.

   UNEMPLOYMENT, DISABILITY, or ***WORKER'S COMP:*** Notice of eligibility from state employment security office, check stub, or letter from the Worker's Compensation office.

   WELFARE PAYMENTS: Benefit letter from the TANF office.

   CHILD SUPPORT or ***ALIMONY:*** Court decree, agreement, or copies of checks received.

OTHER INCOME (SUCH AS RENTAL INCOME): Information that shows the amount of income received, how often it is received, and the date received.

NO INCOME: A brief note explaining how you provide food, clothing, and housing for your household and when you expect an income.

MILITARY HOUSING PRIVATIZATION INITIATIVE: Letter or rental contract showing that your housing is part of the Military Privatized Housing Initiative.

TIME FRAME OF ACCEPTABLE INCOME DOCUMENTATION: Please submit proof of one month's income; you could use the month prior to application, the month you applied, or any month after that.

If you have questions or need help, please call ***(NAME)*** _____ at ***(TOLL-FREE/COLLECT/LOCAL TELEPHONE NUMBER)*** ( ) _____. The call is free. You may also e-mail us at _____ .

Sincerely,

_____

Signature

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DIRECT VERIFICATION

LETTER TO THE SNAP, TANF, OR FDPIR OFFICE FROM THE SCHOOL FOOD AUTHORITY

Date: _____

Dear _____ :

The regulations for the ***Supplemental Nutritional Assistance Program (SNAP)***, ***Temporary Assistance to Needy Families*** (TANF), and ***Food Distribution Program on Indian Reservations*** (FDPIR) permit SNAP, TANF, and FDPIR offices to release eligibility information to administrators of the National School Lunch and School Breakfast Programs to ensure that only eligible children receive free meal benefits.

The receipt of SNAP, TANF, and/or FDPIR automatically qualifies children for free school meals. Enclosed is a listing of approved free-meal applicants who have been selected for verification and who have indicated that the child for whom application was made now receives SNAP, TANF, and/or FDPIR benefits. On the enclosed listing, please indicate if these household members are currently participating in the SNAP, TANF, and/or FDPIR program(s). This information will be used only to confirm the approved applicant's eligibility for free meal benefits.

The information used for direct verification must be the ***most recent information available*** that is defined as data that is no older than 180 days prior to the date of the free and reduced-price application. To be consistent with policy established for ***regular*** verification, direct verification efforts may use information from any point in time between the month prior to application and the time the LEA conducts direct verification.

Your prompt return of the listing will be appreciated. A self-addressed return envelope is also enclosed for your convenience. If you have any questions or need additional information, please contact:

_____ at telephone number _____

_____

Signature Date

_____

Address

_____

Telephone Number

Enclosures

DIRECT VERIFICATION FORM—SNAP, TANF, FDPIR, OR OTHER SOURCE CATEGORICAL ELIGIBILITY PROGRAM RECIPIENTS

CHILD'S NAME (Last Name, First Name)	SNAP, TANF, OR FDPIR NUMBER	CURRENT PARTICIPATION IN SNAP, TANF, OR FDPIR	
		YES	NO

SIGNATURE OF SNAP, TANF, FDPIR, OR OTHER SOURCE CATEGORICAL ELIGIBLE PROGRAMS OFFICIAL

ADDRESS

TELEPHONE NUMBER

DATE

VERIFICATION RESULTS/ADVERSE ACTION
WE HAVE CHECKED YOUR APPLICATION

School: _____ Date: _____

Dear: _____

We checked the information you sent us to prove that ***(Name[s] of Child[ren])*** _____ is/are eligible for free or reduced-price meals and have decided that:

- ☐ Your child(ren)'s eligibility has not changed.
- ☐ Starting ***(Date)*** _____, your child(ren)'s eligibility for meals will be changed ***from reduced-price to free*** because your income is within the free meal-eligibility limits. Your child(ren) will receive meals at no cost.
- ☐ Starting ***(Date)*** _____, your child(ren)'s eligibility for meals will be changed from ***free to reduced-price*** because your income is over the limit. Reduced-price meals cost ***$*** _____ for lunch and ***$*** _____ for breakfast.
- ☐ Starting ***(Date)*** _____, ***your child(ren) is/are no longer eligible*** for free or reduced-price meals for the following reason(s):
  - ___Records show that no one in your household received SNAP, TANF, or FDPIR benefits.
  - ___Records show that the child(ren) is/are not homeless, runaway, or migrant.
  - ___Your income is over the limit for free or reduced-price meals.
  - ___You did not provide:_____
  - ___You did not respond to our request.

Meals cost ***$*** _____ for lunch and ***$*** _____ for breakfast. If your household income goes down or your household size goes up, you may apply again. If you were previously denied benefits because no one in the household received SNAP, TANF, or FDPIR benefits, you may reapply based on income eligibility. If you did not provide proof of current eligibility, you will be asked to do so if you reapply.

If you disagree with this decision, you may discuss it with ***(Name)*** _____ at ***(Phone)*** _____. You also have the right to a fair hearing. If you request a hearing by ***(Date)*** _____, your child(ren) will continue to receive free or reduced-price meals until the decision of the hearing official is made. You may request a hearing by calling or writing to:

_____
(Name)

_____
(Address)

_____
(Phone Number)

_____
(E-Mail)

Sincerely,

_____
(Signature)

In accordance with federal law and United States Department of Agriculture (USDA) policy, participating institutions are prohibited from discrimination on the basis of race, color, national origin, sex, age, or disability. To file a complaint of discrimination, write USDA, Office of Adjudication, 1400 Independence Avenue, SW, Washington, DC, 20250-9410, or call toll-free 866-632-9992 (Voice). Individuals who are hearing-impaired or have speech disabilities may contact USDA through the Federal Relay Service at 800-877-8339 or 800-845-6136 (Spanish). USDA is an equal opportunity provider and employer.

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Procurement Section

PROCUREMENT SECTION
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PROCUREMENT PROCEDURES AND PRACTICES

A. The primary purpose of procurement is to assure that open and free competition exists to the maximum extent possible. The procurement procedures practiced by a school food authority (SFA) must not restrict or eliminate competition. For example, descriptions of goods, equipment, or services to be procured should not contain features that unduly restrict competition. ***A person (contractor or vendor) who develops or drafts specifications, requirements, statements of work, Invitations to Bid (ITB), Requests for Proposal (RFP), contract terms and conditions, or other documents for use by a grantee or subgrantee conducting procurement under the United States Department of Agriculture (USDA) entitlement programs shall be excluded from competing for such procurements.*** (Reference USDA Policy Memo 2006-SNP-06) Competition helps assure that goods, equipment, and services will be obtained at the lowest possible cost. All procurements must be obtained through competition. The actual type of procurement method used is of secondary importance. Of primary importance is that open and free competition exists when purchases are made. Each SFA must have protest procedures in place to handle any protest a district may receive concerning its procurement practices. A Procurement Self-Review form can be found on **page P-37**.

B. Purchases made for individuals through the Child Nutrition Program (CNP) account are not allowable. If an SFA makes this a practice, the tax-exempt status of that SFA could be placed in jeopardy. In addition, food cannot be purchased for individuals through a vendor, even if the individual is paying the appropriate sales tax and the full price for the item. This would be receiving a favor from the vendor and would violate the code of conduct established by the SFA.

C. ***Geographic Preference***—The use of statutorily or administratively imposed in-state or local geographic preferences for procurements under USDA entitlement programs is prohibited, except for unprocessed locally grown or locally raised agricultural products. The Food, Conservation, and Energy Act of 2008 (Public Law 110-246, Section 4302), amended Section 9(j) of the National School Lunch Act (NSLA) to allow institutions receiving funds through CNP to apply a geographic preference when procuring unprocessed locally grown or locally raised agricultural products.

When geographic preference is used, an SFA must still get quotes from several farmers when procuring unprocessed locally grown or locally raised agricultural products so that competitors have an opportunity to compete for the bid. The way in which a geographic preference is applied could depend on whether the procurement method is informal or formal. If informal (i.e., falling below the small purchase threshold), an SFA may simply want to approach a minimum of three local producers and obtain price quotes. Competition is ensured by developing a solicitation that contains criteria that all the respondents will be subject to. If the procurement exceeds the small purchase threshold, a formal procurement method must be used that would involve the sealed bidding process (i.e., IFB) or the competitive negotiation process (i.e., RFP). This would entail public notification of the solicitation; however, when procuring locally unprocessed agriculture products, the notification may be focused on the locale in which the school is situated as a criteria of the solicitation. In a situation where the solicitation for locally unprocessed agricultural products is in fact open to offerors beyond the local area, a way in which to apply a geographic preference is to grant preference points to the local farmers who respond to the solicitation. (Reference USDA Policy Memo 2009-SP-11)

D. Soliciting Bids From Commercial Distributors for End Products/Commodity Processing/Diverted Commodities (Reference USDA Policy Memo 2012-FD-119)

1. In most cases, SFAs solicit bids for procurement of commercial food products from commercial distributors and, in a separate solicitation, solicit bids for procurement of end products from processors, even when identical food products are sold commercially through distributors.

2. In instances where the services of a processor have already been procured by a commercial distributor in accordance with federal procurement requirements, the SFA may solicit bids from that commercial distributor to procure both commercial food products and end products as long as the solicitation and resulting contract clearly address the specific requirements relating to end products. In the solicitation, the SFA must provide for the following:

   a. End products must be obtained from a processor that has a state processing agreement (or state participation agreement, as appropriate) with the state distributing agency (Department of Human Services—DHS).

   b. Only end products with approved end product data schedules, and that meet substitution and grading requirements in 7 CFR §250.30, may be provided.

   c. The SFA must receive credit for the value of the USDA Foods contained in the end products, either through a discount from the gross case price or a refund or rebate after the sale of the end product.

   d. The distributor must collaborate with the processor to ensure that the SFA is an eligible recipient of end products and to ascertain the quantity of end products, or the value of donated food, for which the SFA is eligible.

   e. The distributor must provide notification to the processor of end product sales so that the appropriate inventory draw-down may occur.

3. Coordination Between the SFA and DHS

   The SFA must coordinate with the DHS to ensure that processors providing food products to its commercial distributor have a state processing or participation agreement with the DHS. Multistate processors must also have a National Processing Agreement with the Food and Nutrition Service (FNS). The SFA may only order USDA Foods for delivery to processors that have such agreements in place. The SFA must also verify with DHS the types of approved end products, the quantity of end products that it is eligible to receive, and the value of USDA Foods contained in the end products. DHS must ensure that the SFA is aware of any restrictions in the state processing or participation agreement relating to approved end products or methods of end product sales, or other provisions. Such restrictions must be included in the SFA's solicitation for the services of a commercial distributor.

4. Coordination Between the Distributor and Processor

   The distributor and processor should collaborate closely to ensure that processed end products are provided only to SFAs eligible to receive them. In many cases, end products will be identical to commercial products; i.e., the commercial products meet substitution requirements in 7 CFR §250.30(f) and grading requirements in 7 CFR §250.30(g) for the processing of USDA Foods. In such cases, the distributor may commingle commercial food products and end products at its facility and sell such commingled food products to any of its customers. Sales of such food products to the SFA must ensure provision of credit for the value of USDA Foods for the quantity of end products that the SFA is eligible to receive. However, for end products produced from nonsubstitutable USDA Foods (i.e., beef and pork), the distributor must ensure that only the SFA receives such end products.

   The distributor must notify the processor of its sales of end products to the SFA in a timely manner so that the processor may report such sales and reductions of donated food inventories to DHS in its monthly performance reports. Such notification may be provided by electronic means; e.g., through sales velocity reports or other automated sales reports.

METHODS OF PROCUREMENT

A. Small Purchase Procedures—Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, goods, or equipment that do not cost more than the simplified acquisition threshold fixed at 41 U.S.C. 403(11), currently set at $100,000.

1. When small purchase procedures are used, the following stipulations and terms must be considered:

   a. The SFA can set a lower threshold than $100,000.

   b. Price quotes shall be obtained from an adequate number of qualified sources. USDA defines an adequate number as three.

   c. The goods, equipment, or services to be purchased must be adequately and consistently described for each prospective supplier so that each one can provide price quotes on the same merchandise or service. These specifications must be either verbal or written. Both must be documented.

      (1) Send specifications by fax, e-mail, telephone, or deliver in person to at least three vendors.

      (2) Responses from vendors can be either written or verbal form. Verbal quotes must be documented.

   d. Price quotation records must be retained three years plus the current year or until audit findings are resolved.

   e. May include fresh produce as long as the aggregate amount is $100,000 or less.

B. **Sealed Bids—**Procurement by ***sealed bids*** (formal advertising). Bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the ITB, is the lowest in price.

1. Sealed bids are feasible if the following conditions are met:

   a. Complete, adequate, and realistic specification or purchase description is available.

   b. Two or more responsible bidders are willing and able to compete effectively for the business.

   c. The procurement lends itself to a firm fixed-price contract and bidder is selected principally on price.

2. Sealed Bids/Requirements:

   a. The ITB must be publicly advertised.

   b. Bids shall be solicited from an adequate number of known suppliers (at least three).

   c. All vendors shall be provided sufficient time prior to the date set for the bid opening.

   d. All specifications and pertinent information shall define the items or services in order for the bidder to properly respond.

   e. All bids will be publicly opened at the time and place prescribed in the ITB.

f. A firm, fixed-price contract will be awarded to the lowest responsive and responsible bidder.

(a) Where specified in bidding documents, factors such as discounts, transportation costs, and life cycle costs shall be considered in determining which bid is lowest.

(b) Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of.

g. Any or all bids may be rejected for a sound reason and must be documented.

C. **Competitive Proposals—**Procurement by ***competitive proposals***: The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement-type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids.

1. Competitive Proposals/Requirements:

a. A Request for Proposal (RFP/ITB) will be publicized and will identify all evaluation factors and their relative importance. Any response to publicized RFPs shall be honored to the maximum extent practical.

b. Proposals will be solicited from an adequate number of qualified sources (at least three).

c. SFAs will have a method for conducting technical evaluations of the proposals received and for selecting awardees.

d. Awards will be made to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

e. Architectural/engineering professional services (A/E):

(1) Competitors' qualifications are evaluated, and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation.

(2) Lowest price is not a factor when selecting an A/E firm; however, purchasing of an A/E firm's services is the only procurement where price is not considered.

D. **Noncompetitive Proposals—**Procurement by ***noncompetitive proposals*** is procurement through solicitation of a proposal from only one source; or after a solicitation of a number of sources, competition is determined inadequate.

1. Noncompetitive proposals may be used when:

a. Award of the contract is not feasible under small purchase procedures, sealed bids, or competitive proposals ***and at least one of the following circumstances apply:***

(1) The item is available only from a single source.

(2) Emergency circumstances will not permit a delay resulting in competitive solicitation.

(3) Competition is determined to be inadequate after solicitation of a number of sources.

(4) Awarding agency authorizes noncompetitive proposals.

2. Noncompetitive proposal requirements:

   a. Cost analysis (i.e., verifying the proposed cost data, the projections of the data, and the evaluation of the specific elements of costs and profits) is required.

      (1) SFAs must perform a cost or price analysis in connection with every procurement action, including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; but as a starting point, SFAs must make independent estimates before receiving bids or proposals. A cost analysis must be performed when the offeror is required to submit the elements of his estimated cost; e.g., under professional, consulting, and architectural engineerng services contracts. A cost analysis will be necessary when adequate price competition is lacking and for sole source procurements, including contract modifications or change orders, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or regulation. A price analysis will be used in all other instances to determine the reasonableness of the proposed contract price.

      (2) SFAs will negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration will be given to the complexity of the work performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

      (3) Costs or prices based on estimated costs for contracts under grants will be allowable only to the extent that costs incurred or cost estimates included in negotiated prices are consistent with federal cost principles. SFAs may reference their own cost principles that comply with the applicable federal cost principles.

      (4) The cost-plus-a-percentage-of-cost and percentage of construction cost methods of contracting shall not be used.

   b. The SFA may be required to submit proposed procurement to the Oklahoma State Department of Education (the ***State Agency***) for preaward review.

   c. The SFA will take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps shall include:

      (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists.

      (2) Assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources.

      (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses and women's business enterprises.

      (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses and women's business enterprises.

      (5) Using the services and assistance of the Small Business Administration (SBA) and the Minority Business Development Agency of the Department of Commerce.

      (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed above.

REVIEWING THE AWARD

A. SFAs must make available, upon request of the State Agency, technical specifications on proposed procurements where the State Agency believes such review is needed to ensure that the item and/or service specified is the one being proposed for purchase. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the SFA desires to have the review accomplished after a solicitation has been developed, the State Agency may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.

B. SFAs must, on request, make available for State Agency preaward review procurement documents such as RFPs, ITBs, and independent cost estimates when:

1. SFA's procurement procedures or operation fails to comply with the procurement standards in this section.

2. The procurement is expected to exceed the $100,000 threshold and is to be awarded without competition or only one bid to offer is received in response to a solicitation.

3. The procurement, which is expected to exceed the $100,000 threshold, specifies a *brand name* product.

4. The proposed award is more than the $100,000 threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement.

5. A proposed contract modification changes the scope of a contract or increases the contract amount by more than the $100,000 threshold.

C. SFAs will be exempt from the preaward review in paragraph B above if the State Agency determines that its procurement system complies with procurement standards.

1. SFAs may request that their procurement systems be reviewed by the State Agency to determine whether their systems meet these standards in order for their systems to be certified. Generally, these reviews shall occur where there is a continuous high-dollar funding and third-party contracts are awarded on a regular basis.

2. An SFA may self-certify its procurement system. Such self-certification shall not limit the State Agency's right to survey the system. Under a self-certification procedure, the State Agency may wish to rely on written assurances from the SFA that it is complying with these standards. An SFA will cite specific procedures, regulations, standards, etc., as being in compliance with these requirements and have its system available for review.

BONDING REQUIREMENTS

For construction or facility improvement contracts or subcontracts exceeding the $100,000 threshold, the State Agency may accept the bonding policy and requirements of the SFA provided the State Agency has made a determination that the State Agency's interest is adequately protected. If such a determination has not been made, the minimum requirements shall be as follows:

A. ***A bid guarantee from each bidder equivalent to 5 percent of the bid price.*** The *bid guarantee* shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his or her bid, execute such contractual documents as may be required within the time specified. (Reference 7 CFR §225.15 [h][7])

B. ***A performance bond on the part of the contractor for 100 percent of the contract price.*** A ***performance bond*** is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

C. ***A payment bond on the part of the contractor for 100 percent of the contract price.*** A ***payment bond*** is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

CONTRACT PROVISIONS

Federal agencies are permitted to require changes, remedies, changed conditions, access and record retention, suspension of work, and other clauses approved by the Office of Federal Procurement Policy. An SFA's contracts must contain these provisions:

A. Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms and provide for such sanctions and penalties as may be appropriate (contracts more than the $10,000 threshold). (Reference 7 CFR §3016.36[i])

B. Termination for cause and for convenience by the SFA, including the manner by which it will be effected and the basis for settlement (all contracts in excess of $10,000). (Reference 7 CFR §3016.36[i])

C. Compliance with Executive Order 11246 of September 24, 1965, entitled ***Equal Employment Opportunity***, as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR Chapter 60) (all ***construction*** contracts awarded in excess of $10,000 by an SFA and its contractors or subcontractors). (Reference 7 CFR §3016.36[i])

D. Compliance with the ***Copeland Anti-Kickback Act*** (18 U.S.C. 874), as supplemented in Department of Labor regulations (29 CFR Part 3) (all contracts and subgrants for ***construction*** or repair).

E. Compliance with the ***Davis-Bacon Act*** (40 U.S.C. 276a to 276a-7), as supplemented by Department of Labor regulations (29 CFR Part 5) (***construction*** contracts in excess of $2,000 awarded by an SFA).

F. Compliance with Sections 103 and 107 of the ***Contract Work Hours and Safety Standards Act*** (40 U.S.C. 327-330), as supplemented by Department of Labor regulations (29 CFR Part 5) (c***onstruction*** contracts awarded by an SFA in excess of $2,000 and in excess of $2,500 for other contracts which involve the employment of mechanics or laborers).

G. Notice of State Agency requirements and regulations pertaining to reporting.

H. Notice of State Agency requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract.

I. State Agency requirements and regulations pertaining to copyrights and rights in data.

J. Access by the SFA, the State Agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.

K. Retention of all required records for three years after the SFA makes final payments and all other pending matters are closed.

L. Compliance with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act (42 U.S.C. 1857[h]), Section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency (EPA) regulations (40 CFR Part 15) (contracts, subcontracts, and subgrants in amounts in excess of $100,000).

M. Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Public Law 94-163, 89 Statute 871).

N. Any approved contracts (except those for food service management companies [FSMCs] and state contracts) may be renewed year after year if the language in the RFP addresses renewals. FSMC contracts may only be renewed each year for a maximum of four years after the initial contract year if it is addressed in the RFP.

O. Cost Reimbursable Contracts (Cost Plus Fee)—Required Provisions (Reference USDA Policy Memo SP-33-2010)

1. Allowable costs paid from the nonprofit school food service account must be net of all discounts, rebates, and applicable credits. (Reference Section 12[n] of the NSLA and §210.21[f])

   a. Allowable costs will be paid from the nonprofit school food service account to the contractor net of all discounts, rebates, and other applicable credits accruing to or received by the contractor or any assignee under the contract, to the extent those credits are allocable to the allowable portion of the costs billed to the SFA.

   b. The contractor must separately identify for each cost submitted for payment to the SFA the amount of that cost that is allowable (can be paid from the nonprofit school food service account) and the amount that is unallowable (cannot be paid from the nonprofit school food service account).

      OR

      The contractor must exclude all unallowable costs from its billing documents and certify that only allowable costs are submitted for payment and records have been established that maintain the visibility of unallowable costs, including directly associated costs in a manner suitable for contract cost determination and verification.

   c. The contractor's determination of its allowable costs must be made in compliance with the applicable USDA and program regulations and OMB cost circulars.

   d. The contractor must identify the amount of each discount, rebate, and other applicable credit on bills and invoices presented to the SFA for payment and identify the amount as a discount, rebate, or in the case of other applicable credits, the nature of the credit. If approved by the State Agency, the SFA may permit the contractor to report this information on a less frequent basis than monthly, but no less frequently than annually.

   e. The contractor must identify the method by which it will report discounts, rebates, and other applicable credits allocable to the contract that are not reported prior to the conclusion of the contract.

   f. The contractor must maintain documentation of costs and discounts, rebates, and other applicable credits and must furnish such documentation upon request to the SFA, the State Agency, or USDA.

PROHIBITED EXPENDITURES

No expenditures may be made from the nonprofit school food service account for any cost resulting from a cost reimbursable contract that fails to include the requirements of this section, nor may any expenditure be made from the nonprofit school food service account that permits or results in the contractor receiving payments in excess of the contractor's actual, net allowable costs.

A. Contracts that have a term of more than 12 months may delay implementation up to 24 months when the solicitation for the contract was issued prior to the effective date of this regulation, ***with State Agency approval***.

PROCUREMENT PLAN

Each SFA shall have on file a written procurement plan approved by the local school board. The procurement plan identifies the SFA's purchasing periods for the goods, equipment, and services related to the CNP. In addition, the plan documents the various methods of procurement being practiced.

The procurement plan provides justification for using a certain procurement method to obtain an item. The scope of the plan is determined by the organization of the SFA. If procurement is decentralized, the plan may apply to all sites responsible for purchasing or each school may be permitted to develop its own plan. A new procurement plan does not need to be developed every year. However, an annual review of the approved plan is suggested to assure its relevance to current procedures. An example of a procurement plan is on **pages P-13** through **P-27**.

A. Allowable Procurement Practices

1. Obtaining publicly available information such as:

    a. Product brochures, product specification handouts, etc.

    b. Information obtained from the Internet.

    c. Information/recommendations obtained from other food service personnel.

    d. Information obtained by visiting food service operations, industry and professional trade shows.

    e. Trade journal information.

2. Obtaining information from manufacturers and distributors, including:

    a. Recommendations of one product versus another product.

    b. Features that make one product different from another.

    c. The price for the product.

    d. The price for specific features.

    e. The model number, make, and manufacturer of products that may be acceptable.

    f. Specification sheets and product information handouts.

B. Unallowable Procurement Practices

1. For cost plus fee contracts, SFAs are prohibited from using nonprofit school food service account funds to pay any amount above net allowable costs, computed by deducting certain rebates, discounts, and other credits.

2. For cost plus fee contracts, contractors are required to identify appropriate information to permit SFAs to identify allowable and unallowable costs and the amount of all such discounts, rebates, and credits on invoices and bills presented for payments.

3. Allowing a potential contractor to write the bid or proposal terms, product specifications, procurement procedures, or contract terms.

4. Allowing a potential contractor to evaluate bids or proposals submitted by competitors.

5. Delegating bid/proposal acceptance or recommendation for acceptance to a potential contractor competing on the procurement.

6. Allowing a potential contractor access to sealed bid information before the bids are publicly opened.

7. Disclosing the content of proposal offers submitted by others to a potential supplier prior to the supplier submitting an offer.

8. Negotiating under the formal advertising method (sealed bid) of procurement.

9. Accepting nonresponsive bids or offers.

10. Cost-plus-a-percentage-of-cost method of procurement is prohibited.

C. Code of Conduct

The local SFA must maintain a written code or standard of conduct that governs the performance of its officers, employees, or agents who are engaged in the award and administration of contracts supported by program funds. An example of a procurement plan that includes the required principles for the Code of Conduct begins on **page P-14**.

EXAMPLE OF PROCUREMENT PLAN FOR SMALL SCHOOL DISTRICTS

SCHOOL FOOD AUTHORITY: _____
PROCUREMENT PLAN FOR CHILD NUTRITION PROGRAMS

The _____ School Food Authority (SFA) will purchase food and other items for use in the Child Nutrition Programs (CNP) in compliance with 7 CFR Part 3016 and State Law, using the procedures outlined as follows and the attached Chart of Procedures.

The primary purpose of this procurement plan is to assure that open and free competition exists to the maximum extent possible. The procurement procedures practiced by the SFA must not restrict or eliminate competition. For example, description of goods, equipment, or services to be procured should not contain features that unduly restrict competition. Competition helps assure that goods, equipment, and services will be obtained at the lowest possible cost.

Small Purchase Procedures will be used to purchase goods, equipment, and services where the aggregate cost is less than $100,000, including fresh produce.

When small purchase procedures are used, the following conditions, stipulations, and terms must be met:

- The goods, equipment, or services to be purchased will be adequately and consistently described for each prospective supplier so that each one can provide price quotes on the same merchandise or service. These specifications may be either verbal or written. Both must be documented.

- Specifications/food descriptions must be sent by fax or e-mail or communicated by telephone or in person to at least three vendors.

- Responses from vendors can be in either written or verbal form. Verbal quotes must be documented. The Purchase Documentation Form and/or Vendor Contract Form contained herein will be used for this purpose.

- Price quotation response will be retained by the SFA with other program documentation and records for a period of three years after the end of the fiscal year to which they pertain or until the findings of audits are resolved. The Purchase Documentation Form and/or Vendor Contract Form contained herein will be used for this purpose.

Noncompetitive Proposal will be used only when the procurement is not feasible under small purchase procedures, sealed bid (formal advertising), or competitive proposals. The decision to use noncompetitive proposal will be justified in writing and be available for audit and review.

Circumstances under which a procurement may be conducted by noncompetitive proposal will be limited to one of the following:

- The merchandise or service is available only from a single source.

- An emergency exists, and the urgency for the requirement will not permit the delay involved with sealed bids (formal advertising) or competitive proposal.

- After solicitation from a number of sources, competition is found to be lacking.

Code of Conduct. The following conduct will be expected of all persons who are engaged in the award and administration of contracts supported by CNP funds.

- No employee, officer, or agent of the _____ SFA shall participate in selection or in the award or administration of a contract supported by program funds if a conflict of interest, real or apparent, would be involved.

- Conflicts of interest arise when one of the following has a financial or other interest in the firm selected for the award:
  —The employee, officer, or agent
  —Any member of his/her immediate family
  —His or her partner
  —An organization which employs or is about to employ one of the above

- _____ SFA employees, officers, or agents shall neither solicit nor accept gratuities, favors, or anything of material/monetary value from contractors, potential contractors, or parties to subagreements.

- The purchase during the school day of any food or service from a contractor for individual use is prohibited.

- The outside sale of such items as used oil, empty cans, and the like will be sold by contract between the _____ SFA and the outside agency. Individual sales by any SFA employee to an outside agency or any other SFA employees is prohibited.

- Failure of any employee to abide by the above-stated code could result in a fine or suspension or both, or dismissal. Interpretation of the code will be given at any time by contacting _____ at _____ . The _____ SFA will not be responsible for any other explanation or interpretation which anyone presumes to make on behalf of the Board.

Changes in this Procurement Plan will be made as conditions warrant upon the approval of the SFA.

This plan adopted by the Board of the _____ at the regularly scheduled meeting on this, the _____ day of _____ in the year _____ .

Signatures: _____
SFA Official

_____
Clerk of the Board

CHART OF PROCEDURES

The_____ SFA will purchase the following products or group of products and services as per the stated purchase period using the identified procurement method. ***Price quote time frame*** period is defined as the time frame for which bids or quotes are obtained and awarded.

PRODUCT	***PRICE QUOTE TIME FRAME***	***PROCUREMENT METHOD USED***
Milk	_____	_____
Bread	_____	_____
Canned fruits	_____	_____
Canned vegetables	_____	_____
Frozen fruits	_____	_____
Frozen vegetables	_____	_____
Preprepared fruits and vegetables	_____	_____
Fresh fruits	_____	_____
Fresh vegetables	_____	_____
Meats	_____	_____
Paper products	_____	_____
Chemicals	_____	_____
Small equipment	_____	_____
Large equipment	_____	_____
_____	_____	_____
_____	_____	_____

PURCHASE DOCUMENTATION/PRICE QUOTES

(This form is to be used for SFAs to document all price quotes from vendors.)

DATE	ITEM SPECS	VENDORS						VENDOR SELECTED	REASONS
		VENDOR	$ PRICE	VENDOR	$ PRICE	VENDOR	$ PRICE		

School Food Authority _____

Year _____

VENDOR CONTACTS

This form is to be used for SFAs to document single vendor responses. If only one vendor responds, the school food authority (SFA) does not need to do price comparisons.

NAME, ADDRESS, AND TELEPHONE NUMBER OF VENDOR	NAME OF PERSON CONTACTED	DATE OF CONTACT	TYPE OF CONTACT (LETTER, PHONE, PERSONAL)	RESPONSE RECEIVED

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STRATEGIES IN DEVELOPMENT OF SPECIFICATIONS

A. Writing specifications may be the most challenging and important step in the purchasing process. The primary objective of good specification writing is to assure the acquisition of what you want and need. A ***planned menu*** is the starting point in which to make decisions regarding what to purchase. ***Do not accept price printouts from the vendor (these are NOT specifications).***

B. Consider the following questions when developing specifications:

1. Is the item readily available?
2. Is the price affordable?
3. Has acceptability been determined?
4. What type of product will meet the need?

C. Specifications should be:

1. Simple, but precise.
2. Identified with terms used in the marketplace; i.e., size, count, diameter, grade (quality), pack.
3. Capable of being met by several bidders.
4. Clear and understandable.
5. Include the item descriptions, product specification, pack size, bid unit, estimated quantity, and unit price.

See **pages 22** through **25** for examples of specifications.

D. Specifications Cover Letter—A cover letter should be included when specifications are sent to vendors. The specification letter should include:

1. Institution letterhead.
2. Date of letter.
3. Copy of specifications.
4. A method of response.
5. The method of evaluation.
6. The method of acceptance of successful responses.
7. Deadline for bid.
8. Bid/price quote contract period.
9. Delivery times and places.

10. HACCP compliance requirement.

11. Ordering procedures.

12. Substitutions and shortages.

13. Special conditions (i.e., Nutrition Facts labels).

14. Termination for cause.

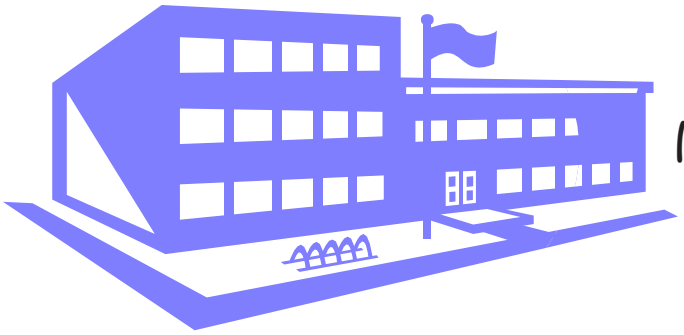
E. Bid Awards/Price Quote Selection

1. Awarding line item—Bid is awarded by each product separately to the lowest bidder.

2. Awarding class—Award or selection is made by categories.

3. Awarding bottom line—Bidder with lowest price receives award based on ***TOTAL*** price when all items are combined.

4. Awarding prime vendor—When 80 percent or more of food is purchased from one source.



MODINE PUBLIC SCHOOLS
1234 MODINE AVENUE
MODINE, OKLAHOMA 00000

EXAMPLE OF A SPECIFICATION LETTER

July 6, 2012

Modine Public Schools announces the opportunity for responsible bidders from the food industry to respond to the attached food specifications valid for the period of ***August 6, 2012***, to ***December 17, 2012***. All bidders wishing to respond to this bid period must do so by ***2 p.m.***, ***July 31, 2012***, at the Education Service Center at the above address. No e-mail or facsimile responses will be accepted.

No other format for the bid response other than the attached specification forms will be accepted. Responses will be evaluated based on the following criteria:

- Best price
- Meeting food descriptions
- Quantity availability
- Past history, if applicable
- Quality of food
- Meeting delivery requirements

Vendors will be expected to ensure that deliveries to Modine Public Schools will be dropped at 1234 Modine Avenue on Mondays and Tuesdays between the hours of 1 to 3 p.m. Delivery trucks and product drops must be HACCP-compliant. Sales staff will provide on-site, phone, or e-mail/online ordering methods with e-mail/online confirmation of orders. Any vendors making substitutions of product must provide equal or better quality at bid price and meet original specifications.

Nutrition Facts information or Nutrition Facts labels must be provided on all products. Bids will be evaluated on a *per line* item basis.

Modine Public Schools reserves the right to accept or reject any part, or all, of the bid you submit. If all criteria contained within this document are met, successful bidders will be considered.

Bids will be awarded on August 6, 2012, and all bidders will be notified in writing. Modine Public Schools reserves the right to terminate a vendor who is awarded business but does not follow through with the above requirements.

SPECIFICATIONS—page 1 of 4

Item Description	*Product Specification*	*Pack Size*	*Bid Unit*	*Est Quantity*	*Unit Price*	*Comments*
Fruits/Vegetables						
Apples, canned	U.S. Grade C, water-packed	6/10	Case			
Applesauce, canned	U.S. Grade A, texture regular	6/10	Case			
Fruit for salads, canned	U.S. Grade B, fruit juice medium	6/10	Case			
Fruit cocktail, canned	U.S. Grade B, fruit juice medium	6/10	Case			
Peaches, canned	U.S. Grade B standard, halves, 35/40 count, Clingstone, fruit juice	6/10	Case			
Peaches, canned	U.S. Grade B standard, slices, Clingstone, fruit juice medium	6/10	Case			
Pears, canned	U.S. Grade B standard, Bartlett, halves, 50/60 count, fruit juice and water medium	6/10	Case			
Pears, canned	U.S. Grade B standard, Bartlett, sliced, fruit juice medium	6/10	Case			
Pineapple, canned	U.S. Grade C standard, medium slices, light syrup, product of Hawaii, Philippines, or Thailand only	6/10	Case			
Pineapple, canned	U.S. Grade B standard, crushed, solid pack in juice, product of Hawaii, Philippines, or Thailand only	6/10	Case			
Pumpkin, solid-pack	U.S. Grade B, good flavor, aroma, color, and texture	6/10	Case			
Beans, green, canned	Grade A standard, Blue Lake variety, #3 or #4 size cut	6/10	Case			
Peas, black-eyed, dry, canned	Cooked with seasoning, brand like Allen's	6/10	Case			
Beans, Great Northern, dry	U.S. Grade B, per pound	6/10	Case			
Carrots, canned	U.S. Grade A standard, sliced, size less than 1 1/2 inch	6/10	Case			
Corn, canned	U.S. Grade A standard, golden, vacuum-pack	6/10	Case			

EXAMPLE ONLY

SPECIFICATIONS—page 2 of 4

Item Description	*Product Specification*	*Pack Size*	*Bid Unit*	*Est Quantity*	*Unit Price*	*Comments*
Fruits/Vegetables Peas and carrots, canned	U.S. Grade A standard, carrots to be diced, packing medium to be without salt	6/10	Case			
Peas, green, canned	U.S. Grade A standard, #3 size	6/10	Case			
Potatoes, French-fried, frozen	Oven-ready, U.S. Grade A standard, crinkle-cut, 1/2 x 1/2 inch, 30 to 34 solid, approved brands equivalent to: ABC Foods A-103, DEF Foods X502, Pots R29	6/5 lb	Case			
Tomatoes, canned	Grade B standard, peeled, diced	6/10	Case			
Vegetable blends, frozen	Stew vegetables, mixture contains potatoes, carrots, celery, onion, predominance to be order listed	12/2 lb	Case			
GRAINS/BREADS Muffins, frozen	Bran, enriched flour, fat per muffin not to exceed 5 g, round style, minimum 1 oz, maximum 2 oz, bulk pack only, produced by commercial bakery methods in commercial bakery	Individually wrapped	Case			
Pasta: spaghetti	Made from enriched semolina and durum wheat flour, 10 lb only	10-lb box	Pound			
Pasta: egg noodles	Enriched, flat ribbon shape, medium width, made from enriched semolina durum flour	10-lb box	Pound			
Waffle, frozen	Waffle, frozen, regular, plain, round, enriched flour, 0.8 oz each, poly pouch packed	144 count	Case			

EXAMPLE ONLY

SPECIFICATIONS—page 3 of 4

Item Description	*Product Specification*	*Pack Size*	*Bid Unit*	*Est Quantity*	*Unit Price*	*Comments*
Meat/Meat Alternate Beef patty, fully cooked, frozen	Ground beef patty, fully cooked, frozen, IMPS 631, minimum 2 1/2 oz, maximum 3 1/2 oz, CN-labeled to provide 2 oz meat/meat alternate, IQF, natural char marks, cooking temperatures to comply with FSIS requirements, approved brands: D924, C568, B234	Please specify portions	Case			
Bologna, turkey, frozen	Sliced, lower-fat formulation, maximum 1 g fat per serving, pork or beef allowable as second meat, each slice to weigh 1 oz; no binders, extenders, fillers; CN label required, equivalent brands: Rain 956, Sunny 459	12-lb bulk	Pound			
Cheese, mozzarella, lite	Milk fat 10.85 or less, moisture 52 to 60 , pleasing flavor, free-flowing natural white or light cream color, melts completely, shredded	6/5 lb	Case			
Chicken nuggets, breaded, frozen	Boneless chicken breast patty nugget, breaded, chopped, and formed, breast meat 80-85 , maximum skin 5 , soy concentrate up to 10 when rehydrated in accord with Title CFR 210, maximum 6 nuggets, minimum 5 nuggets, fully cooked, maximum 17 g fat, minimum 12 g protein/serving, CN label required	Please specify portions	Case			

EXAMPLE ONLY

SPECIFICATIONS—page 4 of 4

Item Description	*Product Specification*	*Pack Size*	*Bid Unit*	*Est Quantity*	*Unit Price*	*Comments*
Meat/Meat Alternate						
Chicken, boneless, canned	With natural juices, to be prepared from mature, whole, female chicken, maximum salt 0.7 , maximum fat 10 , 24-19 oz cans only	24/case	2/case			
Ham, water added	Fully cooked, boneless, ham and water product, maximum 35 added ingredients by weight, produced from whole muscle, smoked and cured	8/10 lb each	2/case			
Hot dogs, frozen	Frankfurters, frozen, to be packed to IMPS 800; no binders, extenders, or fillers; CN label required, formula B, 8/lb	81 per pound	101/box			
Roast beef, cooked, frozen	Cooked, ready to serve, frozen, may be injected with up to 35 water, wet pack, seasoned, cooked to internal temperature of 136° to 140° F, shrinkwrap, maximum 20#, equivalent brands: A7656, 4530 Raw, frozen, whole-hog sausage, 1 1/2 oz each	Pounds per case	Case			
Sausage patties	Boneless, ready to cook, from natural whole muscle, maximum	12/pkg	Pound			
Turkey, breast, frozen	6 basting solution added, from U.S. Grade A, young turkey, 7-15 lb	4/case	Case			

EXAMPLE ONLY

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SPECIFICATIONS

Item Description	*Product Specification*	*Pack Size*	*Bid Unit*	*Est Quantity*	*Unit Price*	*Comments*

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ESCALATION/DEESCALATION CLAUSE

A. SFAs need to contemplate not only the need for including an economic price adjustment clause (an escalator/deescalator clause) in their contracts, but also to carefully enforce the terms of the clause and demand price reductions when appropriate.

B. A contract with an economic price adjustment is appropriate when:

1. Contract performance will or may cover an extended period of time.

2. There is serious doubt concerning the stability of market conditions during the period of the contract.

3. Adjustment standards or indices agreed to are based on contingencies outside the contractor's control.

4. Contingencies, such as increases in labor costs, that would otherwise be included in the contract price can be identified and covered separately in the contract.

C. The economic price adjustments, which allow an SFA to adjust costs in the contract, must be tied to an appropriate standard or cost index. Relating the price adjustments in a contract to an index allows the SFA to ensure that increases under the contract are not without basis. For example, if fuel prices are increasing drastically, then an appropriate index—such as the Consumer Price Index (CPI)—will reflect this change.

D. It is recommended that the escalation/deescalation clause be tied to the *Consumer Price Index, South Region* and be stated as such in the RFP/Contract. SFAs may then check the Web site at <http:www.bls.gov/ro3/cpiso.html> to ensure prices are adjusted accordingly.

E. As always, the terms of the economic price adjustment, including the appropriate standards or indices to which it will be tied, must be expressly identified in the original solicitation and contract documents. Additionally, as under any circumstances, the contract must be awarded to the lowest-priced, responsible, and responsive bidder.

F. However, it is important to note that the SFA needs to decide whether it would like to include these in its contract; it is not the vendor's decision. Along the same lines, it is important to recognize that the SFA will most likely be advised by the contractor when costs go up, but they will not necessarily notify the SFA when costs go down. Keep in mind that the economic price adjustment clause is intended not only to give vendors an option to increase their price for the SFA, ***but also*** for the SFA to demand price reductions when appropriate. (Reference USDA Memo Code 2009-SP-10)

G. Escalation/Deescalation Clause

If the fixed cost (market price) fluctuates, every 30 days the fixed cost will increase or decrease by the same amount. This must be stated in the SFA's RFP/ITB/Contract.

H. Audits

A quarterly audit is conducted by the state to ensure that the charges by the vendor are not more than the fixed cost.

I. Special Brands

1. Special brands could be available if there is a minimum mandate for the product.

2. The vendor will try to provide a like brand.

J. Rebates/Manufacturer Discount

1. If 25 percent of the products purchased are the vendor's brand, the SFA will receive a 1 percent rebate on the 25 percent of purchased products.

2. If the vendor receives an up-front manufacturer discount, the discount is automatically applied to the product before the product is priced for purchase. The invoice to the SFA is going to reflect the discount. The SFA may not be aware of the discounted price.

PURCHASING THROUGH STATE CONTRACT

A. The contract between the vendor and the state of Oklahoma is for one year, with an option to renew every year for four additional years. Because the contract is with the state of Oklahoma (Office of Central Purchasing), no specifications by the SFA are required.

1. The contract is a fixed-cost (vendor cost) plus a fixed fee.

2. The vendor prefers SFAs to begin at the start of the school year or at midyear.

3. If an SFA is on the state contract and finds an item from another vendor that has a lower price, it may be purchased outside the state contract with written documentation.

4. If an SFA is interested in state contracting, contact Central Purchasing at 405-717-2301 (Cindy Carter) or at <www.dcs.ok.gov>.

BUY AMERICAN PROVISION

Section 104(d) amended Section 12(n) of the National School Lunch Act (NSLA) (42 U.S.C. 1760) to require SFAs participating in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) in the contiguous United States ***to purchase for those programs, to the maximum extent practicable, domestic USDA Foods or products***. For purposes of this provision, the term ***domestic food commodity or product*** means agricultural USDA Foods produced in the United States and food products processed in the United States ***SUBSTANTIALLY*** using agricultural USDA Foods that are produced in the United States. The Conference Report accompanying Public Law 105-336 makes it clear that the term ***SUBSTANTIALLY*** means that over 51 percent of the processed food comes from American-produced products.

FARM-TO-SCHOOL

SFAs may purchase food from local farmers or farmer's markets. This is called farm-to-school. Section 4303 of the Farm Security and Rural Investment Act of 2002 adds a new paragraph (j) at the end of Section 9 of the Richard B. Russell National School Lunch Act pertaining to purchases of locally produced products. The provision requires the Secretary of Agriculture to ***encourage institutions participating in the NSLP and SBP to purchase locally produced foods to the maximum extent practicable.*** USDA now allows a geographic preference when procuring unprocessed locally grown or locally raised agricultural products. Geographic preference may ***ONLY*** be applied to the procurement of unprocessed agricultural products which are locally grown and locally raised and that have not been cooked, seasoned, frozen, canned, or combined with any other products. (Reference USDA Policy Memo SP-30-2008)

A. Inspections and Licensing

1. Donated/Purchased Produce From an Individual Farmer

   The Oklahoma State Department of Health does ***NOT*** require any type of inspection or licensing as long as the food items are purchased or donated directly from ***an individual farmer*** and are whole and intact (not processed). If purchased, federal procurement procedures must be followed. In addition, the food item purchased or donated must not be considered a ***potentially hazardous food*** as defined by Oklahoma State Department of Health Food Service Establishment Regulations, Chapter 257. ***Potentially hazardous food*** means a food that is natural or synthetic and requires temperature control because it is in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms, the growth and toxic production of **Clostridium botulinum**, or, in raw shell eggs, the growth of **Salmonella enteritidis**. Potentially hazardous foods include, but are not limited to, animal foods (a food of animal origin) that is raw or heat-treated, a food of plant origin that is heat-treated or consists of raw seed sprouts, cut melons, and garlic and oil mixtures that are not modified in a way that results in mixtures that do not support growth. Potentially hazardous food does not include air-cooled hard-boiled eggs with the shell intact; a food with a water activity of 0.85 or less; a food with a pH level of 4.6 or below when measured at 75°F; a food in an unopened, hermetically sealed container; a food for which laboratory evidence demonstrates that the rapid and progressive growth of infectious or toxigenic microorganisms or the growth of **S. enteritidis** or **C. botulinum** cannot occur; or a food that may contain infectious or toxigenic microorganisms or chemical or physical contaminants at a level sufficient to cause illness, but that does not support the rapid and progressive growth of infectious or toxigenic microorganisms.

2. Donated/Purchased Meat/Poultry Products From an Individual Farmer

   If a meat/poultry product is donated by a local farmer or purchased from a local farmer, the school must make sure the product was inspected either at a state or federal plant. If purchased, federal procurement procedures must be followed.

3. Purchasing Food From a Farmer's Market

   According to the Oklahoma State Department of Health, ***farmer's market*** means a designated area in which farmers, growers, or producers from a defined region gather on a regularly scheduled basis to sell at retail nonpotentially hazardous farm food products and whole shell eggs to the public. A portion of the raw food ingredients used by the individual vendor to produce a product must have been grown or raised by the vendor. The individual vendors wishing to process food as defined by Chapter 260 of the regulations must obtain a state food processor's license. Farmer's markets must be registered with the Oklahoma Department of Agriculture Food and Forestry and comply with the ***Food Service Establishment Regulations***, Chapter 257, and/or ***Good Manufacturing Practice***, Chapter 260. This definition does not include individual farmers who grow and sell unprocessed fruit and/or vegetables from the farm, roadside, or truck. ***Any vendors who prepare or sell any potentially hazardous foods at the farmer's markets must abide by all applicable sections of Chapter 257 of the regulations, including acquiring a license from the department.***

4. Herbicides and Pesticides

   The Oklahoma State Department of Health recommends that SFAs obtain a guarantee from farmers that the crops/food items purchased from the local farmer were grown with herbicides and pesticides free of any carcinogens. This is not a regulatory requirement.

B. Farm-to-School Procurement Steps

1. Using the *The Oklahoma Food Connection 2003* developed by the Oklahoma Food Policy Council/Kerr Center for Sustainable Agriculture as a reference, contact a few farmers to inquire about the availability of specific product items for use in your CNP.

2. Request from each farmer a list of produce grown, showing typical periods of availability during the school year. Many crops normally harvested in the spring and summer months can also be grown in Oklahoma for harvest in the fall and early winter. Just ask the farmers to indicate which produce could be available during the periods August—December, December—March, March—May, and also May—August if you have summer feeding programs.

3. Upon reviewing the lists of available produce, estimate the approximate volumes used weekly for each item in which you are interested.

4. Arrange appointments to meet with farmers to gather information about possible quantities available, grading, packaging, delivery, pricing, and payment. If the SFAs anticipated annual purchase of a particular product will be less than the applicable small purchase threshold, the SFA can use these simplified procedures and contact a number of local farmers. The federal small purchase threshold is currently set at $100,000.

   To facilitate purchase of locally grown produce, SFAs can: identify and encourage local farmers to submit price quotes; look into alternative pack sizes and distribution methods that reflect product availability, using pricing structures such as fixed delivery charges with product prices that respond to the current market value; and explore new and different products that are available through local farms.

   SFAs also need to develop specifications that reflect the characteristics of the products they seek. For example, local farmers grow a specific lettuce variety that students prefer but that the SFA cannot get through its broker or distributor. The SFA can write its specification requiring this lettuce variety. However, just writing the specification alone will not be adequate to ensure local farm participation. The SFA must have ***laid the groundwork***; i.e., identifying and encouraging local farm participation for the procurement to be successful.

   Use this information to help create appropriate product specifications. ***Quality Foods for Quality Meals*** from USDA's Fruits and Vegetables Galore provides product sheets for fruits and vegetables that may be used to develop specifications. To ensure the freshest product possible, consider using a statement such as ***days from harvest*** in your product specifications.

5. Obtain and document price quotes for produce items as you specify in order to get the freshest product at the best price.

NONKICKBACK AFFIDAVIT

Located on **page P-39** is a sample Nonkickback Affidavit Form that should be used for purchases. Please note that Oklahoma statute 62 O.S. §310.9 requires a signed and notarized nonkickback affidavit on every purchase order of $25,000 or more. The affidavit is to be signed by the person or persons authorized to accept payment on behalf of the architect, contractor, engineer, or supplier.

LOBBYING CERTIFICATION (Reference 7 CFR §3018)

A. Lobbying certification must be obtained for procurement contracts of $100,000 or more. Any vendor whose contract award is for $100,000 or more must complete a Certification Regarding Lobbying form located on **page P-43**. The SFA must keep this signed certification statement on file with a copy of the vendor's contract.

B. Any SFA or its vendors who participate in lobbying activities must complete a Disclosure of Lobbying Activities form on **page P-45**. SFAs must submit this completed form to the State Agency. A vendor would submit its completed form to the SFA.

DEBARMENT OR SUSPENSION (Reference 7 CFR §3017.300)

A. An SFA is prohibited from contracting with an individual or company that has been debarred or suspended in accordance with 7 CFR §3017. This prohibition does not extend to contracts in existence at the time of the debarment or suspension or to most contracts under $25,000. Rather, it applies to new contracts and extensions or renewals of existing contracts of $25,000 or more and to contracts for audit services, regardless of amount.

B. To ensure that an SFA does not enter into a contract with a debarred or suspended company or individual, each SFA must obtain satisfaction that an FSMC is neither excluded nor disqualified before doing business with the FSMC. The uniform federal suspension/debarment certification has been abolished, and the collection of paper certifications is no longer mandatory. New rules provide greater flexibility in meeting requirements. An SFA may meet the requirements by either of the two methods listed below:

   1. Checking the Excluded Parties List System. This is available on the Internet at <**http://epls.arnet.gov**>.

   2. Collecting a certification that the FSMC is neither excluded nor disqualified. Since a federal certification form is no longer available, an SFA may use the State Agency prototype on **page P-47**.

BEVERAGES AND SNACK AGREEMENTS (Reference USDA Policy Memo 99-SP-09)

A. Several questions have been raised regarding exclusive beverage and snack contracts. The following is a summary of existing regulatory requirements as they pertain to these contracts.

   1. In some cases, the exclusive contracts do not involve nonprofit school food service account (SFSA) funds, in which case there are no federal FNS procurement issues involved. However, if any nonprofit school food service products are purchased via the exclusive contract, then all federal procurement requirements must be met. If small purchase procedures are used for a procurement of $100,000 or less, price or rate quotations must be obtained from an adequate number of qualified sources.

2. Additionally, if nonprofit school food service products are included in the contract, any rebates, commissions, scholarship fund contributions, or any other payments back to the SFA or SFA-related organizations must be reimbursed to the nonprofit SFSA on a prorated basis.

3. Finally, since many of these contracts are multiyear, it should be noted that there is no federal prohibition on multiyear contracts other than for FSMCs. It is suggested, however, that school procurement officials consider the impact of multiyear contracts, as opposed to one-year contracts, on beverages and snacks. Long-term contracts would appear to be more appropriate for nonperishable products and services such as warehousing and equipment rental. As noted above, however, there is no federal prohibition on these longer-term contracts.

4. Public Law 108-265, Section 102, requires a school participating in the NSLP shall not directly or indirectly restrict the sale or marketing of fluid milk products by the school (or by a person approved by the school) at any time or any place on the school premises or at any school-sponsored event.

5. Schools participating in the NSLP must check all beverage contracts for language that may limit the sale of milk on school grounds. The sale of milk cannot be limited at any time during the school day or at any place on the school premises. Contracts may have language that is hard to understand. Look for the term ***Exclusive Pouring Rights***. Every school district must have amended their beverage contracts that limit the sale of milk should such language exist. Beverage contracts can sometimes have a duration of ten years. Because some are so long, it could be several years before one is rebid. That is why it is very important to check all contracts ***NOW*** and make amendments when necessary. The primary effect of this provision is to prevent contract limitations on the sale of fluid milk in competition with other beverages.

PROCUREMENT STANDARDS (Reference 7 CFR §3016.36)

A. SFAs will use their own procurement procedures which reflect applicable state and local laws and regulations, provided that the procurements conform to applicable federal law and the standards.

1. SFAs will maintain a contract administration system which ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

2. SFAs will maintain a written code of standards of conduct governing the performance of their employees engaged in the awarding and administration of contracts. No employee, officer, or agent of the SFA shall participate in the selection, awarding, or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when: the employee, officer, or agent; any member of his or her immediate family; his or her partner; or any organization which employs or is about to employ any of the above, has a financial or other interest in the firm selected for the award. The SFA's officers, employees, or agents will neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subagreements. SFAs may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value. To the extent permitted by state or local law or regulations, such standards or conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the SFA's officers, employees, or agents or by contractors or their agents. The awarding agency may (in regulations) provide additional prohibitions relative to real, apparent, or potential conflicts of interest.

3. SFA procedures will provide for a review of proposed procurements to avoid purchase of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives and any other appropriate analysis to determine the most economical approach.

4. To foster greater economy and efficiency, SFAs are encouraged to enter into state and local intergovernmental agreements for procurement or use of common goods and services.

5. SFAs are encouraged to use federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

6. SFAs are encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

7. SFAs will make awards only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

8. ***Adequate documentation to maintain.*** SFAs will maintain records sufficient to detail the significant history of a procurement. These records will include, but are not necessarily limited to, the following:

   a. Rationale for the method of procurement.

   b. Selection of contract type.

   c. Copies of advertisements for formal bids and requests for proposals.

   d. Copy of procurement instruments, including instructions to offerors, specifications, and any addenda.

   e. Dated list of potential contractors/vendors who were mailed or who picked up RFBs/ITBs.

   f. Documentation of telephone quotations and copies of written quotations received from vendors.

   g. Bids/proposals submitted by vendors/contractors with date-stamped bid envelope.

   h. Bid/quotation/proposal evaluation sheets, including documentation whenever the lowest bid or quotation price is not accepted.

   i. Copies of bid/proposal award letters and letters to unsuccessful offerors.

   j. Copies of contracts.

   k. Documentation of insurance, if required by bid/proposal.

   l. Copies of bid and/or performance bonds, if required by bid/proposal.

   m. Invoices must be signed and dated.

9. SFAs will use time-and-material-type contracts only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at his or her own risk.

10. SFAs alone will be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the SFA of any contractual responsibilities under its contracts. Federal agencies will not substitute their judgment for that of the SFA unless the matter is primarily a federal concern. Violations of law will be referred to the local, state, or ***federal*** authority having proper jurisdiction.

11. ***Protest procedures are required.*** SFAs will have protest procedures (refer to **page P-49** for an example**)** to handle and resolve disputes relating to their procurements and shall in all instances disclose information regarding the protest to the awarding agency. A protestor must exhaust all administrative remedies with the SFA before pursuing a protest with a federal agency. Reviews of protests by the federal agency will be limited to: (Reference USDA Policy Memo 2006-SNP-06)

    a. Violations of federal law or regulations and the standards of 7 CFR §3016 (violations of state or local law will be under the jurisdiction of state or local authorities).

    AND

    b. Violations of the SFA's protest procedures for failure to review a complaint or protest. Protests received by the federal agency other than those specified above will be referred to the SFA.

12. ***Competition.*** All procurement transactions will be conducted in a manner providing full and open competition consistent with the standards of 7 CFR §3016.36. Some of the situations considered to be restrictive of competition include, but are not limited to:

    a. Placing unreasonable requirements on firms in order for them to qualify to do business.

    b. Requiring unnecessary experience and excessive bonding.

    c. Noncompetitive pricing practices between firms or between affiliated companies.

    d. Noncompetitive awards to consultants that are on retainer contracts.

    e. Organizational conflicts of interest.

    f. Specifying only a ***brand name*** product instead of allowing ***an equal*** product to be offered and describing the performance of other relevant requirements of the procurement. This may be done as long as the SFA has documentation to support it.

    g. Any arbitrary action in the procurement process.

13. SFAs will conduct procurements in a manner that prohibits the use of statutorily or administratively imposed in-state or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. Nothing in 7 CFR §3016 preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criteria, provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

CHILD NUTRITION PROGRAMS (CNP) PROCUREMENT SELF-REVIEW

Answer the following questions about your procurement practices. If the answer to any of the questions is ***NO***, your procurement practices are ***NOT*** acceptable and must be revised.

YES	NO		I. PROCUREMENT PLAN
☐	☐	1.	Is there a written procurement plan approved by the local school board on file?
☐	☐	2.	Does the plan identify the school district's purchasing periods for the goods, equipment, and services related to the school food service program?
☐	☐	3.	Does the plan document the various methods of procurement being practiced to obtain the goods, equipment, and services related to the school food service program?
☐	☐	4.	Is there a written code of conduct that governs the performance of the school district's officers, employees, or agents who are engaged in the award and administration of contracts supported by school food service funds?
☐	☐	5.	Does the written code contain all the required statements?

YES	NO		II. SMALL PURCHASE PROCEDURES
☐	☐	1.	Are all goods, equipment, or services to be purchased adequately and consistently described for each prospective supplier so that each one can provide price quotes on the same merchandise or service?
☐	☐	2.	Are an adequate number of qualified sources contacted to provide price quotes? ***NOTE:*** The term ***adequate number*** is defined as three by USDA.
☐	☐	3.	Are all responses to ***requests for quotations*** documented?
☐	☐	4.	Is cost-plus-a-percentage-of-cost method of purchasing prohibited?
☐	☐	5.	Are all price quotation responses retained by the school district with other school food service program documentation and records for a period of three years after the end of the fiscal year to which they pertain?

YES	NO		III. SEALED BIDS (FORMAL ADVERTISING)
☐	☐	1.	Is the Request for Proposal (RFP)/Invitation to Bid (ITB) publicly advertised?
☐	☐	2.	Are bids solicited from an adequate number of known suppliers in sufficient time prior to the date set for the opening of the bids?
☐	☐	3.	Do the bids clearly define the goods, equipment, or services needed in order for the bidders to be able to properly respond? This includes product specifications and general purchasing conditions.
☐	☐	4.	Are all bids opened publicly at the time and place stated in the RFP or ITB?

YES	NO		
☐	☐	5.	Is a firm, fixed-price contract award made by written notice to the responsible bidder whose bid is lowest, assuming the bid conforms to the requirements in the RFP or ITB?
☐	☐	6.	Where specified in the bidding documents, are factors such as discounts, transportation costs, and life-cycle costs (for equipment), if applicable, considered in determining which bid is lowest?
☐	☐	7.	Are payment discounts used to determine the low bid when prior experience of the school district indicates that such discounts are generally taken?
☐	☐	8.	Is there adequate explanation and documentation for each exception to awarding to the lowest bidder on file?
☐	☐	9.	Is cost-plus-a-percentage-of-cost method of contracting prohibited?
☐	☐	10.	Do contracts contain all required provisions (remedy, termination, and record access clauses, Equal Employment Opportunity [EEO], and Energy Policy and Conservation Act, for any formal bid; Clean Air and Clean Water Acts if bid is over $100,000)?
☐	☐	11.	When handling equally low bids, are acceptable guidelines used to determine the awards (e.g., small business, labor-surplus area, drawing by lot)?
☐	☐	12.	Are all bids received documented, and is such documentation maintained by the school district with other school food service program records for three years after the end of the fiscal year to which they pertain?

YES	NO	IV.	PROCUREMENT MANAGEMENT
☐	☐	1.	Are invoice prices the same as the bid prices?
☐	☐	2.	Are the products delivered the same as those listed on the bid?
☐	☐	3.	Are the quantities ordered consistent with the quantities estimated in the bid?
☐	☐	4.	Is the school system notified if a substitution has to be made?
☐	☐	5.	Is there a system in place to ensure receipt of rebates?
☐	☐	6.	Are rebates credited appropriately as stated in the RFP/contract?
☐	☐	7.	Do managers adequately document problems with deliveries and/or product acceptability?
☐	☐	8.	Does the SFA have protest procedures to handle any protest a district may receive concerning its procurement procedures?
☐	☐	9.	Are all invoices signed and dated?

NONKICKBACK AFFIDAVIT FORM

STATE OF OKLAHOMA)
) SS
COUNTY OF)

The undersigned (architect, contractor, supplier, or engineer), of lawful age, being first duly sworn, on oath says that this contract (purchase order) is true and correct. Affiant further states that the (work, services, or materials) will be (completed or supplied) in accordance with the plans, specifications, orders, or requests furnished the affiant. Affiant further states that he or she has made no payment, directly or indirectly, to any elected official, officer, or employee of the SFA or technology center SFA, of money or any other thing of value to obtain or procure the contract or purchase order.

_____
(Contractor, Supplier, Engineer, or Architect)

_____
Vendor/Company Name

Attested to before me this_____ day of _____ , _____ .

_____
Notary Public (or Clerk or Judge)

My Commission Expires: _____

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INDEPENDENT PRICE DETERMINATION CERTIFICATE

Name of Food Service Management Company

Name of School Food Authority

A. By submission of this offer, the Offerer certifies, and in the case of a joint offer, each party thereto certifies as to his or her own organization, that in connection with this procurement:

1. The prices in this offer have been arrived at independently, without consultation, communication, or agreement for the purpose of restricting competition, as to any matter relating to such prices with any other Offerer or with any competitor.

2. Unless otherwise required by law, the prices which have been quoted in this offer have not been knowingly disclosed by the Offerer and will not knowingly be disclosed by the Offerer prior to opening in the case of an advertised procurement or prior to award in the case of a negotiated procurement, directly or indirectly to any other Offerer for the purpose of restricting competition.

3. No attempt has been made or will be made by the Offerer to induce any person or firm to submit or not to submit an offer for the purpose of restricting competition.

B. Each person signing this offer on behalf of the Offerer certifies that:

1. He or she is the person in the Offerer's organization responsible within the organization for the decision as to the prices being offered herein and has not participated, and will not participate, in any action contrary to A.1 through A.3 above; or

2. He or she is not the person in other Offerer's organization responsible within the organization for the decision as to the prices being offered herein, but that he or she has been authorized in writing to act as agent for the persons responsible for such decision in certifying that such persons have not participated and will not participate in any action contrary to A.1 through A.3 above, and as their agent does hereby so certify; and he or she has not participated, and will not participate, in any action contrary to A.1 through A.3 above.

To the best of my knowledge, this Offerer, its affiliates, subsidiaries, officers, directors, and employees are not currently under investigation by any government agency and have not in the last three years been convicted of or found liable for any act prohibited by state or federal law in any jurisdiction, involving conspiracy or collusion with respect to bidding on any public contract, except as follows:

Signature of Food Service Management Company's Authorized Representative

Title

Date

In accepting this offer, the SFA certifies that no representative of the SFA has taken any action that may have jeopardized the independence of the offer referred to above.

Signature of School Food Authority's Authorized Representative

Title

Date

NOTE: Accepting a bidder's/offerer's offer does not constitute award of the contract.

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CERTIFICATION REGARDING LOBBYING

Applicable to Grants, Subgrants, Cooperative Agreements, and Contracts Exceeding $100,000 in Federal Funds

Submission of this certification is a prerequisite for making or entering into this transaction and is imposed by Section 1352, Title 31, U.S. Code. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No federally appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of a federal contract, the making of a federal grant, the making of a federal loan, the entering into a cooperative agreement, and the extension, continuation, renewal, amendment, or modification of a federal contract, grant, loan, or cooperative agreement.

2. If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, *Disclosure Form to Report Lobbying*, in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all covered subawards exceeding $100,000 in federal funds at all appropriate tiers and that all subrecipients shall certify and disclose accordingly.

_____
Name/Address of Organization

_____
Name/Title of Submitting Official

_____ _____
Signature Date

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STANDARD FORM-LLL

DISCLOSURE OF LOBBYING ACTIVITIES
APPROVED BY OMB
COMPLETE THIS FORM TO DISCLOSE LOBBYING ACTIVITIES PURSUANT TO 31 U.S.C. 1352
(SEE REVERSE FOR PUBLIC DISCLOSURE)

1. **Type of Federal Action:** ☐ a. Contract b. Grant c. Cooperative Agreement d. Loan e. Loan Guarantee f. Loan Insurance	2. **Status of Federal Action:** ☐ a. Bid/Offer/Application b. Initial Award c. Postaward	3. **Report Type:** ☐ a. Initial Filing b. Material Change **For Material Change Only:** Year _____ Quarter _____ Date of Last Report _____
4. **Name and Address of Reporting Entity:** ☐ Prime ☐ Subawardee Tier _____ , if known: Congressional District, if known:	5. **If Reporting Entity in No. 4 Is Subawardee, Enter Name and Address of Prime:** Congressional District, if known:	
6. **Federal Department/Agency:**	7. **Federal Program Name/Description:** CFDA Number, if applicable: _____	
8. **Federal Action Number:** *(if known)*	9. **Award Amount:** *(if known)* $ _____	
10. a. **Name and Address of Lobbying Entity:** *(if individual, last name, first name, MI)*	b. **Individual Performing Services:** *(including address if different from No. 10a) (last name, first name, MI)*	
11. **Amount of Payment:** *(check all that apply)* $ _____ Actual ☐ Planned ☐	13. **Type of Payment:** *(check all that apply)* ☐ a. Retainer ☐ b. One-Time Fee ☐ c. Commission ☐ d. Contingency Fee ☐ e. Deferred ☐ f. Other: *(specify)* _____	
12. **Form of Payment:** *(check all that apply)* a. Cash Nature _____ b. In-kind (specify) Value _____		
14. **Brief Description** of services performed or to be performed and date(s) of service, including officer(s), employee(s), or member(s) contracted for payment indicated in Item 11: (Attach Continuation Sheets if necessary)		
15. **Continuation Sheets Attached:** Yes ☐ No ☐		
16. Information requested through this form is authorized by Title 31 U.S.C. §1352. This disclosure of lobbying activities is a material representation of fact upon which evidence was placed by the above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. §1352. This information will be reported to the Congress semiannually and will be available for public inspection. Any person who fails to file the required disclosures shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone Number: _____ Date: _____	
Federal Use Only:	Authorized for Local Reproduction	

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime federal recipient, at the initiation or receipt of a covered federal action or a material change to a previous filing, pursuant to Title 31 U.S.C. §1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered federal action. Use a Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget (OMB) for additional information.

1. Identify the type of covered federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered federal action.

2. Identify the status of the covered federal action.

3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered federal action.

4. Enter the full name, address, city, state, and zip code of the reporting entity. Include Congressional district, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee; e.g., the first subawardee of the prime is the first tier. Subawards include, but are not limited to, subcontracts, subgrants, and contract awards under grants.

5. If the organization filing the report in Item 4 checks *Subawardee*, then enter the full name, address, city, state, and zip code of the prime federal recipient. Include Congressional District, if known.

6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example: Department of Transportation, United States Coast Guard.

7. Enter the federal program name or description for the covered federal action (Item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate federal identifying number available for the federal action identified in Item 1; e.g., Request for Proposal (RFP) number; Invitation to Bid (ITB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the federal agency. Include prefixes; e.g., *RFP-DE-90-001*.

9. For a covered federal action where there has been an award or loan commitment by the federal agency, enter the federal amount of the award/loan commitment for the prime entity identified in Item 4 or Item 5.

10. a. Enter the full name, address, city, state, and zip code of the lobbying entity engaged by the reporting entity identified in Item 4 to influence the covered federal action.

    b. Enter the full name of the individual performing services, and include full address if different from 10a. Enter last name, first name, and middle initial (MI).

11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (Item 4) to the lobbying entity (Item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

12. Check the appropriate item. Check all items that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.

13. Check the appropriate box. Check all boxes that apply. If *Other*, specify nature.

14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the dates of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with federal officials. Identify the federal officials or employees contacted or the officers, employees, or Members of Congress that were contacted.

15. Check whether Continuation Sheets are attached.

16. The certifying official shall sign and date the form, print his or her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

CERTIFICATION REGARDING DEBARMENT/SUSPENSION

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY, AND VOLUNTARY EXCLUSION—LOWER-TIER COVERED TRANSACTIONS

This certification is required by the regulations implementing Executive Order 12549 and 12689, Debarment and Suspension, Title 7 CFR, §3017, Subpart C, Responsibilities of Participants Regarding Transactions. The regulations were published as Part IV of the January 30, 1989, ***Federal Register*** (pages 4722-4733) and Part II of the November 26, 2003, ***Federal Register*** (pages 66533-66646). Copies of the regulations may be obtained by contacting the United States Department of Agriculture (USDA).

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE.)

1. The prospective lower-tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

2. Where the prospective lower-tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Organization/Vendor Name

Name(s) and Title(s) of Authorized Representative(s)

Name of Institution/SFA Official

Title of Official

Signature

Date

INSTRUCTIONS FOR CERTIFICATION REGARDING DEBARMENT/SUSPENSION

1. By signing and submitting this form, the prospective lower-tier participant is providing the certification set out on the reverse side in accordance with these instructions.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower-tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower-tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower-tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms ***covered transaction, debarred, suspended, ineligible, lower-tier covered transaction, participant, person, primary covered transaction, principal, proposal***, and ***voluntarily excluded***, as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower-tier participant agrees by submitting this form that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower-tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which the transaction originated.

6. The prospective lower-tier participant further agrees by submitting this form that it will include this clause titled ***Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower-Tier Covered Transactions***, without modification, in all lower-tier covered transactions and in all solicitations for lower-tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower-tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith that certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower-tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

EXAMPLE
PROTEST PROCEDURES

A. Any actual or prospective bidder, offeror, or contractor who considers himself to have been aggrieved in connection with the solicitation, evaluation, or award of a contract by _____ (School District) may formally protest to the _____ (Responsible Person) of _____ (School District). Such protests must be made in writing and received by the _____ (Responsible Person) of _____ (School District). The protesting party must mail or deliver copies of the protest to the _____ (School District), the State Agency, and other interested parties.

B. In the event of a timely protest, the _____ (School District) shall not proceed further with the solicitation or award of the contract.

C. A formal protest must be sworn and contain:

1. A specific identification of the statutory or regulatory provision that the protesting party alleges has been violated.

2. A specific description of each action by _____ (School District) that the protesting party alleges to be a violation of the statutory or regulatory provision that the protesting party has identified.

3. A precise statement of the relevant facts.

4. A statement of any issues of law or fact that the protesting party contends must be resolved.

5. A statement of the argument and authorities that the protesting party offers in support of the protest.

6. A statement that copies of the protest have been mailed or delivered to the State Agency and all other identifiable interested parties.

D. The _____ (School District) may settle and resolve the dispute over the solicitation or award of a contract at any time before the matter is submitted on appeal. The _____ (School District) may solicit written responses to the protest from other interested parties.

E. If the protest is not resolved by mutual agreement, the _____ (School District) shall issue a written determination that resolves the protest.

1. If the _____ (School District) determines that no violation of statutory or regulatory provisions has occurred, then the _____ (School District) shall inform the protesting party, the State Agency, and other interested parties by letter that sets forth the reasons for the determination.

2. If the _____ (School District) determines that a violation of any statutory or regulatory provisions has occurred in a situation in which a contract has not been awarded, then the _____ (School District) shall inform the protesting party, the State Agency, and other interested parties of that determination by letter that details the reasons for the determination and the appropriate remedy.

3. If the _____ (School District) determines that a violation of any statutory or regulatory provisions has occurred in a situation in which a contract has been awarded, then the _____ (School District) shall inform the protesting party, the State Agency, and other interested parties of that determination by letter that details the reasons for the determination. This letter may include an order that declares the contract void.

F. The _____ (School District) shall maintain all documentation on the purchasing process that is the subject of a protest or appeal in accordance with the retention schedule of _____ (School District).

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FOOD SERVICE MANAGEMENT COMPANY (FSMC)

An SFA may contract with an FSMC to manage its feeding operation. However, contracting with an FSMC ***does not*** relieve the site's accountability for the operation of the CNP under its administration. Under no circumstances shall the FSMC write the actual contract RFP or ITB or set up the evaluation criteria for the bid award. (Reference USDA Regulation §210.16, §3016.36[b], and USDA Policy Memo 2006-SNP-09)

A. FSMC versus Consultant or Vendor

USDA Regulation 7 CFR §210.2 defines an ***FSMC*** for the NSLP as a commercial enterprise or nonprofit organization that is or may be contracted with to ***MANAGE*** (emphasis added) the school food service day-to-day operations. FNS states that "An individual or organization that performs specific, discreet services for an SFA that fall short of managing the program would be a consultant (or vendor)." A consultant will always perform a district function or functions for the SFA, but will not manage the day-to-day operations.

B. RFP/ITB

1. An SFA desiring to contract its food service ***MUST*** contact the State Agency at 405-521-3327 to obtain a copy of the Oklahoma prototype RFP/ITB/Contract. The Oklahoma prototype ***MUST*** be used. The prototype RFP/ITB/Contract must be submitted for approval once it is completed. It is suggested that this be done at least 60 days prior to advertising the bid so that necessary changes can be made. Once the State Agency has approved the completed RFP/ITB/Contract prototype, it will be mailed back to the SFA so the bidding process may begin.

2. SFAs are to develop detailed specifications for each food component to be included in its RFP/ITB/Contract. Specifications shall cover items such as grade, purchase units, style, condition, weight, ingredients, formulations, and delivery time.

3. Soliciting/advertising the bid:

   a. Time allowed—Once the RFP is approved by the state, it is suggested that at least 60 days be allowed from the time bids/proposals are solicited to the time that they are due.

   b. Advertising methods—Bids/proposals must be solicited directly from an adequate number of qualified FSMCs and must be publicized in order to provide for maximum open and free competition. To accomplish this, copies of the complete RFP should be mailed to prospective offerors. A list of these companies begins on **page P-62**.

   Any amendments or changes to the RFP as well as any questions and answers resulting from written offeror inquiries or from a prebid/preproposal meeting must be approved by the State Agency and be submitted to all prospective offerors. No information regarding the RFP should be considered official or binding on the SFA until and unless it is provided in writing and has had prior approval by the State Agency.

   Publicizing of the RFP should be done by advertising in major newspapers/trade journals that are normally used by the SFA for publicizing other procurements. It is not necessary that the entire RFP be publicized. At a minimum, however, the advertisement should include:

   - The RFP number and date.
   - A brief description of what is being proposed for procurement.
   - Instructions for obtaining a copy of the RFP.

c. Prebid/preproposal meeting—It is recommended that the SFA conduct a prebid/preproposal meeting. It should be held approximately two weeks after the RFP is issued, but prior to the date bids/offers are due. There are two important reasons for holding a prebid/preproposal meeting:

- **Provide information**—To provide information concerning contract performance requirements that may be helpful in the preparation of bids/proposals.
- **Answer questions**—To answer any questions prospective offerors may have regarding the solicitation.

4. Bid/Proposal Openings and Evaluations

It is imperative that bid/proposal openings and evaluations be conducted fairly. Inconsistent actions by the individuals responsible for this component of the FSMC procurement can result in bid protests or legal action.

a. Proposal evaluation plan—Proposals should be thoroughly reviewed and subjected to an impartial evaluation. An evaluation plan should be prepared prior to the receipt of any proposals. Among the items that would be included in that plan are:

- **Information on evaluation team**—The size of the evaluation team, the expertise needed on the evaluation team, and the names of the team members.
- **Scoring system**—The scoring system that will be used to evaluate the proposals. This would include the standards to be applied, the relative ranking of each standard, and how the score will be calculated; i.e., the sum of the individual team scores or an average of the total team score.
- **Ancillary materials**—Development of scoring sheets, composite scoring forms, and any other forms or letters that may be needed. The scoring sheets should contain the evaluation criteria, standards to be applied, scoring columns, and room for comments.

The individuals who will be evaluating the proposals should have sufficient knowledge of the goals of the SFA, experience in school food service or congregate feeding, financial management experience (of food service, if possible), and experience in evaluating proposals. It is recommended that the SFA invite the State Agency to attend the evaluation of the proposals.

b. Proposal opening and evaluation—Proposals should not be opened or reviewed until after the due date established in the RFP. The person responsible for receiving the proposals must safeguard them in order to prevent unauthorized disclosures.

On the date established for opening and evaluating the proposals, each member of the evaluation team should score each proposal independently. If the RFP allows alternative proposals, care must be taken to ensure the offeror's alternatives address the basic guidelines established in the RFP. Proposals should not be compared to one another. Proposals that fail to address all requirements are unresponsive and cannot receive further consideration. Therefore, the team members should be instructed to use a pass-or-fail basis for eliminating unresponsive proposals and then use the preestablished scoring system for evaluating the responsive proposals.

If oral presentations are a component of the RFP, great care must be taken to ensure the presentation is scored only for its content. Presentations must be ranked against measurable standards. The team members should be instructed to evaluate the substance of the presentation. Offerors must not be allowed to alter or amend their proposals through the presentation process.

Proposals must be evaluated using the weighted criteria stated in the RFP. Negotiations are conducted with offerors whose proposals receive evaluation scores that exceed a numerical value (i.e., cut-off score) established in advance by the evaluation panel. This ***cut-off*** score is determined prior to opening any of the proposals. After the evaluations have been completed and all proposals are ranked, those proposals that meet or exceed the preestablished cut-off score are forwarded to the individual or team responsible for negotiating with the offerors. As with IFB bid openings, the name of each offeror and the evaluation score must be recorded. Offerors not selected for further negotiation should be notified in writing.

Contract negotiations must be conducted in a fair and equitable manner. As with all aspects of procurement, the negotiators must be well prepared. The individuals evaluating the proposals should not be the same individuals who conduct negotiations with offerors whose proposals receive scores above the prescribed cut-off. The negotiators should inform all offerors of the terms and conditions of the negotiation, including which elements will not be negotiable and which elements can be negotiated. If at all possible, the negotiators should be experienced in school food service operations, school finance, and contract negotiations.

It is expected that the negotiation process will result in the selection of the successful offeror. However, if after negotiations, two or more offerors are still under consideration, the SFA must make a final selection using an unbiased method; e.g., the bidders are asked to submit a best and final price. The offerors should be informed of the situation and the method the SFA will use to select the successful offeror. The award should be made to the responsible offeror whose proposal is most advantageous to the SFA, price and other factors considered.

The SFA should provide written notification to the successful offeror which clearly states that, while the offeror has been successful, the proposed contract is subject to review to the State Agency. This notice should also inform the successful offeror that if nonsubstantive changes are needed as a result of the State Agency review, an opportunity will be provided to amend the proposal.

If board approval of the contract is required, this requirement should also be included in the letter to the successful offeror. Unsuccessful offerors should be notified promptly.

c. Analysis of price—The contract documents should clearly indicate factors to be considered in determining the price.

(1) Prompt payment discounts: Prompt payment discounts may only be included in the price determination when prior experience of the SFA indicates that such discounts are generally taken.

(2) Volume discounts: Volume discounts can only be considered if there is a reasonable expectation that the SFA will be able to use the discounts.

(3) Financial incentives: Financial incentives that do not accrue to the nonprofit school food service account cannot be used to determine the price submitted.

(4) Other benefits: Goods, services, or other benefits that do not accrue to the nonprofit school food service account cannot be used to determine the price submitted.

(5) Total cost: The total cost of the bid/proposal for the breakfast, lunch, à la carte meal service, and any other CNP meal service such as SFSP or the CACFP that is operated by the SFA and included in the bid/proposal request, must be used in determining the lowest offeror.

C. Securing a Contract

1. The SFA shall adhere to the procurement standards specified in USDA regulations when contracting with the FSMC.

2. It is recommended that a provision be included in the RFP/ITB and the contract stating that any silence, absence, or omission from the contract specifications concerning any point shall be regarded as meaning that only the best commercial practices are to prevail and that only materials (food, supplies, etc.) and workmanship of a quality that would normally be specified by the SFA are to be used.

3. SFAs shall ensure that any RFP/ITB indicates that nonperformance subjects the FSMC to specified sanctions in instances where the FSMC violates or breaches contract terms. The SFA shall indicate these sanctions in accordance with the procurement provisions.

D. The following required provisions are included in the Oklahoma RFP/ITB/Contract prototype:

1. The State Agency shall annually review each contract, including all amendments, between any SFA and FSMC to ensure compliance with all the provisions and standards set forth in applicable regulations. The Oklahoma prototype contract ***MUST*** be used. Contact the State Agency at 405-521-3327 to obtain a copy.

2. If an à la carte food service is operated, the FSMC agrees to offer free, reduced-price, and full-price reimbursable lunches and/or breakfasts and snacks, if applicable, to all eligible children.

3. The SFA shall ensure that the food service operation is in conformance with its agreement under the program.

4. The SFA shall monitor the food service operation through periodic on-site visits. This cannot be done by the FSMC if the FSMC is in charge of the meal-counting and -claiming system. (Reference 7 CFR §210.8[a][1] and FSMC Guidance, page 7-2)

5. The SFA shall retain control of the quality, extent, and general nature of its food service and all prices to be charged for meals (contract prices, student prices, and adult prices for ***ALL*** meals).

6. The SFA shall retain signature authority on the State Agency–SFA Agreement, Policy Statement for Free and Reduced-Price Meals, and claims. Approval of Applications for Free and Reduced-Price School Meals ***may not*** be delegated to an FSMC. The SFA must also be responsible for the overall verification process. However, when an automated system is being used for the reviewing of Applications for Free and Reduced-Price School Meals, there is no problem with allowing the FSMC staff to input data. The FSMC staff may also update rosters for approved free and reduced-price eligible students and disseminate this information to cafeteria managers or cashiers. An FSMC employee can manually grant temporary approval as long as the final determination as to temporary eligibility is made by the SFA staff. The FSMC staff may be involved in any of the staff work involved in follow-up contacts. Any correspondence would need to be signed by SFA staff.

7. The SFA shall retain title to all USDA Foods.

8. The SFA shall ensure that all federal USDA Foods received and made available to the FSMC accrue only to the benefit of the SFA's nonprofit CNP and are fully utilized therein. All refunds from processors must be retained by the SFA. The FSMC may not subcontract for further processing of USDA Foods.

9. For Cost Plus Fee Contracts: Allowable costs paid from the nonprofit school food service account must be net of all discounts, rebates, and applicable credits. (Reference Section 12[n] of the NSLA and §210.21[d])

   a. Allowable costs will be paid from the nonprofit school food service account to the contractor net of all discounts, rebates, and other applicable credits accruing to or received by the contractor or any assignee under the contract, to the extent those credits are allocable to the allowable portion of the costs billed to the SFA.

   b. The contractor must separately identify for each cost submitted for payment to the SFA the amount of that cost that is allowable (can be paid from the nonprofit school food service account) and the amount that is unallowable (cannot be paid from the nonprofit school food service account).

   OR

   The contractor must exclude all unallowable costs from its billing documents and certify that only allowable costs are submitted for payment and records have been established that maintain the visibility of unallowable costs, including directly associated costs in a manner suitable for contract cost determination and verification.

   c. The contractor's determination of its allowable costs must be made in compliance with the applicable USDA and program regulations and OMB cost circulars.

   d. The contractor must identify the amount of each discount, rebate, and other applicable credit on bills and invoices presented to the SFA for payment and identify the amount as a discount, rebate, or in the case of other applicable credits, the nature of the credit. If approved by the State Agency, the SFA may permit the contractor to report this information on a less frequent basis than monthly, but no less frequently than annually.

   e. The contractor must identify the method by which it will report discounts, rebates, and other applicable credits allocable to the contract that are not reported prior to conclusion of the contract.

   f. The contractor must maintain documentation of costs and discounts, rebates, and other applicable credits and must furnish such documentation upon request to the SFA, the State Agency, or USDA.

   Prohibited Expenditures. *No expenditures may be made from the nonprofit school food service account for any cost resulting from a cost reimbursable contract that fails to include these requirements, nor may any expenditure be made from the nonprofit school food service account that permits or results in the contractor receiving payments in excess of the contractor's actual, net allowable costs.*

10. The SFA shall maintain applicable health certification and assure that all state and local regulations are being met by an FSMC preparing or serving meals at an SFA facility.

11. The SFA shall establish an advisory board composed of parents, teachers, and students to assist in menu planning.

12. The FSMC shall adhere to the 21–day cycle menu that was included in the RFP/ITB for the first 21 days of meal service. Changes thereafter may be made with the approval of the SFA.

13. The FSMC shall maintain such records as the SFA will need to support its claim for reimbursement under this part and shall, at a minimum, report claim information to the SFA promptly at the end of each month. Such records shall be made available to the SFA upon request and shall be retained in accordance with federal and state regulations. Federal regulations require records to be maintained for a period of at least three years after the submission of the final claim for reimbursement for the fiscal year or longer as required to resolve audit issues. (Reference 7 CFR §210.23[c]) All negotiated contracts, except those awarded by Small Purchase Procedures, shall include a provision to the effect that the grantee, federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audits, examination excerpts, and transcriptions.

14. The FSMC shall have state or local health certification for any facility outside the school in which it proposes to prepare meals, and the FSMC shall maintain this health certification for the duration of the contract. The FSMC must meet all applicable state and local health regulations in preparing and serving meals at the SFA facility.

15. The contract between the SFA and the FSMC shall be of a duration no longer than one year, and options for the yearly renewal of a contract may not exceed four additional one-year extensions.

16. Either party may cancel for cause with 60-day notification.

17. A provision must allow the USDA Foods (commodity) distribution agency access to the contract to ensure compliance with the requirements of 7 CFR §250. The contract should include a provision that the FSMC shall maintain accurate and complete records with respect to the receipt, use or disposition, storage, and inventory of USDA Foods. Failure by the FSMC to maintain records required under the contract shall be considered prima facie evidence of improper distribution or loss of USDA Foods. The contract should also include the statement that title to USDA Foods will remain with the SFA.

    a. The FSMC must credit the SFA for the value of all USDA Foods received for use in the SFA's meal service in the school year or fiscal year (including both entitlement and bonus foods). Such requirement includes crediting for the value of USDA Foods contained in processed end products if the FSMC's contract requires it to:

        (1) Procure processed end products on behalf of the SFA.

        (2) Act as an intermediary in passing USDA Foods value in processed end products on to the SFA.

        The FSMC will ensure compliance with the requirements in Subpart C of 7 CFR Part 250 and with the provisions of DHS or SFA processing agreements and will ensure crediting of the SFA for the value of USDA Foods contained in such end products at the processing agreement value.

    b. The SFA may permit crediting for the value of USDA Foods through invoice reductions, refunds, discounts, or other means. However, all forms of crediting must provide clear documentation of the value received from USDA Foods; e.g., by separate line item entries on invoices.

(1) For a fixed-price contract, the SFA may permit an FSMC to precredit for USDA Foods. In precrediting, a deduction for the value of USDA Foods is included in the established fixed price per meal. However, the SFA must ensure that the FSMC provides an additional credit for any USDA Foods not accounted for in the fixed price per meal; e.g., for USDA Foods that are not made available until later in the year.

(2) For a cost-reimbursable contract, crediting may be performed by disclosure; i.e., the FSMC credits the SFA for the value of USDA Foods by disclosing, in its billing for food costs submitted to the SFA, the savings resulting from the receipt of USDA Foods for the billing period.

In both types of contracts, the SFA must require crediting to be performed not less frequently than annually and must ensure that the specified method of valuation of USDA Foods permits crediting to be achieved in the required time period. The SFA must also ensure that the method, and timing, of crediting does not cause its cash resources to exceed the limits established in 7 CFR 210.9(b)(2).

c. The SFA must ensure that, in crediting it for the value of USDA Foods, the FSMC uses the USDA Foods values determined by DHS in accordance with §250.58(e)—The USDA commodity file cost as of a date specified by DHS. Negotiation of such values is not permitted. Additionally, the method of valuation must ensure that crediting may be achieved in accordance with Item b on the previous page and at the specific frequency established.

d. The FSMC must use all donated ground beef, donated ground pork, and all processed end products in the SFA's food service and must use all other USDA Foods, or commercially purchased foods of the same generic identity, of United States origin and of equal or better quality than USDA Foods in the SFA's food service (unless the contract specifically stipulates that USDA Foods, and not such commercial substitutes, be used).

e. The FSMC will not itself enter into the processing agreement with the processor required in Subpart C of 7 CFR Part 250.50.

f. The FSMC will comply with the storage and inventory requirements for USDA Foods.

g. DHS, a subdistributing agency, or the SFA, the Comptroller General, USDA, or their duly authorized representatives may perform on-site reviews of the FSMC's food service operation, including the review of records, to ensure compliance with requirements for the management and use of USDA Foods.

h. The FSMC will maintain records to document its compliance with requirements relating to USDA Foods in accordance with §250.54(b) as follows:

(1) The SFA must maintain the following records relating to the use of USDA Foods in its contract with the FSMC:

(a) USDA Foods and processed end products received and provided to the FSMC for use in the SFA's food service.

(b) Documentation that the FSMC has credited it for the value of all USDA Foods received for use in the SFA's food service in the school or fiscal year, including, in accordance with the requirements in §250.51(a), the value of USDA Foods contained in processed end products.

(c) The actual USDA Foods values used in crediting.

(2) The FSMC must maintain the following records relating to the use of USDA Foods in its contract with the SFA:

(a) USDA Foods and processed end products received from, or on behalf of, the SFA for use in the SFA's food service.

(b) Documentation that it has credited the SFA for the value of all USDA Foods received for use in the SFA's food service in the school or fiscal year, including, in accordance with the requirements in §250.51(a), the value of USDA Foods contained in processed end products.

(c) Documentation of its procurement of processed end products on behalf of the SFA if applicable.

(3) The SFA must ensure that the FSMC is in compliance with the requirements of 7 CFR Part 250 through its monitoring of the food service operation, as required in 7 CFR Parts 210, 225, or 226, as applicable. The SFA must also conduct a reconciliation at least annually (and upon termination of the contract) to ensure that the FSMC has credited it for the value of all USDA Foods received for use in the SFA's food service in the school or fiscal year, including, in accordance with the requirements in §250.51(a), the value of USDA Foods contained in processed end products.

(4) USDA may conduct reviews of FSMC operations, as necessary, to ensure compliance with the requirements of 7 CFR Part 250 with respect to the use and management of USDA Foods.

i. Extensions or renewals of the contract, if applicable, are contingent upon the fulfillment of all contract provisions relating to USDA Foods.

j. For cost-reimbursable contracts only: The FSMC will ensure that its system of inventory management will not result in the SFA being charged for USDA Foods.

18. The contract must contain certification regarding debarment or suspension from participating in federal contracts, grants, or awards. The lobbying certification must also be included.

19. The FSMC and the SFA will comply with all appropriate federal and state labor laws.

20. Contracts, other than small purchases under $100,000, shall contain provisions or conditions that allow for administrative, contractual, or legal remedies in instances where contracts violate or breach contract terms and provide for sanctions and penalties as may be appropriate.

21. All contracts in excess of $10,000 shall contain suitable provisions for termination by the grantee, including the manner by which it will be effected and the basis for settlement. Such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated due to circumstances beyond the control of the contractor. (Reference 7 CFR §3016.36[i])

22. Contracts in excess of $100,000 shall contain a provision requiring compliance with Executive Order 11246, entitled ***Equal Employment Opportunity***, as amended by Executive Order 11375, in Department of Labor regulations (41 CFR §60).

23. Contracts in excess of $100,000 shall contain provisions that require compliance with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act (42 U.S.C. 1857[h]), Section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency (EPA) Regulation (40 CFR §15), which prohibit the use of nonexempt federal contracts, grants, or loans of facilities included on the EPA list of violating facilities. The provision shall require reporting of violations to the grantor agency and to the EPA Assistant Administrator for Enforcement (EN-329).

24. The contract must recognize mandatory standards and policies relating to energy efficiency that are contained in the State Agency conservation plan issued in compliance with the Energy Policy and Conservation Act (Public Law 94-163).

25. The contract must contain a provision regarding liability for the distribution, loss of, or damage to USDA Foods caused by fault or negligence, as well as the right of the SFA to assert claims against other persons to whom USDA Foods are delivered for care, handling, or distribution.

26. If the contract is expected to exceed $2,500, the FSMC must agree to comply with Section 103 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR §5). Under Section 103 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard workday of eight hours and a standard workweek of 40 hours. Work in excess of the standard workday or workweek is permissible provided that the worker is compensated at a rate of not less than one and one-half times the basic rate of pay for all hours worked in excess of eight hours in any calendar day or 40 hours in the workweek.

27. The basis for renewing the contract, including price/fee increase or decrease provisions, if any, must be stated in the contract and the RFP/ITB as appropriate. Price/fee increase or decrease provisions should be based on a measurable index such as the food-away-from-home series of the CPI.

28. The inclusion of a provision requiring compliance with the Civil Rights Act of 1964, as amended, is encouraged. While the responsibility for compliance with the Act is an SFA responsibility, this provision is intended to ensure that the food service operation conducted by the FSMC does not compromise SFA compliance with the Act.

29. It is further recommended that a provision be included regarding compliance with ***Buy American*** provisions for contracts that involve the purchase of food by the FSMC. While compliance with ***Buy American*** provisions is an SFA responsibility, inclusion of this provision in the contract is intended to ensure that the FSMC's operations do not compromise SFA compliance.

30. Meal equivalent rates for conversion of à la carte, milk, and snack bar sales should reflect the cost of the meal plus the value of USDA Foods. In the absence of actual cost data, the meal equivalent rate should be set at the federal free lunch reimbursement rate plus the state reimbursement rates plus the per-meal value of USDA Foods. Any meal equivalent rate less than the cost of meals plus the value of USDA Foods would act as a disincentive to serving reimbursable meals. Likewise, higher management or service fees for meal equivalents than for reimbursable meals will serve as a disincentive to serving reimbursable meals. The meal equivalent rate must be stated in the RFP/ITB and contract.

31. Requirements for excessive liability insurance for non-FSMC-approved vendors are unwarranted and restrict competition. Requirements that the insurance certification survive the termination of the contracts are beyond the scope of the agreement. These requirements could be used to limit open and free competition by serving as a barrier to entry into the public bidding process for smaller and newly created businesses. All procurement transactions must be conducted in a manner that provides maximum open and free competition.

32. Acceleration clauses requiring the payment in full of expenses for amortized equipment or other costs are not allowed in that these would violate the one-year restriction on contracts. States may go beyond this requirement to further restrict cost amortization. Contracts which provide for the payment of interest by the SFA are unallowable.

33. Any provisions that require the CNP account to pay the FSMC for damages for any FSMC employees hired by the district are prohibited due to restrictions on indemnification.

34. It is suggested that any waiver of liability by the SFA of damages by the FSMC to equipment or facilities should contain an exclusion to this waiver for any damages caused due to negligence.

35. There may be no time limitation on notification of the FSMC by the SFA of any meals that do not meet specifications, are unwholesome at the time of delivery, or do not otherwise meet the requirements of the contract. In the event of an audit or a state or federal review, overclaims may be assessed for previous claim periods in which meals do not meet requirements. A time limitation on notification would leave the SFA liable for such overclaims without recourse.

36. Any charges for fringe benefits for employees must be the actual cost of the specific fringe benefits rather than a percentage of salaries. The percentage of salaries is essentially a cost-plus-percentage-of-cost. The FSMC must provide the SFA with documentation of a cost allocation plan for any allocated costs reflecting actual costs and methods of allocation.

37. Lobbying Certification (7 CFR §3018).

38. Suspension and Debarment (7 CFR §3017).

39. Noncollusion (not required, but recommended).

40. Meal equivalency rate.

41. Food specifications.

42. Specific statement of scope of service to be provided, listing the programs to be operated; e.g., NSLP, SBP, Special Milk Program (SMP), After-School Snack Program (ASSP), catering, vending, concession, Child and Adult Care Food Program (CACFP), Summer Food Service Program for Children (SFSP), etc.

43. Basis for fee increase, salary increase, and bonuses.

    The RFP/ITB/Contract must show where competitive proposals are solicited for a specific basis for fee increases, salary increases, or bonuses; or if using a CPI, the RFP/ITB must include the specific CPI, such as Food Away From Home, Price Index of Food Used in Sites and Institutions, All Urban Consumers, etc.; or if another index is used, the RFP/ITB/Contract must specify which index.

44. When an RFP is used, weighted evaluation factors must be developed by the SFA. (Reference 7 CFR §3016)

45. Procurement procedures to be followed.

46. Initial 21-day menu cycle.

47. Duration of contract.

E. Required Additional Provisions

1. SFAs shall prohibit all contracts that permit all income and expenses to accrue to the FSMC and ***cost-plus-a-percentage-of-cost*** and ***cost-plus-a-percentage-of-income*** contracts.

2. Contracts that provide for FSMC guarantees or payments of funds to the SFA General Fund are not allowed.

3. Contracts that provide for indemnification by the SFA of the FSMC or other persons without approval of the grantor or State Agency are not allowed.

4. SFAs should ensure that the FSMC's accounting system is adequate and that adequate cost data is provided.

5. It is recommended that contracts contain estimates of total costs. These estimates should be based in part on the preceding year's operations. This type of estimate is required by Federal Acquisition Regulations; and while these regulations are not legally governing for these contracts, the total cost estimate is a good business practice.

6. While scholarship funds may be administered directly by an FSMC, the transfer of funds to a fund other than the nonprofit SFSA is not in compliance with 7 CFR §3016; OMB Circular A-102; and NSLP regulations, 7 CFR §210.

   Revenues to the nonprofit school food service must be used solely to operate or improve the nonprofit school food service. Scholarships, or any other fund outside the nonprofit SFSA, are not necessary nor reasonable food service expenses and therefore cannot be funded from the SFA nonprofit SFSA.

   FSMC contracts may not contain provisions, or allow noncontractual practices, which provide for payments that do not accrue to the nonprofit SFSA.

F. Prohibited Items

1. No firm, corporation, or individual shall blacklist or require a letter of relinquishment or publish or cause to be published or blacklisted any employee, mechanic, or laborer, discharged from or voluntarily leaving the service of such company, corporation, or individual, with intent and for the purpose of preventing such employee, mechanic, or laborer from engaging in or securing similar or other employment from any other corporation, company, or individual. (Reference State Law §40-172)

2. FSMCs may not require any additional liability coverage, regardless of dollar value, beyond that which the SFA would require under procurements not involving an FSMC. This prohibition would be effective in any situation where the SFA conducts its own procurement or where the FSMC procures products on behalf of the SFA. (Reference FNS Instruction 1998-SP-25)

G. Substantive Changes to Contracts

Substantive changes to an FSMC contract fall under two categories, both of which require rebidding the contract. First, there are those changes that must be initiated as a result of new services being desired by the SFA that are beyond the scope of the original contract. The second category includes those changes, though within the scope of the contract, that substantially change the value, terms, or conditions of the existing contract.

Whenever an SFA identifies a new service to be acquired that is beyond the scope or original intent of the contract, a separate solicitation that allows for full and open competition from all qualified bidders would be needed for the new service desired. (Reference USDA July 14, 2005, Procurement Questions, Q/A Number 4.)

Examples of new services include catering, à la carte sales, vended meals, convenience stores, vending machines, concessions, the SFSP, and the ASSP. If any of these new services are to operate in a facility participating in the NSLP, SBP, or SMP, then the entire contract for school food service would need to be rebid. This is due to the requirement that the FSMC may not contract to provide à la carte food service unless the FSMC undertakes the responsibility of managing the NSLP. If the new service will operate outside a facility participating in the NSLP, SBP, or SMP, then the new service may be bid separately.

Exceptions to the process of conducting a formal competitive procurement are allowable if the original RFP/ITB requested, and the contract provided for, the priced option(s) to implement the added service(s). Also, as an alternative to sending out a separate solicitation, in limited situations noncompetitive proposals as a means of procurement may be allowable. Noncompetitive proposals may be utilized in emergency situations when time does not permit conducting a formal competitive procurement and the current contractor has all the capabilities necessary to perform the new service. When this option is feasible, after negotiating price and terms, the contract would simply be modified to reflect the new services and charges.

The contract would also have to be rebid for those substantive changes within the general scope of the contract. Examples of substantive changes within the scope of the contract may include: changes to the formula for determining meal equivalency, any change in fees or basis for fee increases not reflected in the original RFP/ITB, a major shift in responsibilities for SFA/FSMC staff, a change in the menu-planning option not reflected in the original RFP/ITB, and significant changes in the basis for determining guaranteed returns.

H. For SFAs wanting to contract with an outside company to operate any aspect of food services, the following is a partial list of companies that have been used in the Southwest Region:

ARAMARK Corporation
School Support Services
1199 Beltline Road, Suite 160
Coppell, Texas 75019-4656
Phone: 972-462-6014

Barlow Education Management Services
2801 North Lincoln
Oklahoma City, Oklahoma 73105
Phone: 405-495-1911

Canteen of Central New Mexico, Inc.
4809 Hawkins, NE
Albuquerque, New Mexico 87109-4324
Phone: 505-344-3481

Chartwells K-12 School Dining Services
Attention: Joe Batal, Regional Sales Director
8992 E 24th Pl #102
Denver, Colorado 80238
Phone: 720-879-7727 (Cell)
Fax: 888-598-1239

CNP Management Services
Julie Hill
Phone: 918-855-4187

CNResource
Linda Rider
20 West 1st Street, Suite 107
Mesa, Arizona 85201
Websiteaddress: www.cnresource.com

Correctional Food Service Management
5727 North Black Canyon Highway
Phoenix, Arizona 85015
Phone: 602-249-2926

CSH Consulting
Christanne Smith Harrison, MPH, RD
102 Norcross Circle
Hamilton, New Jersey 08619
E-Mail: csharrison@optonline.net
609-439-2089

Debbie Hulin Consulting, LLC
2300 West Walnut
Tecumseh, Oklahoma 74873
Phone: 405- 598-8102 (Office)
Phone: 405- 476-6344 (Mobile)
Fax: 405- 598-0247
E-mail: debbiehulin@valornet.com

Keith & Associates
Sandra Keith
6212 East 98th Street
Tulsa, Oklahoma 74137
Phone: 918- 298-3917 or 918- 639-5783

Keystone Food Service
Josh Sanders
Josh@keystonefoodservice.com
Phone: 405-762-6354

PriDe Performance Consulting, LLC
Priscilla Lester and Denese Dobbs
P O Box 421848
Houston, Texas 77242
Phone: 713- 270-0134

Prince Food Systems, Inc.
11001 Wilcrest Drive, Suite 200
Houston, Texas 77099
Phone: 800-780-0880
Fax: 281-568-2323
E-mail: information@princefoodsystem.com

Selrico Services, Inc
717 West Ashby Place
San Antonio, Texas 78212
Phone: 210-737-8220
Fax: 210- 737-7994

Signature Services Corp
Attn: Gary R Brown, President
2705 Hawes Avenue
P O Box 35885
Dallas, Texas 75235

Sodexo Services
Chuck Thomas
4334 NW Expressway, Suite 248
Oklahoma City, Oklahoma 73116
Phone: 405- 843-7799
Fax: 405-843-8128

Southwest Foodservice Excellence, LLC
Kimberly Gunn
808 Tangleway Court
Cedar Hill, Texas 75104
Phone: 972- 293-9390 (Office)
Phone: 972- 795-1387 (Mobile)

Summit Food Service Management
105 Verano Loop—Eldorado
Santa Fe, New Mexico 87505
Phone: 505-466-0325

Sunwest Services, Inc
3 Greenwich Office park
Greenwich, Connecticut 06831
Phone: 203- 629-4320

Taher, Inc.
Nancy Seeman
5570 Smetana Drive
Minnetonka, Minnesota 55343-9022

Winbush Nutrition Solutions, Inc.
Cynthia C. Winbush, RD, LD
P O Box 2846
Universal City, Texas 78148
Phone: 210-651-3126
Fax: 210-590-3106
E-mail: cwinbush@idworld.net

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CAFETERIA MANAGERS' TRAINING SECTION

CAFETERIA MANAGERS' TRAINING SECTION
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MEAL PATTERNS

A. Overview

1. Reason for Change

a. School meals impact millions of children every day.

b. Obesity and food insecurity/hunger threaten the health of these children.

Childhood obesity is at an all-time high. At the same time, millions of children are affected by hunger and food insecurity. It is not implying that school meals are the cause of childhood obesity, because children have a variety of access to food outside of the school meal environment. In fact, new research indicates that children and adolescents consume more calories in added sugars ***at home*** rather than away from home for both beverages and foods. These results are consistent with results for total caloric intakes. That is, 65 percent of the total calories that children and adolescents consumed were consumed at home.

c. Changes consistent with the 2010 Dietary Guidelines for Americans and MyPlate messages.

- 2010 Dietary Guidelines

  The Dietary Guidelines for Americans are revised every five years and are based on the latest scientific evidence related to diet and health.

- MyPlate is a picture illustrating messages that help consumers know that the foods they are choosing are consistent with the Dietary Guidelines. MyPlate messages are:

  — Fill 1/2 your plate with fruits and vegetables.

  — Make 1/2 your grains whole.

  — Switch to 1% milk.

  — Cut back on solid fat, added sugar, and salt.

d. Schools are a good place to make healthy food choices accessible to youth.

The new rule offers students greater opportunity to make healthy choices while at school, while also assuring that students who experience hunger or food insecurity have increased access to the healthy foods they need to grow and learn.

B. One Approach

1. Food-Based Menu Planning (Refer to the Comparison Chart of the Previous and New School Meal Requirement on **pages CM-6** and **CM-9** and Implementation Timeline for Final Rule on **page CM-10**.)

a. A ***single food-based menu-planning approach is required*** for school breakfast and lunch.

b. The benefits of using food-based menu planning include:

(1) Simplified management training and monitoring is expected to result in program savings.

(2) Serves as a teaching tool to help children choose a balanced meal.

(3) Ensures students have access to key food groups recommended by the Dietary Guidelines.

(4) Easier for schools to communicate the meal improvements to parents and the community-at-large.

c. ***Lunch***: Schools must begin using food-based menu planning for lunch at the beginning of the 2012-2013 school year. (Refer to Lunch Meal Pattern on **page CM-7**.)

d. ***Breakfast***: Schools are not required to use this approach to plan school breakfasts until the school year 2013-2014. If a school chooses to use the new approach for breakfast in the 2012-2013 school year, it must indicate this intent on the 2012-2013 Child Nutrition Application and Agreement. (Refer to Breakfast Meal Pattern on **page CM-8** that will be required for the 2013-2014 school year.)

2. Identification of the Reimbursable Meal at the Beginning of the Food Service Line (Reference United States Department of Agriclture [USDA] Regulation §210.10[a][2] and §220.8[h] and [j])

a. Schools are required to identify the foods that are part of the reimbursable meal near or at the beginning of the serving line. This seeks to ensure that students understand the components of the reimbursable meal and do not make unintentional purchases of à la carte foods. (Refer to **page CM-11** for a copy of the Identification of a Reimbursable Meal sign.)

b. Schools have discretion as to how to identify the foods that are part of the reimbursable meal. For example, the items in a reimbursable meal might be posted in signage near the beginning of the line.

3. Three Grade Groups Are Required

a. The new requirements include ***new age/grade group classifications***. They are more narrow to provide for the ***age-appropriate nutrition needs*** of students. The rule requires schools to ***use the same age/grade groups for planning both lunch and breakfast meals***.

b. The rule does allow ***some flexibility*** to schools that have different grade configurations. For example, a school site that includes Grades K-8 may use one meal pattern.

c. The ***meal patterns for the K-5 and 6-8 age/grade groups do overlap***; therefore, a single menu can be used to meet the needs of children in Grades K-8. However, the ***dietary specifications for each grade group must also be met***. This will ***require careful planning***. In other words, the meal pattern would include the food quantities that overlap in each of the groups. In addition, the maximum caloric limits cannot be exceeded for the younger students.

In contrast, ***meal patterns do not overlap for Grades 6-8 and 9-12***. For this reason, ***one single menu with the same amounts of food will not work***. Schools that consist of both grade/groups must develop menus accordingly to meet needs of these two separate groups. Most usually, these will ***only include differences in serving sizes rather than different food items***.

d. Additionally, the new meal pattern does not allow for schools with a grade configuration with one grade above or below the grade grouping to follow the predominant grade group requirements (as was previously allowable).

e. The three age/grade groups are:

- Grades K-5
- Grades 6-8
- Grades 9-12

Age/Grade Group Differences		
Grade Level:	**Grade Level:**	**Grade Level:**
K-5 (Ages 5-10)	**6-8 (Ages 11-13)**	**9-12 (Ages 14-18)**
Calorie Ranges	**Calorie Ranges**	**Calorie Ranges**
Breakfast: 350-500	**Breakfast: 400-500**	**Breakfast: 450-600**
Lunch: 550-650	**Lunch: 600-700**	**Lunch: 750-850**

Caloric Overlaps	Caloric Overlaps
B: 400-500	**B: 450-500**
L: 600-650	**L: *NO OVERLAP***

Comparision of Current and New Regulatory Requirements
Under Final Rule
Nutrition Standards in the National School Lunch and School Breakfast Programs
January 2012

National School Lunch Program Meal Pattern		
Food Group	**Current Requirements K-12**	**New Requirements K-12**
Fruits and Vegetables	1/2 - 3/4 cup of fruits and vegetables combined per day	3/4 - 1 cup of vegetables ***plus*** 1/2 - 1 cup of fruits per day ***NOTE: Students are allowed to select 1/2 cup fruit or vegetable under Offer versus Serve (OvS).***
Vegetables	No specifications as to type of vegetable subgroup	Weekly requirement for: • Dark green • Red/orange • Beans/peas (legumes) • Starchy • Other (as defined in 2010 Dietary Guidelines)
Meat/Meat Alternate (M/MA)	1.5 - 2 ounce equivalent (oz eq) (daily minimum)	Daily minimum and weekly ranges: Grades K-5—1 oz eq minimum daily (8-10 oz weekly) Grades 6-8—1 oz eq minimum daily (9-10 oz weekly) Grades 9-12—2 oz eq minimum daily (10-12 oz weekly)
Grains	8 servings per week (minimum of 1 serving per day)	Daily minimum and weekly ranges: Grades K-5—1 oz eq minimum daily (8-9 oz weekly) Grades 6-8—1 oz eq minimum daily (8-10 oz weekly) Grades 9-12—2 oz eq minimum daily (10-12 oz weekly)
Whole Grains	Encouraged	At least half of the grains must be whole grain-rich beginning July 1, 2012. Beginning July 1, 2014, all grains must be whole grain-rich.
Milk	1 cup Variety of fat contents allowed; flavor not restricted	1 cup Must be fat-free (unflavored/ flavored) or 1% lowfat (unflavored).

LUNCH MEAL PATTERN

	Grades K-5	Grades 6-8	Grades 9-12
Meal Pattern	**Amount of Food[b] Per Week (Minimum Per Day)**		
Fruits (cups)[c,d]	2 1/2 (1/2)	2 1/2 (1/2)	5 (1)
Vegetables (cups)[d]	3 3/4 (3/4)	3 3/4 (3/4)	5 (1)
Dark Green	1/2	1/2	1/2
Red/Orange[f]	3/4	3/4	1 1/4
Beans/Peas (Legumes)[f]	1/2	1/2	1/2
Starchy[f]	1/2	1/2	1/2
Other[f,g]	1/2	1/2	3/4
Additional Veg to Reach Total[h]	1	1	1 1/2
Grains (oz eq)[i]	8-9 (1)	8-10 (1)	10-12 (2)
Meat/Meat Alternates (oz eq)	8-10 (1)	9-10 (1)	10-12 (2)
Fluid Milk (cups)[l]	5 (1)	5 (1)	5 (1)
Mini-max calories (kcal)[m,n,o]	550-650	600-700	750-850
Saturated fat (% of total calories)[n,o]	<10	<10	<10
Sodium (mg)[n,p]	≤640	≤710	≤740
Trans fat[n,o]	Nutrition label or manufacturer specifications must indicate zero grams of ***trans*** fat per serving.		

[a] In the School Breakfast Program (SBP), the above age/grade groups are required, beginning July 1, 2013 (SY2013-14). In SY2012-13 only, schools may continue to use the meal pattern for Grades K-12 (see §220.23).

[b] Food items included in each food group and subgroup and amount equivalents. Minimum creditable serving is 1/8 cup.

[c] One quarter-cup of dried fruit counts as 1/2 cup of fruit; 1 cup of leafy greens counts as 1/2 cup of vegetables. No more than half of the fruit or vegetable offerings may be in the form of juice. All juice must be 100 percent full-strength.

[d] For breakfast, vegetables may be substituted for fruits, but the first two cups per week of any such substitution must be from the dark green, red/orange, beans/peas (legumes), or *Other Vegetables* subgroups as defined in §210.10(c)(2)(iii).

[e] The fruit quantity requirement for the SBP (5 cups/week and a minimum of 1 cup/day) is effective July 1, 2014 (SY2014-15).

[f] Larger amounts of these vegetables may be served.

[g] This category consists of *Other Vegetables* as defined in §210.10(c)(2)(iii)(E). For the purposes of the National School Lunch Program (NSLP), *Other Vegetables* requirement may be met with any additional amounts from the dark green, red/orange, and beans/peas (legumes) vegetable subgroups as defined in §210.10(c)(2)(iii).

[h] Any vegetable subgroup may be offered to meet the total weekly vegetable requirement.

i At least half of the grains offered must be whole grain-rich in the NSLP beginning July 1, 2012 (SY2012-13), and in the SBP beginning July 1, 2013 (SY2013-14). All grains must be whole grain-rich in both the NSLP and the SBP beginning July 1, 2014 (SY2014-15).

[j] In the SBP, the grain ranges must be offered beginning July 1, 2013 (SY2013-14).

[k] There is no separate meat/meat alternate component in the SBP. Beginning July 1, 2013 (SY2013-14), schools may substitute 1 oz eq of meat/meat alternate for 1 oz eq of grains after the minimum daily grains requirement is met.

[l] Fluid milk must be lowfat (1 percent milk fat or less, unflavored) or fat-free (unflavored or flavored).

[m] The average daily amount of calories for a 5-day school week must be within the range (at least the minimum and no more than the maximum values).

[n] Discretionary sources of calories (solid fats and added sugars) may be added to the meal pattern if within the specifications for calories, saturated fat, ***TRANS*** fat, and sodium. Foods of minimal nutritional value and fluid milk with fat content greater than 1 percent milk fat are not allowed.

[o] In the SBP, calories and ***TRANS*** fat specifications take effect beginning July 1, 2013 (SY2013-14).

[p] Final sodium specifications are to be reached by SY2022-23 or July 1, 2022. Intermediate sodium specifications are established for SY2014-15 and SY2017-18. See required specifications in §210.10(f)(3) for lunches and §220.8(f)(3) for breakfast.

BREAKFAST MEAL PATTERN
(SY2013-2014)

	Grades K-5[a]	Grades 6-8[a]	Grades 9-12[a]
Meal Pattern	**Amount of Food[b] Per Week (Minimum Per Day)**		
Fruits (cups)[c,d]	5 (1)[c]	5 (1)[c]	5 (1)[c]
Vegetables (cups)[d]	0	0	0
Dark Green	0	0	0
Red/Orange[f]	0	0	0
Beans/Peas (Legumes)[f]	0	0	0
Starchy[f]	0	0	0
Other[f,g]	0	0	0
Additional Veg to Reach Total[h]	0	0	0
Grains (oz eq)[i]	7-10 (1)[j]	8-10 (1)[j]	9-10 (1)[j]
Meat/Meat Alternates (oz eq)	0[k]	0[k]	0[k]
Fluid Milk (cups)[l]	5 (1)	5 (1)	5 (1)
Mini-max calories (kcal)[m,n,o]	350-500	400-550	450-600
Saturated fat (% of total calories)[n,o]	<10	<10	<10
Sodium (mg)[n,p]	≤430	≤470	≤500
Trans fat[n,o]	Nutrition label or manufacturer specifications must indicate zero grams of ***trans*** fat per serving.		

[a] In the School Breakfast Program (SBP), the above age/grade groups are required, beginning July 1, 2013 (SY2013-14). In SY2012-13 only, schools may continue to use the meal pattern for Grades K-12 (see §220.23).

[b] Food items included in each food group and subgroup and amount equivalents. Minimum creditable serving is 1/8 cup.

[c] One quarter-cup of dried fruit counts as 1/2 cup of fruit; 1 cup of leafy greens counts as 1/2 cup of vegetables. No more than half of the fruit or vegetable offerings may be in the form of juice. All juice must be 100 percent full-strength.

[d] For breakfast, vegetables may be substituted for fruits, but the first two cups per week of any such substitution must be from the dark green, red/orange, beans/peas (legumes), or *Other Vegetables* subgroups as defined in §210.10(c)(2)(iii).

[e] The fruit quantity requirement for the SBP (5 cups/week and a minimum of 1 cup/day) is effective July 1, 2014 (SY2014-15).

[f] Larger amounts of these vegetables may be served.

[g] This category consists of *Other Vegetables* as defined in §210.10(c)(2)(iii)(E). For the purposes of the National School Lunch Program (NSLP), *Other Vegetables* requirement may be met with any additional amounts from the dark green, red/orange, and beans/peas (legumes) vegetable subgroups as defined in §210.10(c)(2)(iii).

[h] Any vegetable subgroup may be offered to meet the total weekly vegetable requirement.

i At least half of the grains offered must be whole grain-rich in the NSLP beginning July 1, 2012 (SY2012-13), and in the SBP beginning July 1, 2013 (SY2013-14). All grains must be whole grain-rich in both the NSLP and the SBP beginning July 1, 2014 (SY2014-15).

[j] In the SBP, the grain ranges must be offered beginning July 1, 2013 (SY2013-14).

[k] There is no separate meat/meat alternate component in the SBP. Beginning July 1, 2013 (SY2013-14), schools may substitute 1 oz eq of meat/meat alternate for 1 oz eq of grains after the minimum daily grains requirement is met.

[l] Fluid milk must be lowfat (1 percent milk fat or less, unflavored) or fat-free (unflavored or flavored).

[m] The average daily amount of calories for a 5-day school week must be within the range (at least the minimum and no more than the maximum values).

[n] Discretionary sources of calories (solid fats and added sugars) may be added to the meal pattern if within the specifications for calories, saturated fat, ***TRANS*** fat, and sodium. Foods of minimal nutritional value and fluid milk with fat content greater than 1 percent milk fat are not allowed.

[o] In the SBP, calories and ***TRANS*** fat specifications take effect beginning July 1, 2013 (SY2013-14).

[p] Final sodium specifications are to be reached by SY2022-23 or July 1, 2022. Intermediate sodium specifications are established for SY2014-15 and SY2017-18. See required specifications in §210.10(f)(3) for lunches and §220.8(f)(3) for breakfast.

Comparision of Current and New Regulatory Requirements
Under Final Rule
Nutrition Standards in the National School Lunch and School Breakfast Programs
January 2012

School Breakfast Program Meal Pattern		
Food Group	**Current Requirements K-12**	**New Requirements K-12**
Fruits	1/2 cup per day (vegetable substitution allowed)	1 cup per day (vegetable substitution allowed) ***NOTE: Quantity required SY2014-2015. Students are allowed to select 1/2 cup fruit under Offer versus Serve.***
Grains and Meat/Meat Alternate (M/MA)	2 grains or 2 meat/meat alternates or 1 of each per day	Daily minimum and weekly ranges for grains: Grades K-5—1 oz eq minimum daily (7-10 oz weekly) Grades 6-8—1 oz eq minimum daily (8-10 oz weekly) Grades 9-12—1 oz eq minimum daily (9-10 oz weekly) ***NOTE: Quantity required SY2013-2014. Schools may substitute M/MA for grains after the minimum daily grains requirement is met.***
Whole Grains	Encouraged	At least half of the grains must be whole grain-rich beginning July 1, 2013. Beginning July 1, 2014, all grains must be whole grain-rich.
Milk	1 cup Variety of fat contents allowed; flavor not restricted	1 cup Must be fat-free (unflavored/ flavored) or 1% lowfat (unflavored).

Implementation Timeline for Final Rule
Nutrition Standards in the National School Lunch and School Breakfast Programs

Implementation of most meal requirements in the National School Lunch Program (NSLP) begins by SY2012-2013. In the School Breakfast Program (SBP), the meal requirements (other than milk) will be implemented gradually beginning SY2013-2014.

New Requirements	Implementation School Year for NSLP (L) and SBP (B)						
	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2022/23
Fruits Component							
• Offer fruit daily	L						
• Fruit quantity increase to 5 cups/week (minimum 1 cup/day)			B				
Vegetables Component							
• Offer vegetables subgroups weekly	L						
Grains Component							
• Half of grains must be whole grain-rich	L	B					
• All grains must be whole grain-rich			L,B				
• Offer weekly grains ranges	L	B					
Meat/Meat Alternate Component							
• Offer weekly meat/meat alternate ranges (daily min)	L						
Milk Component							
• Offer only fat-free (unflavored or flavored) and lowfat (unflavored) milk	L,B						
Dietary Specifications (To Be Met on Average Over a Week)							
• Calorie ranges	L	B					
• Saturated fat limit (no change)	L,B						
• Sodium targets * Target 1 * Target 2 * Target 3			L,B			L,B	L,B
• Zero grams of trans fat per portion	L	B					
Menu Planning							
• A single FBMP approach	L	B					
Age-Grade Groups							
• Establish age/grade groups: K-5, 6-8, 9-12	L	B					
Offer versus Serve							
• Reimbursable meals must contain a fruit or vegetable (1/2 cup minimum)	L		B				
Monitoring							
• 3-year Adm Review cycle		L,B					
• Conduct weighted nutrient analysis on 1 week of menus	L	B					

The Full-Value Lunch Meal

Meat, meat alternate or main dish

(Main dishes include a meat and bread/grain)

Vegetables

1 or more of your choice

Fruits

1 or more of your choice

Bread or grain

1 item

Fat-free or low-fat milk

½ pint

Offer versus Serve: THE CHOICE IS YOURS!

You may select all 5 items,

or any 2 + a fruit or vegetable.

4. Five Vegetable Subgroups Are Required

   a. There are five vegetable subgroups that must be ***offered on a weekly*** basis at lunch:

      (1) Dark green

      (2) Red/orange

      (3) Beans/peas (legumes)

      (4) Starchy

      (5) Other

   b. Each one must be offered weekly in the quantity required.

   c. Each one must be available on all lines if school has multiple lines.

      Schools that choose to offer a variety of reimbursable lunches or provide multiple serving lines ***must make all required food components available to all students on every lunch line*** in at least the minimum required amounts.

      Refer to the vegetable subgroup document to identify in which group the various vegetables fall on **page CM-24**.

5. Fruits and Vegetables Are Two Separate Components

   a. Under the new rule, the quantities of fruit and vegetable are separate. Previously, students were offered 1/2 to 3/4 cup of fruit ***and/or*** vegetable. Now, students must be offered 1/2 to 1 cup of fruit ***AND*** 3/4 to 1 cup of vegetable at lunch. The quantities depend upon the grade group.

   b. For the breakfast meal pattern that is required to be used in the 2013-2014 school year, fruit is a required component. ***Vegetables can be substituted*** for the fruit at breakfast, ***but only if the first two cups per week of any such substitution are from the dark green, red/orange, beans/peas (legumes), or the*** **other** ***vegetable subgroup***.

      For example, to substitute potatoes for fruit at breakfast, there must be at least two cups of dark green, red/orange, beans/peas (legumes), or the *other* vegetable subgroup offered at breakfast during the same week.

   c. Offer versus Serve.

      - ***Lunch***—Student must take at least 1/2 cup of fruit or vegetable.

      - ***Breakfast***—Student must take at least 1/2 cup of fruit or vegetable.

      - All other items must be taken in quantity served.

6. Daily Minimum and Weekly Ranges for Meat/Meat Alternate

   a. ***Staying within the weekly ranges*** for each grade group will assist menu planners in not exceeding the caloric limits. In addition, ***using lowfat preparation methods and specifying lowfat and low-sodium commercially prepared meat/meat alternates*** will be helpful in meeting the dietary specifications for fat and sodium.

   b. To help lower the cost and operational concerns of schools regarding the new meal patterns, ***there is no requirement for meat/meat alternate at breakfast.***

7. Whole-Grain Requirement

   a. Previously, there was a daily minimum ***and*** weekly minimum quantity of grains. And while whole grains were encouraged, they were not required.

   b. Under the new requirements, there are both a ***daily and weekly range*** (minimum and maximum quantity). Staying within the range will assist menu planners in staying under the maximum calories for each grade group.

   c. To help ease cost and production concerns, the ***implementation of the whole-grain requirement will be phased in over several years.*** (Refer to **page CM-39** [Updated Grains/Breads Chart].)

8. Desserts

   Schools may count ***no more than two grains-based desserts per week*** toward the grains requirement. Beginning with the 2013-2014 school year, the desserts will need to be whole-grain. As with other parts of the new rule, this ***requirement will help schools stay within the dietary specifications.***

9. Milk

   a. Under the new meal pattern requirements, ***schools may offer only lowfat and fat-free milk. If flavored, the milk must be fat-free.*** This requirement will ***help schools stay within the caloric ranges.***

   b. To encourage children to drink milk, schools must ***offer at least two varieties of milk***. These varieties ***may include lactose-free or lactose-reduced milk*** as long as they are either lowfat or fat-free.

   c. Schools ***must offer at least two varieties*** of milk to students from the following selection:

      - Lowfat, unflavored
      - Fat-free, unflavored or flavored
      - Fat-free or lowfat (lactose-reduced or lactose-free)

   d. The provision for ***milk substitution beverages*** for students with dietary limitations has not changed. (Refer to milk substitution form on **page CM-115**.)

e. Milk substitution beverages can be offered to students with special dietary needs (not disabilities) in place of milk. The request must be in writing and from the parent or authorized medical authority. Substitutions are made on a case-by-case basis. ***Milk substitution beverages are not intended for general consumption.*** The milk substitutes must meet Nutrition Standards for nondairy substitutes, including nine specific nutrients (calcium, protein, vitamin A, vitamin D, magnesium, phosphorus, potassium, riboflavin, and vitamin B_{12}).

f. Water does not substitute for fluid milk. However, in accordance with the Healthy and Hunger-Free Kids Act of 2010, ***water must be available in the food service area for students who wish to drink it***. Schools who have a ***water fountain in the dining area are meeting this requirement***.

C. Components

1. Fruits

Fruits

	Breakfast Meal Pattern			Lunch Meal Pattern		
	Grades K-5	Grades 6-8	Grades 9-12	Grades K-5	Grades 6-8	Grades 9-12
Meal Pattern	Amount of Food Per Week (Minimum Per Day)					
Fruits (cups)	5 (1)	5 (1)	5 (1)	2.5 (0.5)	2.5 (0.5)	5 (1)

a. Fruits/vegetables separated into two components

b. A daily serving at breakfast and lunch

- At breakfast only: Vegetables may be offered in place of fruits

c. May select from fresh, frozen without added sugar, canned in juice/light syrup, or dried fruit options

- No more than half of fruit offerings may be in the form of juice
- 100 percent juice only
- 1/4 cup of dried fruit = 1/2 cup of fruit
- Refer to Food-Buying Guide for crediting

2. Vegetables

Vegetables

	Breakfast Meal Pattern			Lunch Meal Pattern		
	Grades K-5	Grades 6-8	Grades 9-12	Grades K-5	Grades 6-8	Grades 9-12
Meal Pattern	Amount of Food Per Week (Minimum Per Day)					
Vegetables (cups)	0	0	0	3.75 (0.75)	3.75 (0.75)	5 (1)
Dark Green	0	0	0	0.5	0.5	0.5
Red/ Orange	0	0	0	0.75	0.75	1.25
Beans/ Peas (Legumes)	0	0	0	0.5	0.5	0.5
Starchy	0	0	0	0.5	0.5	0.5
Other	0	0	0	0.5	0.5	0.75
Additional Veg to Reach Total	0	0	0		1	1.5

a. A ***daily*** serving at lunch that reflects variety over the week

b. Vegetable subgroup ***weekly*** requirements for:

- Dark Green (e.g., broccoli, collard greens, spinach)
- Red/Orange (e.g., carrots, sweet potatoes, tomatoes)
- Beans/Peas (Legumes) (e.g., kidney beans, lentils, chickpeas)
- Starchy (e.g., corn, green peas, white potatoes)
- Other (e.g., onions, green beans, cucumbers)
- Additional vegetables to meet 5-cup weekly total

c. Variety of preparation methods available:

- Fresh, frozen, canned
- USDA Foods offers a variety of no-salt added or lower-sodium products

d. Changes in crediting of leafy greens

- One cup raw leafy greens equals 1/2 cup of vegetable

e. Foods from the beans/peas (legumes) subgroup may be credited as a vegetable ***OR*** a meat alternate, but not as both.

3. Grains/Breads

Grains/Breads

	Breakfast Meal Pattern			Lunch Meal Pattern		
	Grades K-5	Grades 6-8	Grades 9-12	Grades K-5	Grades 6-8	Grades 9-12
Meal Pattern	Amount of Food Per Week (Minimum Per Day)					
Grains (oz eq)	7-10 (1)	8-10 (1)	9-10 (1)	8-9 (1)	8-10 (1)	10-12 (2)

a. Schools must offer the daily and weekly minimum serving ranges of grains at lunch without exceedng the maximums

- Initially, at least 1/2 of grains offered during the week must be whole grain-rich
- Beginning in SY2014-2015, all grains offered must be whole grain-rich
  - — ***Whole grain-rich*** foods must contain at least 50 percent whole grains

b. Criteria for whole grain-rich foods:

- Meet the serving size requirements in the Grains/Breads Instruction

  AND

- Meet at least ***ONE*** of the following:
  - — Whole grains per serving must be ≥ 8 grams
  - — Product includes Food and Drug Administration's (FDA's) whole-grain health claim on its packaging
  - — Product ingredient listing lists whole grain first

c. Grains-Based Desserts

- Only two creditable grains-based desserts allowed at lunch per school week
- These items are a major source of solid fats and added sugars per DGA 2010

d. Grains: Breakfast ***NOTE: The following breakfast meal pattern is for SY2013-2014.***

- Offer the daily and weekly serving ranges of grains at breakfast
- Phased-in implementation of whole grain-rich
- Schools ***MAY*** substitute meat/meat alternate for grains once daily grains minimum is met
- Formulated grain-fruit products cannot be used to meet grains or fruit components at breakfast
- Formulated grain-fruit products consist of grain-type products that have grain as the primary ingredient and grain-fruit-type products that have fruit as the primary ingredient. They are heavily fortified, high in solid fats and added sugars (e.g., fortified pastries).
- The term ***formulated grain-fruit products*** does ***NOT*** apply to granola bars or fortified cereals.

4. Meats

Meat/Meat Alternate

	Breakfast Meal Pattern			Lunch Meal Pattern		
	Grades K-5	Grades 6-8	Grades 9-12	Grades K-5	Grades 6-8	Grades 9-12
Meal Pattern	Amount of Food Per Week (Minimum Per Day)					
Meat/ Meat Alternate (oz eq)	0	0	0	8-10 (1)	9-10 (1)	10-12 (2)

a. Daily and weekly requirements for lunch only

b. 2 oz eq daily for students in Grades 9-12

c. 1 oz eq daily for younger students

d. A variety of meat/meat alternate are encouraged

e. Tofu and soy yogurt will be allowable as a meat alternate

5. Fluid Milk

Milk

	Breakfast Meal Pattern			Lunch Meal Pattern		
	Grades K-5	Grades 6-8	Grades 9-12	Grades K-5	Grades 6-8	Grades 9-12
Meal Pattern	Amount of Food Per Week (Minimum Per Day)					
Fluid Milk (cups)	5 (1)	5 (1)	5 (1)	5 (1)	5 (1)	5 (1)

a. Allowable milk options include:

- Fat-free (unflavored or flavored)
- Lowfat (unflavored only)
- Fat-free or lowfat (lactose-reduced or lactose-free)

b. Must offer at least two choices

c. Does not alter Nutrition Standards for milk substitutes (e.g., soy beverages)

d. Students ***MAY*** decline milk component under Offer versus Serve.

D. Dietary Specifications—Calories, Saturated Fat, Sodium, and Trans Fat

The dietary specifications were established for each grade group and are meant to be ***met, on average, over the week***. The ***exception*** is ***trans fat***. Food products or ingredients used by the school must contain ***zero grams of trans fat per serving***. ***Small amounts of trans fat are acceptable if they are naturally present in the food item.*** These products include beef and lamb.

1. Calorie Ranges

   a. Minimum and maximum calorie (kcal) levels

      - Average over course of the week

   b. Effective 2012-2013 school year for NSLP

   c. Effective 2013-2014 school year for SBP

GRADES	LUNCH (kcal)	BREAKFAST (kcal)
K-5	550-650	350-500
6-8	600-700	400-550
9-12	750-850	450-600

2. Saturated fat

   a. Limit saturated fat

      - Less than 10 percent of total calories

      - Same as current regulatory standard

   b. No total fat standard

3. Sodium

   a. Intermediate targets can help schools reach final targets

      - Target 1: SY2014-2015

      - Target 2: SY2017-2018

      - Target 3: SY2022-2023

b. The sodium levels in this table ***reflect the targets for the 2014-2015 school year***. There are two other target levels that will be phased in over the next ten years.

Sodium

Daily amount based on the average over a 5-day week			
	K-5 Grades	6-8 Grades	9-12 Grades
Sodium	≤ 1230 mg	≤ 1360 mg	≤ 1420 mg

4. Trans fat

a. New trans fat restriction:

- Begins SY2012-2013 for NSLP
- Begins SY2013-2014 for SBP

b. Food products and ingredients must contain ***no trans fat***. This is defined as less than 0.5 grams per serving. ***Schools will need to review the food product label or manufacturer specifications to determine trans fat content.***

c. This requirement ***does not pertain to the trans fat naturally occurring in animal products such as beef and lamb***. For example, a ground beef pizza may contain more than 0.5 grams trans fat per serving ***if*** the source is the ground beef. If the pizza crust contains trans fat, the pizza would not meet the dietary specification criteria.

d. The only clear way to determine if the product is in compliance with trans fat is for schools to ***request this information from suppliers on how much of the trans fat is naturally occurring versus if any of the other ingredients contain trans fat.***

MENU PLANNING

Consider the following factors when planning menus:

- May utilize menu-planning tool on **pages CM-21** through **CM-23** for each grade group.
- Make sure half of all grains/breads served are whole grain-rich.
- ***Do not*** exceed maximum servings on meat/meat alternate and grains/breads according to grade group.
- No more than two grains-based desserts per week.
- Include all vegetable subgroups over the week. (Refer to subgroup on **page CM-24.**)
- Limit amount of processed food.
- Use USDA recipes.
- Consider condiments (calories, fat, sodium).
- Adapt menus according to grade/group.
- Refer to charts on short and long weeks on **pages CM-25** through **CM-28**.

Menu-PlanningTool— Lunch Menus for Grades K-5

Instructions: Plan 1 week of school meals for Grades K-5 to meet both daily and weekly requirements. Indicate calorie amounts for each planned item that is being served per day. Record total calories in bottom box for each day.

LUNCH	Monday	Tuesday	Wednesday	Thursday	Friday	Weekly Totals
Meat/Meat Alternates: 1 oz/daily, 8-10/week						
Grains/Breads: 1 oz/daily, 8-9/week						
Vegetables: 3/4 cup/daily, 3 3/4 cups/ weekly						
Dark Green Vegetable: 1/2 cup/week						
Red/Orange Vegetable: 3/4 cup/week						
Beans/Peas (Legumes): 1/2 cup/week						
Starchy Vegetable: 1/2 cup/week						
Other Vegetable: 1/2 cup/week						
Fruits: 1/2 cup/daily, 2 1/2 cups/ weekly						
Milk, 2 varieties: 1 cup/daily						
Noncreditable Food Items						
Calories: 550-650 Sodium: $\leq$ 640 mg						

Menu-Planning Tool—Lunch Menus for Grades 6-8

Instructions: Plan 1 week of school meals for Grades 6-8 to meet both daily and weekly requirements. Indicate calorie amounts for each planned item that is being served per day. Record total calories in bottom box for each day.

LUNCH	Monday	Tuesday	Wednesday	Thursday	Friday	Weekly Totals
Meat/Meat Alternates: 1 oz/daily, 9-10/week						
Grains/Breads: 1 oz/daily, 8-10/week						
Vegetables: 3/4 cup/daily, 3 3/4 cups/ weekly						
Dark Green Vegetable: 1/2 cup/week						
Red/Orange Vegetable: 3/4 cup/week						
Beans/Peas (Legumes): 1/2 cup/week						
Starchy Vegetable: 1/2 cup/week						
Other Vegetable: 1/2 cup/week						
Fruits: 1/2 cup/daily, 2 1/2 cups/ weekly						
Milk, 2 varieties: 1 cup/daily						
Noncreditable Food Items						
Calories: 600-700 Sodium: $\leq$ 710 mg						

Menu-Planning Tool—Lunch Menus for Grades 9-12

Instructions: Plan 1 week of school meals for Grades 9-12 to meet both daily and weekly requirements. Indicate calorie amounts for each planned item that is being served per day. Record total calories in bottom box for each day.

LUNCH	Monday	Tuesday	Wednesday	Thursday	Friday	Weekly Totals
Meat/Meat Alternates: 2 oz/daily, 10-12/week						
Grains/Breads: 2 oz/daily, 10-12/week						
Vegetables: 1 cup/daily, 5 cups/weekly						
Dark Green Vegetable: 1/2 cup/week						
Red/Orange Vegetable: 1 1/4 cup/week						
Beans/Peas (Legumes): 1/2 cup/week						
Starchy Vegetable: 3/4 cup/week						
Other Vegetable: 3/4 cup/week						
Fruits: 1 cup/daily, 5 cups/weekly						
Milk, 2 varieties: 1 cup/daily						
Noncreditable Food Items						
Calories: 750-850 Sodium: $\leq$ 740 mg						

Vegetable Subgroups for Child Nutrition Programs

Dark Green Vegetables Grades K-5: 1/2 Cup/Week Grades 6-8: 1/2 Cup/Week Grades 9-12: 1/2 Cup/Week	**Red/Orange Vegetables** Grades K-5: 3/4 Cup/Week Grades 6-8: 3/4 Cup/Week Grades 9-12: 1 1/4 Cups/Week	**Beans/Peas (Legumes)** Grades K-5: 1/2 Cup/Week Grades 6-8: 1/2 Cup/Week Grades 9-12: 1/2 Cup/Week	**Starchy Vegetables** Grades K-5: 1/2 Cup/Week Grades 6-8: 1/2 Cup/Week Grades 9-12: 1/2 Cup/Week	**Other Vegetables** Grades K-5: 1/2 Cup/Week Grades 6-8: 1/2 Cup/Week Grades 9-12: 3/4 Cup/Week
Bok choy Broccoli Collard greens Dark green leafy lettuce Kale Musclun Mustard greens Romaine lettuce Spinach Turnip greens Watercress	Acorn squash Butternut squash Carrots Pumpkin Tomatoes Tomato juice Tomato paste* Tomato puree* Sweet potatoes * Credited based on volume of whole food equivalency. See the USDA Food-Buying Guide for crediting information.	Black beans Kidney beans Lentils Navy beans Pinto beans Soy beans Split peas White beans Black-eyed peas (mature, dry) Garbanzo beans (chickpeas) Refried beans Mature lima beans	Corn Cassava Green bananas Green peas Green lima beans Plantains Taro Water chestnuts White potatoes Black-eyed peas (not dry) Mixed vegetables	All other fresh, frozen, and canned; cooked or raw vegetables, including: Artichokes Asparagus Avocado Bean sprouts Beets Brussels sprouts Cabbage Cauliflower Celery Cucumbers Eggplant Green beans Green peppers Iceberg lettuce Mushrooms Okra Onions Parsnips Turnips Wax beans Yellow squash Zucchini

Any vegetable subgroup may be offered to meet the total weekly vegetable requirement.

Grades K-5: 3/4 cup daily; 3 3/4 cups weekly; Grades 6-8: 3/4 cup daily; 3 3/4 cups weekly; Grades 9-12: 1 cup daily; 5 cups weekly

Short and Long Week Calculations

- *Calculations are rounded to the nearest 0.5 oz eq and 0.25 cup.*
- *Calculations apply to schools who **regularly** operate on a shorter or longer weekly cycle.*
- Since the dietary specifications are based on average daily amounts, these are unaffected by varying week lengths (average over length of week, whether consisting of 3 to 7 days).
- Due to size of weekly vegetable subgroup requirements, the 20 percent adjustment is not practical. Therefore, adjustments are primarily made to the *Additional Vegetable* category only—which in turn allows increased or decreased offering amounts of any of the subgroups to meet this requirement.

Three-Day School Week Meal Component Adjustments

3-Day School Week Breakfast	**Grades K-5** Weekly (Daily)	**Grades 6-8** Weekly (Daily)	**Grades 9-12** Weekly (Daily)
Fruits (cups)	3 (1)	3 (1)	3 (1)
Grains (oz eq)	4-6 (1)	5-6 (1)	5.5-6 (1)
Fluid Milk (cups)	3 (1)	3 (1)	3 (1)

3-Day School Week Lunch	**Grades K-5** Weekly (Daily)	**Grades 6-8** Weekly (Daily)	**Grades 9-12** Weekly (Daily)
Fruits (cups)	1.5 (.05)	1.5 (0.5)	3 (1)
Vegetables (cups)	2.25 (0.75)	2.25 (0.75)	3 (1)
Dark Green	0.5	0.5	0.5
Red/Orange	0.5	0.5	1
Beans/Peas (Legumes)	0.5	0.5	0.5
Starchy	0.5	0.5	0.5
Other	0.25	0.25	0.5
Additional Veg to Reach Total	0	0	0
Grains (oz eq)	5-5.5 (1)	5-6 (1)	6-7 (2)
Meat/Meat Alternates (oz eq)	5-6 (1)	5.5-6 (1)	6-7 (2)
Fluid Milk (cups)	3 (1)	3 (1)	3 (1)

Four-Day School Week Meal Component Adjustments

4-Day School Week Breakfast	**Grades K-5** Weekly (Daily)	**Grades 6-8** Weekly (Daily)	**Grades 9-12** Weekly (Daily)
Fruits (cups)	4 (1)	4 (1)	4 (1)
Grains (oz eq)	5.5-8 (1)	6.5-8 (1)	7-8 (1)
Fluid Milk (cups)	4 (1)	4 (1)	4 (1)

4-Day School Week Lunch	**Grades K-5** Weekly (Daily)	**Grades 6-8** Weekly (Daily)	**Grades 9-12** Weekly (Daily)
Fruits (cups)	2 (.05)	2 (0.5)	4 (1)
Vegetables (cups)	3 (0.75)	3 (0.75)	4 (1)
Dark Green	0.5	0.5	0.5
Red/Orange	0.75	0.75	1.25
Beans/Peas (Legumes)	0.5	0.5	0.5
Starchy	0.5	0.5	0.5
Other	0.5	0.5	0.75
Additional Veg to Reach Total	.25	.25	.5
Grains (oz eq)	6.5-7 (1)	6.5-8 (1)	8-9.5 (2)
Meat/Meat Alternates (oz eq)	6.5-8 (1)	7-8 (1)	8-9.5 (2)
Fluid Milk (cups)	4 (1)	4 (1)	4 (1)

Six-Day School Week Meal Component Adjustments

6-Day School Week Breakfast	**Grades K-5** Weekly (Daily)	**Grades 6-8** Weekly (Daily)	**Grades 9-12** Weekly (Daily)
Fruits (cups)	6 (1)	6 (1)	6 (1)
Grains (oz eq)	8.5-12 (1)	9.5-12 (1)	11-12 (1)
Fluid Milk (cups)	6 (1)	6 (1)	6 (1)

6-Day School Week Lunch	**Grades K-5** Weekly (Daily)	**Grades 6-8** Weekly (Daily)	**Grades 9-12** Weekly (Daily)
Fruits (cups)	3 (.05)	3 (0.5)	6 (1)
Vegetables (cups)	4.5 (0.75)	4.5 (0.75)	6 (1)
Dark Green	0.5	0.5	0.5
Red/Orange	0.75	0.75	1.25
Beans/Peas (Legumes)	0.5	0.5	0.5
Starchy	0.5	0.5	0.5
Other	0.5	0.5	0.75
Additional Veg to Reach Total	1.75	1.75	2.5
Grains (oz eq)	9.5-11 (1)	9.5-12 (1)	12-14.5 (2)
Meat/Meat Alternates (oz eq)	9.5-12 (1)	11-12 (1)	12-14.5 (2)
Fluid Milk (cups)	6 (1)	6 (1)	6 (1)

Seven-Day School Week Meal Component Adjustments

7-Day School Week Breakfast	**Grades K-5** Weekly (Daily)	**Grades 6-8** Weekly (Daily)	**Grades 9-12** Weekly (Daily)
Fruits (cups)	7 (1)	7 (1)	7 (1)
Grains (oz eq)	10-14 (1)	11-14 (1)	12.5-14 (1)
Fluid Milk (cups)	7 (1)	7 (1)	7 (1)

7-Day School Week Lunch	**Grades K-5** Weekly (Daily)	**Grades 6-8** Weekly (Daily)	**Grades 9-12** Weekly (Daily)
Fruits (cups)	3.5 (.05)	3.5 (0.5)	7 (1)
Vegetables (cups)	5.25 (0.75)	5.25 (0.75)	7 (1)
Dark Green	0.5	0.5	0.5
Red/Orange	0.75	0.75	1.25
Beans/Peas (Legumes)	0.5	0.5	0.5
Starchy	0.5	0.5	0.5
Other	0.5	0.5	0.75
Additional Veg to Reach Total	2.5	2.5	3.5
Grains (oz eq)	11-12.5 (1)	11-14 (1)	14-17 (2)
Meat/Meat Alternates (oz eq)	11-14 (1)	12.5-14 (1)	14-17 (2)
Fluid Milk (cups)	7 (1)	7 (1)	7 (1)

Crediting of Food

A. Food-Buying Guide

The USDA Food-Buying Guide provides menu planners with information regarding crediting food items that have a Standard of Identity toward the meal pattern requirements. It will be used to determine how much food to purchase and buy.

1. The Food-Buying Guide can be accessed electronically at the National Food Service Management Institute (NFSMI) Web site or by ordering a hard copy through USDA Team Nutrition Resource Library. It is also available on the Oklahoma State Department of Education (hereinafter known as the ***State Agency***) Web site. There should be a hard copy at ***every site***.

2. Foods are grouped in the Food-Buying Guide in the following sections:

   - Section 1: Meats and Meat Alternates
   - Section 2: Vegetables and Fruits
   - Section 3: Grains/Breads
   - Section 4: Milk
   - Section 5: Other Foods (the foods in this section do not meet any of the requirements for any components in the meal patterns)

3. The Food-Buying Guide is divided into yield tables using a six-column format:

1 **Food As Purchased, AP**	2 **Purchase Unit**	3 **Servings Per Purchase Unit, EP**	4 **Serving Size Per Meal Contribution**	5 **Purchase Units for 100 Servings**	6 **Additional Information**

Column 1—Food As Purchased, AP: Tells you the name of the food item and the form(s) in which it is purchased. Individual foods are arranged in alphabetical order by type of food.

Column 2—Purchase Unit: Tells you the basic unit of purchase for the food. For most foods, the guide lists *Pound* as the purchase unit.

Column 3—Servings Per Purchase Unit, EP (Edible Portion): Shows the number of servings of a given size (found in Column 4) from each purchase unit (found in Column 2). It is based on average yields from good-quality foods prepared in ways that result in a minimum of waste.

Column 4—Serving Size Per Meal Contribution: Describes a serving by weight, measure, or number of pieces or slices. Sometimes both measure and weight are given or the measure and number of pieces or slices.

For foods specified in the meal patterns, the serving size given in this column can be credited toward meeting the meal pattern requirements. For many fruits and vegetables, both pieces and 1/4-cup servings are included.

Column 5—Purchase Units for 100 Servings: Shows the number of purchase units you need for 100 servings. This number was calculated using the purchase unit listed in Column 2 and the serving size (by weight) listed in Column 4. Numbers in Column 5 have been rounded up to help ensure enough food is available for 100 servings.

Column 6—Additional Information: Provides other information to help you calculate the amount of food you need to purchase and/or prepare.

For many food items, this column shows the quantity of ready-to-cook or cooked food you will get from a pound of food as purchased.

The data in the yield tables can help you in a variety of ways as you plan menus, make purchasing decisions, and check to make sure meals will meet CNP requirements.

4. Calculating how much food you need for a given number of servings:

   - Foods are most often purchased in case lots. Keep in mind that the purchase amount may differ from the calculated amount to prepare a menu item.

   - Always ***round up*** when calculating ***how much food to buy***.

   - Always ***round down*** when calculating the ***creditable component*** toward meeting a meal pattern requirement.

5. To calculate how much of any food to purchase, you should begin by asking yourself the following questions:

   - How many servings will I need?

   - Will different serving sizes be used for various age/grade groupings?

   - What is my planned serving size for this food?

   - In what form will I purchase this food?

   - What serving size is listed in Column 4?

   - Is the listed serving size the same as my planned serving size?

   - How many purchase units of the food will I need to buy?

Example 1

You are planning to serve 1/4 cup of raw, unpeeled fresh apples. You will be purchasing fresh, whole apples, case count 125-138. How many pounds of fresh, whole apples will you need to buy?

1. **Estimate the number of servings of the prepared food you will need.**

   You estimate that you will need ***200*** 1/4-cup servings of fresh, unpeeled apple.

2. **Locate the food in the *Food-Buying Guide* in the form you intend to serve.**

Section 2—Vegetables/Fruits

1 Food As Purchased, AP	2 Purchase Unit	3 Servings Per Purchase Unit, EP	4 Serving Size Per Meal Contribution	5 Purchase Units for 100 Servings	6 Additional Information
APPLES					
Apples, fresh *125-138 count Whole*	Pound	14.8	1/4 cup raw, unpeeled fruit (about 1/4 apple)	6.8	1 lb AP = 0.91 lb (3 2/3 cups) ready-to-cook or -serve raw, cored, unpeeled apple

3. **Check the serving size listed in Column 4. Compare this to your planned serving size.**

   Column 4 reads: 1/4 cup raw, unpeeled fruit (about 1/4 apple)

   This is the same as your planned serving size to all students, so no conversion is needed.

4. **Refer to Column 2 to find the purchase unit. Refer to Column 3 for the number of servings you will get per purchase unit.**

   Column 2 reads: Pound

   Column 3 reads: 14.8

5. **Divide the number of servings needed by the number of servings you will get per purchase unit (Column 3).**

   Number of servings needed = 200

   Servings per purchase unit = 14.8

   200 divided by 14.8 = 13.51

6. **Round up to 14.0 pounds to ensure enough food is available.**

   ANSWER: You will need 14.0 pounds of fresh, unpeeled apples for *200* 1/4-cup servings.

Example 2

You are planning to serve ground beef tacos with no more than 20 percent fat to 600 students of different grade levels. How many pounds of ground beef will you need?

1. **Estimate the number of servings and the serving size of the prepared food for each age/grade.**

   You estimate that of the 600 planned servings, 200 will be served 1 1/2 ounces each and 400 will be served 2 ounces each.

2. **Locate the food in the *Food-Buying Guide* in the form you intend to serve.**

Section 2—Meat/Meat Alternates

1 Food As Purchased, AP	2 Purchase Unit	3 Servings Per Purchase Unit, EP	4 Serving Size Per Meal Contribution	5 Purchase Units for 100 Servings	6 Additional Information
Beef, Ground, fresh or frozen[7,8]	Pound	11.8	1 oz cooked lean meat	8.5	1 lb AP = 0.74 lb cooked, drained lean meat
no more than 20% fat includes USDA commodity (Like IMPS #136)	Pound	7.89	1 1/2 oz cooked lean meat	12.7	

3. **Check the serving sizes listed in Column 4. Compare this to your planned serving sizes.**

   Column 4 reads: 1 ounce cooked lean meat ***and*** 1 1/2 ounces cooked lean meat

   Since there is no serving size for 2 ounces of cooked lean meat, ***a conversion is needed***.

4. **Calculate the total ounces of cooked lean meat needed.**

   200 servings X 1.5 ounces = 300 ounces

   400 servings X 2.0 ounces = 800 ounces
   1,100 ounces total cooked lean meat

   You need a total of 1,100 ounces of cooked lean meat. Since this total is in units of 1 ounce, you can now use the serving size of 1 ounce cooked lean meat as found in Column 4.

5. **Refer to Column 2 to find the purchase unit. Refer to Column 3 for the number of servings you will get per purchase unit.**

   Column 2 reads: Pound

   Column 3 reads: 11.8

6. **Divide the total number of ounces needed by the number of servings you will get per purchase unit (Column 3).**

   Number of total ounces needed = 1,100

   Servings per purchase unit = 11.8

   1,100 divided by 11.8 = 93.22

7. **Round up to 94 pounds to ensure enough food is available.**

ANSWER: You will need 94 pounds of raw ground beef for the required serving sizes for 600 people.

NOTE: USDA has not updated the Food-Buying Guide to be reflective of the new meal pattern changes. The following changes must be considered when using the Food-Buying Guide:

- ***Green leafy vegetables include 1-cup quantity credit to a 1/2-cup vegetable credit.***
- ***One-fourth cup of dried fruit counts as 1/2 cup.***

USDA will be updating the Food-Buying Guide in segments. The first task will be to separate the Fruits and Vegetables Section as well as add the vegetable subgroups. USDA recognizes that SFAs will need this information as soon as possible; therefore, USDA will post updated sections as soon as they are available to the FNS Partner Web and public Web site.

B. Grains/Breads

1. During the 2012-2013 school year, one-half of the grains over the week must be whole grain. Whole grains include, but are not limited to, whole-wheat flour, oatmeal, whole cornmeal, and brown rice. The other servings must be made with enriched grains.

2. During SY2012-2013, battered and/or breaded products offered will not need to be counted toward the maximum weekly grains requirement in the meal pattern. Beginning July 1, 2013, all grains, including those that are part of battered and/or breaded products offered must be counted toward the weekly grains requirement.

3. There are three ***different*** ways to identify whole grains. (Refer to the Flow Chart for Determining Whole-Grain Creditability on **page CM-35** for further assistance.)

   a. Whole grains will be listed as the ***first ingredient on the ingredient label***. This indicates that the product is at least 50 percent whole grain.

> INGREDIENTS: WHOLE GRAIN OATS, MODIFIED CORN STARCH, CORN STARCH, SUGAR, SALT, CALCIUM CARBONATE, OAT FIBER, TRIPOTASSIUM PHOSPHATE, WHEAT STARCH, VITAMIN E (MIXED TOCOPHEROLS) ADDED TO PRESERVE FRESHNESS

   b. An ***individual*** grain ***serving*** must provide ***8 grams OR MORE of whole grain*** per serving. For ***purchased*** grains, program operators can ***specify*** that the product label be ***stamped*** with the whole-grain stamp.

   c. Whole-grain servings ***may*** be specified on the CN label.

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CN Each 4.5 oz Chicken Stir-Fry Bowl provides 1.5 oz equivalent meat, 1.0 serving of WGR Grains, 1/4 cup dark green vegetable, 1/4 cup red/orange vegetable, and 1/8 cup other vegetable for Child Nutrition Meal Pattern Requirements. (Use of this logo and statement authorized by the Food and Nutrition Service, USDA 05/12.) CN

CN

4. ***Labels that verify the whole-grain contribution must be maintained to document that the requirement was met.***

   a. ***Grains-based desserts*** can be used for the grains requirement, but must be limited to two per week. Grains-based desserts are usually significant sources of solid fats and added sugars. In addition, ***fortified*** grains products ***cannot*** be used to meet the grains requirement. Reducing these foods will help schools stay within the saturated fat and caloric limits.

   b. Once the bread item is determined to meet the whole-grain requirement, then the food item must meet ***portion size*** requirements. (Refer to the Grains/Breads Chart on **page CM-37** through **CM-40** or the USDA Food-Buying Guide.)

FLOW CHART FOR DETERMINING WHOLE GRAIN CREDITABILITY

Step 1: Is a whole grain listed as the 1st ingredient in the list of ingredients on the package label?

- **Yes** → Product meets whole grain definition. Maintain crediting information to verify contribution
- **No** → Is there a whole grain statement "Diets rich in whole grain foods & other plant foods low in fat, saturated fat, & cholesterol may reduce risk of heart disease and some cancers" or a whole grain stamp on the product, or whole grain stamp indicating ≥ 8 grams whole wheat per serving?

- **Yes** → Product meets whole grain definition. Maintain crediting information to verify contribution
- **No** → Does the CN label or manufacturer's Product Formulation Statement verify the product as whole grain?
  - **Yes** → Product meets whole grain definition. Maintain crediting information to verify contribution
  - **No** → Product does not meet whole grain definition.

Step 2: Determine serving size to meet the meal pattern requirement. Refer to the USDA Food Buying Guide, Exhibit A.

Common Grains

Five common grains—wheat, corn, oats, rice, and rye—are listed below, along with some of the forms in which they may be purchased.

Wheat	Corn	Rice
Whole wheat	Cornmeal	Brown rice
Cracked wheat	Corn tortillas	Wild rice
Wheat berries	Corn tortilla chips	
	Corn tortilla shells	
Oats	Rye	***Other grains:***
Rolled oats	Rye flakes	Amaranth
Oatmeal	Rye flour	Barley
Oat flour		Millet
		Quinoa

4. Grains/Breads Chart

Through the 2012-2013 school year, SFAs and program operators refer to:

- Section 3 Grains/Breads of the Food-Buying Guide for Child Nutrition Programs.

SFAs and program operators will be allowed to use old guidance and credit grains products based on the current 14.75 grams of grains per serving through SY2012-2013. Refer to **page CM-37** for the 2012-2013 Grains/Breads chart using 14.75 grams per serving.

Beginning July 1, 2013, as addressed in Grain Requirements for the National School Lunch Program and School Breakfast Program (USDA Policy Memo SP-30-2012), all whole grain-rich products must be credited based on per-ounce equivalent (oz eq) standards. Refer to **page CM-39** for the 2013-2014 Grains/Breads chart using 16 grams per serving (Exhibit A).

The oz eq for grains may be determined by using either the weights or volumes listed in Exhibit A, or the SFA may require documentation from a manufacturer certifying the grams of creditable grains per portion for determining the oz eq from a given product.

5. Calculating Ounce Equivalents

The contribution of grains in a recipe or product formulation for items listed in Exhibit A, Groups A-G, may be calculated to determine the number of oz eq grains the recipe provides based on 16 grams of grains ingredients per ounce equivalent.

The crediting of a food item as oz eq grains is determined by:

Grams whole-grain meal and/or flour

or

Grams whole-grain *plus* enriched meal and/or flour

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Number of servings the formulation or recipe yields

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16 grams per oz eq standard

2012-2013 SCHOOL YEAR ONLY

GRAINS/BREADS ALTERNATE REQUIREMENTS FOR THE CHILD NUTRITION PROGRAMS[1]

•Serving Size for 6- Through 12-Year-Old Children = 1 serving
•Serving Size for 1- Through 5-Year-Old Children = 1/2 serving
•Serving Size for Adults = 1 serving

GROUP A	MINIMUM SERVING SIZE FOR GROUP A
• Bread-type coating • Breadsticks (hard) • Chow mein noodles • Crackers (saltines and snack crackers) • Croutons • Pretzels (hard) • Stuffing (dry) ***NOTE: Weights apply to bread in stuffing.***	1 serving = 20 gm or 0.7 oz 1/2 serving = 10 gm or 0.4 oz
GROUP B	**MINIMUM SERVING SIZE FOR GROUP B**
• Bagels • Batter-type coating • Biscuits • Breads (white, wheat, whole-wheat, French, Italian) • Buns (hamburger and hot dog) • Crackers (graham crackers—all shapes, animal crackers) • Egg roll skins • English muffins • Pita bread (white, wheat, whole-wheat) • Pizza crust • Pretzels (soft) • Rolls (white, wheat, whole-wheat, potato) • Tortillas (wheat or corn) • Tortilla chips (wheat or corn) • Taco shells	1 serving = 25 gm or 0.9 oz 1/2 serving = 13 gm or 0.5 oz
GROUP C	**MINIMUM SERVING SIZE FOR GROUP C**
• Cookies[2] (plain) • Cornbread • Corn muffins • Croissants • Pancakes • Pie crust (dessert pies[2], fruit turnovers[3], and meat/meat alternate pies) • Waffles	1 serving = 31 gm or 1.1 oz 1/2 serving = 16 gm or 0.6 oz
GROUP D	**MINIMUM SERVING SIZE FOR GROUP D**
• Doughnuts[3] (cake and yeast-raised, unfrosted) • Granola bars[3] (plain) • Muffins (all except corn) • Sweet roll[3] (unfrosted) • Toaster pastry (unfrosted)	1 serving = 50 gm or 1.8 oz 1/2 serving = 25 gm or 0.9 oz

[1] These foods are whole-grain or enriched or made with enriched or whole-grain meal and/or flour, bran, and/or germ. Some of the foods, or their accompaniments, may contain more sugar, salt, and/or fat than others. This should be a consideration when deciding how often to serve them.
[2] Snack only.
[3] Snack and breakfast only.

2012-2013 SCHOOL YEAR ONLY

•Serving Size for 6- Through 12-Year-Old Children = 1 serving
•Serving Size for 1- Through 5-Year-Old Children = 1/2 serving
•Serving Size for Adults = 1 serving

GROUP E	MINIMUM SERVING SIZE FOR GROUP E
• Cookies[2] (with nuts, raisins, chocolate pieces, and/or fruit purees) • Doughnuts[3] (cake and yeast-raised, frosted or glazed) • French toast • Grain fruit bars[3] • Granola bars[3] (with nuts, raisins, chocolate pieces, and/or fruit) • Sweet rolls[3] (frosted) • Toaster pastry[3] (frosted)	1 serving = 63 gm or 2.2 oz 1/2 serving = 31 gm or 1.1 oz
GROUP F	**MINIMUM SERVING SIZE FOR GROUP F**
• Cake[2] (plain, unfrosted) • Coffee cake[3]	1 serving = 75 gm or 2.7 oz 1/2 serving = 38 gm or 1.3 oz
GROUP G	**MINIMUM SERVING SIZE FOR GROUP G**
• Brownies[2] (plain) • Cake[2] (all varieties, frosted)	1 serving = 115 gm or 4.0 oz 1/2 serving = 58 gm or 2.0 oz
GROUP H	**MINIMUM SERVING SIZE FOR GROUP H**
• Barley • Breakfast cereals[5] (cooked) • Bulgur or cracked wheat • Macaroni (all shapes) • Noodles (all varieties) • Pasta (all shapes) • Ravioli (noodle only) • Rice (enriched white or brown)	1 serving = 1/2 cup cooked (or 25 gm dry)
GROUP I	**MINIMUM SERVING SIZE FOR GROUP I**
• Ready-to-eat breakfast cereal[4,5] (cold, dry)	1 serving = 3/4 cup or 1.0 oz, whichever is less

[2] Snack only.
[3] Snack and breakfast only.
[4] Refer to the minimum meal pattern requirements for the appropriate serving size for cereals served to children aged one through five and adult participants in the Child and Adult Care Food Program (CACF). Breakfast cereals are traditionally served as a breakfast menu item, but may be served in meals other than breakfast.
[5] Cereals may be whole-grain, enriched, or fortified.

REQUIRED FOR 2013-2014 SCHOOL YEAR
EXHIBIT A: UPDATED SCHOOL LUNCH AND BREAKFAST WHOLE GRAIN-RICH OUNCE EQUIVALENCY (OZ EQ) REQUIREMENTS FOR SCHOOL MEAL PROGRAMS[1,2]

GROUP A	OZ EQ FOR GROUP A
• Bread-type coating • Breadsticks (hard) • Chow mein noodles • Savory crackers (saltines and snack crackers) • Croutons • Pretzels (hard) • Stuffing (dry) ***NOTE: Weights apply to bread in stuffing.***	1 oz eq = 22 gm or 0.8 oz 3/4 oz eq = 17 gm or 0.6 oz 1/2 oz eq = 11 gm or 0.4 oz 1/4 oz eq = 6 gm or 0.2 oz
GROUP B	**OZ EQ FOR GROUP B**
• Bagels • Batter-type coating • Biscuits • Breads (sliced whole-wheat, French, Italian) • Buns (hamburger and hot dog) • Sweet crackers[4] (graham crackers—all shapes, animal crackers) • Egg roll skins • English muffins • Pita bread (whole-wheat or whole grain-rich) • Pizza crust • Pretzels (soft) • Rolls (whole-wheat or whole grain-rich) • Tortillas (whole-wheat or whole-corn) • Tortilla chips (whole-wheat or whole-corn) • Taco shells (whole-wheat or whole-corn)	1 oz eq = 28 gm or 1.0 oz 3/4 oz eq = 21 gm or 0.75 oz 1/2 oz eq = 14 gm or 0.5 oz 1/4 oz eq = 7 gm or 0.25 oz
GROUP C	**OZ EQ FOR GROUP C**
• Cookies[3] (plain—includes vanilla wafers) • Cornbread • Corn muffins • Croissants • Pancakes • Pie crust (dessert pies[3], cobbler[3], fruit turnovers[4], and meat/meat alternate pies) • Waffles	1 oz eq = 34 gm or 1.2 oz 3/4 oz eq = 26 gm or 0.9 oz 1/2 oz eq = 17 gm or 0.6 oz 1/4 oz eq = 9 gm or 0.3 oz
GROUP D	**OZ EQ FOR GROUP D**
• Doughnuts[4] (cake and yeast-raised, unfrosted) • Cereal bars, breakfast bars, granola bars[4] (plain) • Muffins (all except corn) • Sweet roll[4] (unfrosted) • Toaster pastry (unfrosted)	1 oz eq = 55 gm or 2.0 oz 3/4 oz eq = 42 gm or 1.5 oz 1/2 oz eq = 28 gm or 1.0 oz 1/4 oz eq = 14 gm or 0.5 oz

[1] The following food quantities from Groups A-G must contain at least 16 grams of whole grain or can be made with 8 grams of whole grain and 8 grams of enriched meal and/or enriched flour to be considered whole grain-rich.

[2] Some of the following grains may contain more sugar, salt, and/or fat than others. This should be a consideration when deciding how often to serve them.

[3] Allowed only as dessert at lunch as specified in §210.10.

[4] Allowd for desserts at lunch as specified in §210.10 and for breakfasts served under the SBP.

REQUIRED FOR 2013-2014 SCHOOL YEAR

GROUP E	OZ EQ FOR FOR GROUP E
• Cereal bars, breakfast bars, granola bars[4] (with nuts, dried fruit, and/or chocolate pieces) • Cookies[3] (with nuts, raisins, chocolate pieces, and/or fruit purees) • Doughnuts[4] (cake and yeast-raised, frosted or glazed) • French toast • Sweet rolls[4] (frosted) • Toaster pastry[4] (frosted)	1 oz eq = 692 gm or 2.4 oz 3/4 oz eq = 52 gm or 1.8 oz 1/2 oz eq = 35 gm or 1.2 oz 1/4 oz eq = 18 gm or 0.6 oz
GROUP F	**OZ EQ FOR FOR GROUP F**
• Cake[3] (plain, unfrosted) • Coffee cake[4]	1 oz eq = 82 gm or 2.9 oz 3/4 oz eq = 62 gm or 2.2 oz 1/2 oz eq = 41 gm or 1.5 oz 1/4 oz eq = 21 gm or 0.7 oz
GROUP G	**OZ EQ FOR FOR GROUP G**
• Brownies[3] (plain) • Cake[3] (all varieties, frosted)	1 oz eq = 125 gm or 4.4 oz 3/4 oz eq = 94 gm or 3.3 oz 1/2 oz eq = 63 gm or 2.2 oz 1/4 oz eq = 32 gm or 1.1 oz
GROUP H	**OZ EQ FOR FOR GROUP H**
• Cereal grains (barley, quinoa, etc.) • Breakfast cereals[5,6] (cooked) • Bulgur or cracked wheat • Macaroni (all shapes) • Noodles (all varieties) • Pasta (all shapes) • Ravioli (noodle only) • Rice (enriched white or brown)	1 oz eq = 1/2 cup cooked or 1 oz (28 g) dry
GROUP I	**OZ EQ FOR FOR GROUP I**
• Ready-to-eat breakfast cereal[5,6] (cold, dry)	1 oz eq = 1 cup or 1 oz for flakes and rounds 1 oz eq = 1.25 cups or 1 oz for puffed cereal 1 oz eq = 1/4 cup or 1 oz for granola

[5] Refer to program regulations for the appropriate serving size for supplements served to children aged 1 through 5 in the NSLP and meals served to children aged one through five and adult participants in the Child and Adult Care Food Program (CACFP). Breakfast cereals are traditionally served as a breakfast menu item, but may be served in meals other than breakfast.

[6] Cereals must be whole grain or whole grain and enriched or fortified cereal.

C. Food Not Found in the Food-Buying Guide

Many purchased, preprocessed foods will ***not*** be found in the Food-Buying Guide. These foods ***do not have a Standard of Identity*** and include, but are not limited to, pizzas, burritos, egg rolls, and breaded meats. The school ***must obtain documentation*** from the ***food manufacturer*** to know how to credit the food item toward the meal pattern requirement. The documentation ***must be referenced on the food production record*** and ***maintained*** in a retrievable manner to document that the planned menu met meal pattern requirements.

1. CN Labeling

The USDA's Agricultural Marketing Service (AMS) has published a list of manufacturers that have met the FNS's Quality Control Program requirements for the Child Nutrition (CN) Labeling Program. Additionally, AMS has provided a list of authorized CN labels issued to these manufacturers since January 2005. These lists will be updated monthly and posted to the FNS CN Labeling Program Web site at: <**www.fns.usda.gov/cnd/cnlabeling/authorized.htm**>.

The information in these lists will be provided in search-capable Portable Document Format (PDF) and limited to the following information: ***CN Identification Number, Federal or Equal to Federal (ETF) Establishment (EST) Number, Product Description, Label Approval Expiration Date, and Company Name*** (on separate directory list). (Reference USDA Memo TA-05-2010)

a. Items that can be CN-labeled:

- Purchased combination-type foods that contribute significantly to the meal, but creditability data cannot be determined by the ingredient label.
- Juice drinks and juice-drink products that contain a minimum of 50 percent full-strength juice.

b. Yield data from the ***Food-Buying Guide for Child Nutrition Programs*** (FBG), Program Aid 1331, is used for calculating a CN-labeled product's contribution toward meal pattern requirements. (Using yields from the FBG will help ensure that various meat/meat alternate items, regardless of cooking methods used or the addition of other ingredients, will be nutritionally equivalent.)

c. CN-labeled product will have the following information printed on the principal display panel of the label:

- Product name
- Ingredient listing in descending order of predominance by weight for all ingredients
- Inspection legend for the appropriate inspection
- Establishment number (for meat, poultry, and seafood items only)
- Manufacturer's or distributor's name and address
- CN label statement

NOTE: CN labels MUST be on the product packaging and MUST NOT be obtained off the Internet.

d. CN label statement must be an integral part of the product label and must include the following information:

- CN logo, which is a distinctive border around the CN statement

- A six-digit product identification number that will appear in the upper right-hand corner of the CN label statement
- The statement of the product's contribution toward meal pattern requirements for the CNP
- A statement specifying that the use of the logo and CN label statement is authorized by USDA/FNS
- The month and year the label was approved by USDA/FNS

e. Advantage of using CN-labeled products:

The product carries a USDA warranty. If an SFA purchases such a product ***and uses it according to directions,*** the SFA will not have an audit claim filed against it should state or federal reviewers find that the CN-labeled product does not actually meet the meal pattern requirements claimed on the label.

f. What a CN label does ***NOT*** do:

- Guarantee that the ***FULL*** requirement will be met (the product's contribution toward the meal pattern requirements is specified in the CN label statement)
- Assure that a product is ***good for children***
- Assure that children will like the product
- Suggest that products without a CN label are inferior or that CN-labeled products are superior

g. SFA responsibilities concerning CN labels:

- Assure that product received meets specifications and has correct CN number (Provide site managers with appropriate information; e.g., copy of label, dates product will be used.)
- Provide site managers with serving sizes/crediting information

SAMPLE CN LABEL STATEMENT

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Each 4.5 oz Chicken Stir-Fry Bowl provides 1.5 oz equivalent meat, 1.0 serving of WGR Grains, 1/4 cup dark green vegetable, 1/4 cup red/orange vegetable, and 1/8 cup other vegetable for Child Nutrition Meal Pattern Requirements. (Use of this logo and statement authorized by the Food and Nutrition Service, USDA 05/12.)

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2. Product Formulation Statement

a. A product formulation is a statement prepared and certified by a manufacturer of a prepared product declaring appropriate ingredient and crediting information. If a company provides a product formulation statement, a school food authority (SFA) may wish to use the product to meet USDA meal pattern requirements. However, USDA does not monitor product formulation statements for compliance with the product formulation or the Child Nutrition Programs (CNP) meal pattern requirements. The product formulation statement does not carry a USDA warranty, and should state or federal reviewers find that the product did not actually meet meal pattern requirements, an overclaim can be established. Signed product formulation statements could provide the SFA legal recourse with the company should the product contribution be challenged or found to be in error. ***NOTE: USDA Foods (commodities) that have been* processed by USDA *do not need a product formulation statement. The information USDA provides for these products is either in a fact sheet or on the packaging of the product. The fact sheets may be obtained by going to <http://www.fns.usda.gov/cnd/Lunch/>. On the left-hand side, under* Search FNS, *type* Commodity Fact Sheet *and select* NSLP Commodity Fact Sheets Report *or DHS may be contacted at 405-521-3581.***

b. CNP directors should not let their desire to offer children a commercially prepared product outweigh their need to obtain proper documentation for the product. If vendors understand that the program will not purchase a product without proper documentation, they will be more accommodating in providing sufficient information.

c. SFAs should be careful not to mistake vendor advertising literature for a product formulation statement. Advertising literature provided by a company may contain valuable information, but it may not be used to support the contribution that a product makes toward the USDA meal pattern requirements.

d. A product formulation statement must satisfy all the following ***REQUIREMENTS:*** (See sample forms on **pages CM-45** through **CM-55**.)

- Be on the company's letterhead.
- Provide the product name, as written on the label, and provide other identifying information, such as product code number, portion size/weight, pack, case weight.
- Contain a crediting statement; i.e., a declaration of the contribution of one portion of the cooked product toward meeting USDA meal pattern requirements. This may be combined with the certification statement.
- Contain a certification statement. For example, the certification or crediting statement may read, "I certify that the above information is true and correct and that a 3.25-ounce serving of the above product [ready for serving] contains two ounces of cooked lean meat/meat alternate when prepared according to product directions."
- Provide sufficient information for purchaser to determine the reasonableness of the crediting statement.
- For meat/meat alternates, the following must also be included:
  - Description of creditable ingredients per Food-Buying Guide.
  - Ounces per raw portion of creditable ingredient.
  - Food-Buying Guide yield/creditable amount.

— Information concerning alternate protein product (APP), if applicable.

- Be signed and dated by a legally authorized representative of the company.

e. SFA responsibilities concerning product formulation statements:

- Prior to purchase, carefully review the product formulation statement to determine the reasonableness of information provided by the manufacturer. There is no easy way to verify the accuracy of information on a product formulation statement.

- Ensure that proper documentation is maintained on each prepared product used to meet USDA meal pattern requirements.

- Assure that product received meets specifications and has correct code number. Provide site managers with appropriate information; e.g., copy of label, product formulation statement, dates product will be used, serving sizes, or crediting information.

NOTE: A commercially prepared meat, poultry, or seafood product combined with alternate protein product (APP) to meet all or part of the meat/meat alternate requirement must include the following statement on the label: "This item contains alternate protein product(s) authorized as an alternative food in the Child Nutrition Programs."

3. Nutrition Facts label or Nutrient Data Form: In order for the State Agency to conduct the required nutrient formulation, a Nutrition Facts label (refer to **page CM-56**) or a Nutrient Data Form (refer to **page CM-57**) is required on every product. This does not replace the CN label or product formulation statement because there is no crediting information available.

PRODUCT FORMULATION STATEMENT FOR MEAT/MEAT ALTERNATE AND ALTERNATE PROTEIN PRODUCT CALCULATIONS

Provide a copy of the label in addition to the following information on company letterhead signed by an official representative of the company.

Product Name: _____ Code Number: _____

Manufacturer: _____ Case/Pack/Count/Portion/Size: _____

I. Meat/Meat Alternate (M/MA)

Please fill out the chart below to determine the creditable amount of Meat/Meat Alternate.

Description of Creditable Ingredients Per Food-Buying Guide	Ounces Per Raw Portion of Creditable Ingredient	Multiply	Food-Buying Guide Yield	Creditable Amount*
		X		
		X		
		X		
A. Total Creditable Amount[1]				

*Creditable Amount—Multiply ounces per raw portion of creditable ingredient by the Food-Buying Guide yield.

II. Alternate Protein Product (APP)

If the product contains APP, please fill out the chart below to determine the creditable amount of APP. If APP is used, you must provide documentation as described in Attachment A for each APP used.

Description of APP, Manufacturer's Name, and Code Number	Ounces Dry APP Per Portion	Multiply	% of Protein As-Is*	Divide by 18**	Creditable Amount APP***
		X	%	÷ by 18	
		X	%	÷ by 18	
		X	%	÷ by 18	
B. Total Creditable Amount[1]					
C. TOTAL CREDITABLE AMOUNT (A + B rounded down to nearest 1/4 oz)					

*Percent of protein As-Is is provided on the attached APP documentation.
**18 is the percent of protein when fully hydrated.
***Creditable amount of APP equals ounces of dry APP multiplied by the percent of protein as-is divided by 18.
[1] Total Creditable Amount must be rounded ***DOWN*** to the nearest 0.25 oz (1.49 would round down to 1.25 oz meat equivalent). Do ***NOT*** round up. If you are crediting both M/MA and APP, you do not need to round down in Box A until after you have added the creditable APP amount from Box B.

Total weight (per portion) of product as purchased: _____

Total creditable amount of product (per portion): _____
(Reminder: Total creditable amount cannot count for more than the total weight of product.)

I certify that the above information is true and correct and that a _____-ounce serving of the above product (ready for serving) contains _____ ounces of equivalent meat/meat alternate when prepared according to directions.

I further certify that any APP used in the product conforms to the Food and Nutrition Service (FNS) Regulations (7 CFR Parts 210, 220, 225, 226, Appendix A) as demonstrated by the attached supplier documentation (Attachment A).

Signature: _____ Title: _____

Printed Name: _____ Date: _____ Phone Number: _____

ATTACHMENT A

Company Name: _____

APP Product: _____

A. _____ certifies that _____ meets all requirements for APP intended for use in foods manufactured for Child Nutrition Programs as described in Appendix A of 7 CFR 210, 220, 225, and 226.

B. _____ certifies that _____ has been processed so that some portion of the nonprotein constitutes have been removed by fractionating. This product is produced from _____ .

C. The Protein Digestibility Corrected Amino Acid Score (PDCAAS) for _____ is _____ . It was calculated by multiplying the lowest uncorrected amino acid score by true protein digestibility as described in the Protein Quality Evaluation Report from the Joint Expert Consultation of the Food and Agriculture Organization/World Health Organization of the United Nations, presented December 4-8, 1989, in Rome, Italy. The PDCAAS is required to be greater than 0.8 (80 percent of casein).

D. The protein level of _____ is at least 18 percent by weight when fully hydrated at a ratio of _____ parts water to one part product.

E. The protein level of _____ is certified to be at least _____ on an as-is basis for the as-purchased product. *Note: Protein is often provided on a moisture-free basis (MFB), which is not the information Food and Nutrition Service (FNS) requires.*

All of the above information is required for APP.

Reviewer Checklist for Evaluating Manufacturer-Completed Product Formulation Statements for Meat/Meat Alternate (M/MA) Products and Alternate Protein Product Products

Circle Y or N		Steps for Evaluation Page 1

GENERAL INFORMATION

Y	**N**	A copy of the product label is attached. The label should have the product name, ingredients statement, net weight, manufacturer/distributor name and address, and for meat/poultry products, an inspection legend. The Nutrition Facts panel is voluntary for institutional product labels unless a nutrition or health claim is made.
Y	**N**	Product Name is provided and matches the name on the product label.
Y	**N**	Product Code Number is provided and matches the code number on the product label.
Y	**N**	Manufacturer name is provided.
Y	**N**	Case/pack/count/portion/size are included as applicable.

MEAT/MEAT ALTERNATE

Y	**N**	I have my copy of the Food-Buying Guide for Child Nutrition Programs (FBG), and it has the written in corrections as noted in the Pen and Ink Changes document provided by FNS. Available at <http://teamnutrition.usda.gov/Resources/foodbuyingguide.html>
Y	**N**	The food items in Section 1. Meat/Meat Alternate match a description in Column 1 (Food As Purchased) of the FBG. Example: *Beans, Kidney, dry* matches a description in Column 1 of the FBG, but *Kidney Beans* does not match a description in Column 1 of the FBG (you do not know if the kidney beans are dry, canned, or frozen).
Y	**N**	The description does not match Column 1, but it does match a description in Column 4 (Serving Size Per Meal Contribution) or Column 6 (Additional Information) of the FBG. If the answer is ***Y***, then you will need to convert the yield data from Column 6.

Circle Y or N	Steps for Evaluation Page 2

MEAT/MEAT ALTERNATE continued

Y	**N**	The FBG Yield (servings per purchase unit) provided aligns with the correct description in Column 1, the description of how the food is served in Column 4, and the correct unit for the serving size in Column 4 to provide answers in units of 1 ounce. For meat/poultry, use the percent yield in Column 6. Example 1: A burrito is being evaluated. *Kidney beans, dry, canned, whole (pages 1 through 7, FBG)* matches a description in Column 1, the product is served heated which matches a description as served in Column 4; therefore, the FBG yield that should be used is 38.9 1/4-cups heated beans for 108 oz No. 10 can (38.9/108). The yield for drained beans (which is unheated) should not be used. For dry beans/legumes/peas/lentils, keep in mind that 1/4 cup cooked, drained beans/legumes/peas/lentils is equivalent to 1.0 oz meat alternate. Example 2: A sandwich is being evaluated. *Peanut butter (pages 1 through 40, FBG)* matches a description in Column 1, and 2 Tbsp (1 oz meat alternate) matches the unit we want our answer in. For this example, there are three acceptable yield ratios: (1) 97.5 1-oz servings per 108 oz, (2) 28.8 1-oz servings per 28 oz, or (3) 14.4 1-oz servings per 16 oz. When purchase units are 1 lb, always use 16 oz in the yield ratio. Do not use the yield ratios for 3 Tbsp peanut butter, since this will put the answer in units of 1 1/2 oz. Example 3: A chicken patty is being evaluated. *Chicken, boneless, raw (pages 1 through 31, FBG)* matches a description in Column 1, cooked matches a description in Column 4. The yield in Column 6 is 70 percent (you will multiply using the decimal form which is 0.70).
Y	**N**	The answer provided in the Creditable Amount column for each separate ingredient has been verified using a calculator, and the answer was not rounded up.
Y	**N**	The total creditable amount for the meat/meat alternate section, Total A, is correct, and the answer was not rounded up.
Y	**N**	All of the creditable ingredients listed on the form match ingredients listed in the ingredients statement on the product label. Example: It is not acceptable for the documentation to list *ground beef (not more than 30 percent fat)* if the label only lists *beef*. This means that the manufacturer does not have to actually use ground beef (not more than 30 percent fat), but can use any type of beef. *Beef* is not creditable since there is no one single FBG yield that can cover all beef items. Because the correct description is not on the label, the product cannot be accepted with the documentation.

Circle Y or N		Steps for Evaluation Page 3
		ALTERNATE PROTEIN PRODUCT (APP)
Y	**N**	The APPs listed are single ingredients such as soy flour, soy protein concentrate, soy protein isolate, whey protein concentrate, and nonfat dry milk. Examples of ingredients that do not meet the APP requirements are: wheat proteins, tofu, surimi, soy burgers, soy crumbles.
Y	**N**	The product itself is an entrée item or an integral part of an entrée item. Example: entrée items ***ARE*** sandwich patties, meat fillings or crumbles, pizzas, burritos, etc. Entrée items are ***NOT*** drinks, smoothies, desserts, muffins, cakes, protein bars, bread, chips, etc.
		Documentation (Refer to Attachment A)
Y	**N**	The APP documentation is on letterhead of the manufacturer that actually makes the APP. Documentation should not be accepted on distributor letterhead or from the food company making your purchased product (except in the rare case that the food company making the finished product actually manufactures the APP itself).
Y	**N**	a. The documentation states that the APP meets requirements found in 7 CFR Parts 210, 220, 225, and 226.
Y	**N**	b. The documentation indicates that nonprotein constitutes have been removed.
Y	**N**	c. The PDCAAS (Protein Corrected Amino Acid Score) is provided, and the score is greater than 0.80 (80). The PDCAAS score should be provided in decimal form (i.e., 0.92), but sometimes the PDCAAS is reported as a whole number (i.e., 92) instead. If the PDCAAS is less than 0.8 (80), then the product does not meet the protein quality requirements and cannot be used for credit even if the percent as-is protein is greater than 18 percent.
Y	**N**	d. The hydration ratio is provided in the documentation and was calculated correctly (percent protein as-is divided by 18) minus 1 part dry APP = parts water). Example: if the percent as-is protein is 64.8, the calculation is as follows: ([64.8 ÷ 18]- 1 part dry APP) = 2.6 parts water to hydrate the product down to 18 percent protein. The ratio of dry APP:water for this example will be 1:2.6.
Y	**N**	e. The percent protein is provided on an as-is basis and is greater than 18 percent. If the documentation states MFB or moisture-free basis—you cannot use this protein value. The as-is protein value must be used in calculating the meat alternate credit for APP.

Circle Y or N		Steps for Evaluation Page 4

ALTERNATE PROTEIN PRODUCT (APP) continued

Y	**N**	APP documentation meeting all of the above requirements is provided for each separate APP listed on the product analysis form.
		Check the Calculation for Each APP Ingredient Used
Y	**N**	The whole number percent protein (not the decimal form of the percent) is used in the calculation. Example: If the percent as-is protein is 64.8 percent, use 64.8 in the calculation, not 0.648.
Y	**N**	The answer for each separate APP calculation is correct and was not rounded up.
Y	**N**	The amount of credit from APP, Total B, is correct and was not rounded up.
		TOTAL CREDITABLE AMOUNT
Y	**N**	The sum of Total A (meat/meat alternate) plus Total B (APP credit) is correct and was not rounded up.
Y	**N**	The total weight per portion of the product is provided and matches portion information provided on the label.
Y	**N**	The total credit is rounded down to the nearest 0.25 ounce.
Y	**N**	The Total Creditable Amount is not greater than the total weight of the portion of the product. (The credit may be equal to or less than the portion weight served.) When using APP with high concentrations of protein, sometimes the calculation provides an answer that is greater than the weight of the product served; in this case, you must reduce the credit so that it is equal or less than the weight of the product served. Example: if a soy burger uses soy isolate and whey protein concentrate and the weight of the heated burger weighs 1.75 oz, but the calculations show a total of 2.3 oz meat alternate, you can only count a maximum of 1.75 oz meat alternate for the burger because that is the weight of the meat alternate food being served.
		AUTHORIZATION INFORMATION
Y	**N**	The phone number was called, and the number is valid for the company that manufactures the food product purchased; it is the correct contact number for the name of the person who signed the documentation. Ask for clarifications if needed.
Y	**N**	Overall—the product formulation statement is acceptable without further information. ***Do not accept products that do not have acceptable documentation.***

EXAMPLE
PRODUCT FORMULATION STATEMENT

I. Meat/Meat Alternate (M/MA)

Description of Creditable Ingredients Per Food-Buying Guide	Ounces Per Raw Portion of Creditable Ingredient	Multiply	Food-Buying Guide Yield	Creditable Amount*
Beans, black (turtle), dry, canned, whole	1.0 oz	X	27.8/110	0.252
Beans, black (turtle), dry, canned, whole, drained (Column 6 conversion)	1.0 oz	X	27.8/62.0	0.44
Beans, kidney, dry, whole	1.0 oz	X	24.8/16	1.55
Beef, ground (not more than 18% fat), raw	1.0 oz	X	0.74	0.74
Beef brisket, without bone, practically free of fat, raw	1.0 oz	X	0.69	0.69
Cheese, Mozzarella	1.0 oz	X	16/16	1.0
Cheese, cottage	1.0 oz	X	8/16	0.5
Chicken, boneless, fresh	1.0 oz	X	0.70	0.7
Chicken, drumstick with bone, fresh, skin on	2.0 oz	X	0.49	.098
Egg, frozen whole, pasteurized, liquid	1.0 oz	X	18/16	1.125
Egg, whole, dried	0.25 oz	X	64/16	1.0
Fish, fillet, fresh	1.0 oz	X	0.70	0.7
Ham, water added	1.0 oz	X	0.82	0.82
Nuts, almonds	1.0 oz	X	16/16	1.0
Peanut butter	1.0 oz	X	14.4/16	0.9
Pork, ground (not more than 30% fat)	1.0 oz	X	0.70	0.7
Tuna, chunk-style, water-packed	1.0 oz	X	51.2/66.5	0.769
Tuna, chunk-style, drained (Column 6 conversion)	1.0 oz	X	51.2/51.2	1.0
Turkey, cooked diced, light and dark meat in natural proportions (no skin, wing meat, neck meat, giblets, or kidneys	1.0 oz	X	16/16	1.0
Turkey ham, fully cooked	1.0 oz	X	0.70	0.7
Turkey ham, 15% water added	1.0 oz	X	0.59	0.59
Yogurt, plain	1.0 oz	X	8/32	0.25

*Creditable amount—multiply ounces per raw portion of creditable ingredient by the Food-Buying Guide yield.

II. Alternate Protein Product (APP)

Products containing APP must also provide the documentation described in Attachment A.

Description of APP, Manufacturer's Name, and Code Number	Ounces Per Dry APP Per Portion	Multiply	% of Protein As-Is*	Divide by 18**	Creditable Amount APP***
Soy flour, ABComp 1234	0.25 oz	X	52.0*	÷ by 18	0.72
Soy protein concentrate, ABComp 45	0.25 oz	X	64.8*	÷ by 18	0.9
Soy protein isolate, XYComp 333	0.25 oz	X	85.0*	÷ by 18	1.18
Whey protein concentrate, Dairy 3	0.25 oz	X	45.0*	÷ by 18	0.625
Nonfat dry milk, Dairy 789	0.25 oz	X	21.0*	÷ by 18	0.29

*Percent of protein As-Is is provided on the attached APP documentation.
**18 is the percent of protein when fully hydrated.
***Creditable amount of APP equals ounces of dry APP multiplied by the percent of protein as-is divided by 18.

ATTACHMENT A

EXAMPLE
Soy Company X
Soy Protein Concentrate
Product Y

Documentation for Company X Products Used as Alternate Protein Products (APP) for Child Nutrition Programs:

A. Company X certifies that Product Y meets all requirements for APP intended for use in foods manufactured for Child Nutrition Programs as described in Appendix A of 7 CFR 210, 220, 225, and 226.

B. Company X certifies that Product Y has been processed so that some portion of the nonprotein constituents have been removed by fractionating. This product is produced from soybeans by removing the majority of the soybean oil and some of the other nonprotein constituents.

C. The Protein Digestibility Corrected Amino Acid Score (PDCAAS) for Product Y is 0.99. It was calculated by multiplying the lowest uncorrected amino acid score by true protein digestibility as described in the Protein Quality Evaluation Report from the Joint Expert Consultation of the Food and Agriculture Organization/World Health Organization of the United Nations, presented December 4-8, 1989, in Rome, Italy. The PDCAAS is required to be greater than 0.8 (80 percent of casein).

D. The protein level of Product Y is at least 18 percent by weight when fully hydrated at a ratio of 2.43 parts water to one part product.

E. The protein level of Product Y is certified to be at least 61.8 percent on as ***As-Is*** basis for the As-Purchased produced. ***Note: Protein is often provided on a moisture-free basis (MFB), which is not the information Food and Nutrition Service (FNS) requires.***

All of the above information is required for APP and must be presented for approval.

Note: It is also helpful to have the ingredients statement for Product Y. For example, if the product is uncolored and unflavored, the ingredients statement might be **soy protein concentrate** ***or if the product is colored and textured, the ingredients statement might be*** **textured vegetable protein (soy flour, caramel color).**

(Place information on company letterhead with signature of a legally authorized representative of the company.)

PRODUCT FORMULATION STATEMENT FOR PREPARED GRAINS/BREADS

Product Name: _____ Code Number: _____

Case/Pack/Count/Portion/Size: _____

Total Weight (Grams or Ounces) of One Ready-to-Eat Serving of Product: _____

List the exact types and weights of each enriched and/or whole-grain meal, flour, bran, or germ per product serving:

_____

_____

_____

I certify that the above information is true and correct and that one _____ (specify serving weight) ready-to-eat serving of the specified product contains _____ serving(s) of Grains/Breads* for the USDA Child Nutrition Programs.

_____ _____
SIGNATURE TITLE

_____ _____ _____
PRINTED NAME DATE TELEPHONE NUMBER

*For crediting as a Grains/Breads component, FNS Child Nutrition Programs require (1) all grains/breads items must be enriched or whole grain, made from enriched or whole-grain flour. If using a cereal, it must be whole grain, enriched, or fortified. Bran and germ are credited the same as enriched or whole-grain meal or flour; (2) the exact or minimum amount of creditable grains must be documented to assure that 14.75 grams of creditable grains equals one grains/breads serving. Grains/breads may be credited in 1/4-serving increments. See FNS Instruction 783-1, Rev. 2, to equal 1 serving Grains/Breads or FNS Food-Buying Guide, revised November 2001.

PRODUCT FORMULATION STATEMENT FOR PREPARED FRUIT/VEGETABLE

Product Name: _____ Code Number: _____

Case/Pack/Count/Portion/Size: _____

Volume and Weight of One Serving of Product: _____

- Weight of Total Product Per Batch: _____
- Number of Portions/Servings Per Batch: _____

I certify that the above information is true and correct and that one _____ serving (specify serving volume/weight) of the above product (ready to eat) contains _____ servings of fruit/vegetable** for the Child Nutrition Programs.

_____ _____
SIGNATURE TITLE

_____ _____ _____
PRINTED NAME DATE TELEPHONE NUMBER

* CNP requires 14.75 grams of whole-grain or enriched flour or meal, bran or germ, or an equivalent amount of cereal as provided in FNS Instruction 783-1, Rev. 2, to equal 1 serving Grains/Breads. Grains/Breads may be credited in 1/4-serving increments.

** CNP requires a minimum of 1/8 cup fruit/vegetable to equal 1 serving fruit/vegetable.

EXAMPLE

PRODUCT FORMULATION STATEMENT FOR MEAT/MEAT ALTERNATE AND ALTERNATE PROTEIN PRODUCT CALCULATIONS

JOJO'S GOOD TIME TREATS, INC.
2211 Savory Taco Drive
Flower Stop, Texas 75000
1-800-555-9999

Provide a copy of the label in addition to the following information on company letterhead signed by an official representative of the company.

Product Name: Treat Time Combination Burrito® Code Number: 123456

Manufacturer: Treat Time Case/Pack/Count/Portion/Size: 72 Ct/6.61 oz

I. Meat/Meat Alternate (M/MA)

Please fill out the chart below to determine the creditable amount of Meat/Meat Alternate.

Description of Creditable Ingredients Per Food-Buying Guide	Ounces Per Raw Portion of Creditable Ingredient	Multiply	Food-Buying Guide Yield	Creditable Amount*
Beef, ground, frozen, 30% fat	1.25 oz	X	.70	.875 oz
Beans, pinto, dry, canned	1 oz	X	1	1.00 oz
Cheese, Cheddar, natural	.19 oz	X	1	.19 oz
A. Total Creditable Amount[1]				2.065 oz

*Creditable Amount—Multiply ounces per raw portion of creditable ingredient by the Food-Buying Guide yield.

II. Alternate Protein Product (APP)

If the product contains APP, please fill out the chart below to determine the creditable amount of APP. If APP is used, you must provide documentation as described in Attachment A for each APP used.

Description of APP, Manufacturer's Name, and Code Number	Ounces Dry APP Per Portion	Multiply	% of Protein As-Is*	Divide by 18**	Creditable Amount APP***
		X	%	÷ by 18	
		X	%	÷ by 18	
		X	%	÷ by 18	
B. Total Creditable Amount[1]					
C. TOTAL CREDITABLE AMOUNT (A + B rounded down to nearest 1/4 oz)					

NA

*Percent of protein As-Is is provided on the attached APP documentation.
**18 is the percent of protein when fully hydrated.
***Creditable amount of APP equals ounces of dry APP multiplied by the percent of protein as-is divided by 18.

[1] Total Creditable Amount must be rounded ***DOWN*** to the nearest 0.25 oz (1.49 would round down to 1.25 oz meat equivalent). Do ***NOT*** round up. If you are crediting both M/MA and APP, you do not need to round down in Box A until after you have added the creditable APP amount from Box B.

Total weight (per portion) of product as purchased: 6.61 oz

Total creditable amount of product (per portion): 2.065 oz
(Reminder: Total creditable amount cannot count for more than the total weight of product.)

I certify that the above information is true and correct and that a 6.61 -ounce serving of the above product (ready for serving) contains 2 ounces of equivalent meat/meat alternate when prepared according to directions.

I further certify that any APP used in the product conforms to the Food and Nutrition Service (FNS) Regulations (7 CFR Parts 210, 220, 225, 226, Appendix A) as demonstrated by the attached supplier documentation (Attachment A).

Signature: Happy Empanada Title: Regulatory Compliance Manager

Printed Name: Happy Empanada Date: 6/25/10 Phone Number: (999) 555-5555

EXAMPLE

PRODUCT FORMULATION STATEMENT FOR PREPARED GRAINS/BREADS

JOJO'S GOOD TIME TREATS, INC.
2211 Savory Taco Drive
Flower Stop, Texas 75000
1-800-555-9999

Product Name: Treat Time Combination Burrito® Code Number: 123456

Case/Pack/Count/Portion/Size: 72 Ct/6.61 oz

Total Weight (Grams or Ounces) of One Ready-to-Eat Serving of Product: 1.2 oz

List the exact types and weights of each enriched and/or whole-grain meal, flour, bran, or germ per product serving:
Enriched wheat flour tortilla (1.2 oz)—made from enriched bleached wheat flour (flour, niacin, reduced iron, thiamine mononitritrate, riboflavin), water, vegetable shortening (partially hydrogenated soybean and/or cottonseed oils). Contains 2 percent or less of: leavening (baking soda, sodium aluminum sulfate, cornstarch, monocalcium phosphate, and/or sodium acid pyrophosphate), salt, dough conditioners (fumaric acid, sodium metabisulfate), calcium propionate, and sorbic acid (preservatives).

I certify that the above information is true and correct and that one 6.61 oz (specify serving weight) ready-to-eat serving of the specified product contains 1 serving(s) of Grains/Breads* for the USDA Child Nutrition Programs.

Happy Empanada	Regulatory Compliance Manager	
SIGNATURE	TITLE	
Happy Empanada	6/25/10	(999) 555-5555
PRINTED NAME	DATE	TELEPHONE NUMBER

*For crediting as a Grains/Breads component, FNS Child Nutrition Programs require (1) all grains/breads items must be enriched or whole grain, made from enriched or whole-grain flour. If using a cereal, it must be whole grain, enriched, or fortified. Bran and germ are credited the same as enriched or whole-grain meal or flour; (2) the exact or minimum amount of creditable grains must be documented to assure that 14.75 grams of creditable grains equals one grains/breads serving. Grains/breads may be credited in 1/4-serving increments. See FNS Instruction 783-1, Rev. 2, to equal 1 serving Grains/Breads or FNS Food-Buying Guide, revised November 2001.

PRODUCT FORMULATION STATEMENT FOR PREPARED FRUIT/VEGETABLE

Product Name: _____ Code Number: _____

Case/Pack/Count/Portion/Size: _____

Volume and Weight of One Serving of Product: NA

- Weight of Total Product Per Batch: _____
- Number of Portions/Servings Per Batch: _____

I certify that the above information is true and correct and that one _____ serving (specify serving volume/weight) of the above product (ready to eat) contains _____ servings of fruit/vegetable** for the Child Nutrition Programs.

SIGNATURE	TITLE	
PRINTED NAME	DATE	TELEPHONE NUMBER

* CNP requires 14.75 grams of whole-grain or enriched flour or meal, bran or germ, or an equivalent amount of cereal as provided in FNS Instruction 783-1, Rev. 2, to equal 1 serving Grains/Breads. Grains/Breads may be credited in 1/4-serving increments.
**CNP requires a minimum of 1/8 cup fruit/vegetable to equal 1 serving fruit/vegetable.

NUTRITION FACTS LABEL

This label is only a sample. Exact specifications are in the final rules. Source: Food and Drug Administration, 2004.

Sample Label for Macaroni and Cheese

New title signals that the label contains the newly required information.

More consistent serving sizes in both household and metric measures, replacing those that used to be set by manufacturers.

Nutrition Facts

Serving Size 1 cup (228g)
Servings Per Container 2

Amount Per Serving	
Calories 250 Calories From Fat 110	
	% Daily Value*
Total Fat 12g	***18%***
Saturated Fat 3g	***15%***
Trans Fat 3g	
Cholesterol 30mg	***10%***
Sodium 470mg	***20%***
Total Carbohydrates 31g	***10%***
Dietary Fiber 0g	***0%***
Sugars 5g	
Protein 5g	
Vitamin A	4
Vitamin C	2
Calcium	20
Iron	4

* Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs:

	Calories:	2,000	2,500
Total Fat	Less than	65g	80g
Sat Fat	Less than	20g	25g
Cholesterol	Less than	300mg	300mg
Sodium	Less than	2,400mg	2,400mg
Total Carbohydrate		300g	375g
Dietary Fiber		25g	30g

Calories from fat are now shown on the label to help consumers meet dietary guidelines that recommend people get no more than 30 percent of the calories in their overall diet from fat.

Nutrients required on nutrition panel are those most important to the health of today's consumers, most of whom need to worry about getting too much of certain items (fat, for example) rather than too few vitamins or minerals, as in the past.

% Daily Value shows how a food fits into the overall daily diet.

Daily values are also something new. Some are maximums, as with fat (65 grams or less); others are minimums, as with carbohydrate (300 grams or more). The daily values for a 2000-calorie and a 2500-calorie diet must be listed on the label of larger packages.

NUTRIENT DATA FORM

1. ***Product Identification***

   Product Name: _____

   Brand: _____

   Produce Code: _____

   List Child Nutrition (CN) Label Number, if appropriate: _____

   Is this product in the CN Database? Yes ☐ No ☐

2. ***Package Size and Servings Per Package***

   Package Size = Grams _____ Pounds_____ Fluid Ounces _____

   Standard Serving Size = _____

   Number of Servings Per Package = _____

3. ***Basis for Nutrient Data***

   Nutrient data is being given (check one):

   As Served ☐ As Purchased ☐

   Analysis is based on (check one):

   Per Serving ☐ 100 grams ☐

   Weight per serving =_____ grams

4. ***Individual Values of Nutrients and Dietary Components***

   If you ***do not*** have information on a nutrient, write ***M*** or ***missing***. If this product ***does not contain*** a particular nutrient, write ***0***.

Calories	_____	kcal	Protein	_____	grams
Total fat	_____	grams	Saturated fat	_____	grams
Carbohydrates	_____	grams	Sodium	_____	milligrams
Total dietary fiber	_____	grams	Cholesterol	_____	milligrams

Calcium	_____	milligrams or	_____	% DV (Daily Value)	
Iron	_____	milligrams or	_____	% DV	
Vitamin C	_____	milligrams or	_____	% DV	
Vitamin A	_____	IU* or _____ RE* or	_____	% DV	

*IU = International Units; RE = Retinol Equivalents

5. ***Fat and Moisture Gain/Loss***

   When this product is prepared, there is a:

   Fat change (+/-) _____ % Moisture change (+/1)_____%

6. ***Special Instructions for Preparation, if appropriate***

   To prepare this product, the manufacturer recommends: _____

NUTRIENT DATA FORM
INSTRUCTIONS

USDA has developed this standardized form to help schools obtain information on foods they will be serving to children. They will use this information to develop recipes, analyze menus for nutritional value, and prepare products for lunch or breakfast.

1. **Product Identification.** List name of product (and brand, if appropriate). Also, list product code if possible. If you know the product has a CN label number, list that as well. Check *Yes* or *No* for CN Database.

2. **Package Size and Servings for Package.** Write in package size as appropriate in grams, pounds, or fluid ounces. Indicate standard serving size and number of servings per package.

3. **Basis for Nutrient Data.** Indicate with a check mark whether you are submitting nutrient data for this product on an ***As Served*** or ***As Purchased*** basis. Use the ***As Served*** basis for any food that ***does not have*** (a) any ingredients added in preparation or (b) any fat absorbed during preparation.

   Use the ***As Purchased*** basis for any food that (a) has ingredients added in preparation (such as milk, eggs, and oil added to baked product mixes), (b) is prepared by frying, (c) can be prepared in varying ways (for example, a food that can be baked or fried), or (d) gains or loses moisture/fat during preparation.

   In addition, indicate whether nutrient analysis is based on 100 grams or per serving. Also, indicate weight per serving.

4. **Individual Values of Nutrients and Dietary Components.** Please fill out completely, leaving no lines blank. (a) If you have information on a nutrient, write the specific value in the unit of measurement indicated. (b) If you ***do not*** have information on a nutrient, write ***M*** or ***missing***. (c) If this product ***does not contain*** a particular nutrient, write ***0***.

5. **Fat and Moisture Gain/Loss.** If you checked ***As Purchased*** in Item 3, also fill in this section if there is a fat or moisture change during preparation.

   (Fat may be gained or lost in cooking some foods, thereby changing the foods' nutrient value. Methods of preparation such as breading, frying, or baking affect this fat gain or loss. For example, chicken baked in the oven will lose fat during cooking, while batter-coated or breaded chicken that is deep-fried will gain fat. If fat is absorbed or gained, fat grams and calories from fat will be increased. If fat is lost, fat grams and calories from fat will be decreased.)

6. **Instructions for Preparation.** If appropriate, indicate instructions such as ingredients to be added, cooking methods, cooking time, and cooking temperature.

STANDARDIZED RECIPES

A. Standardized recipes are an important part of any well-managed food service program. They are essential to ensure that the planned serving sizes of food items are provided to students. SFAs must develop and use standardized recipes.

B. A standardized recipe may be defined as one that has been tested and adapted for use by a given food service operation and found to produce the same good results, yield, and nutrients every time when the exact procedures are used with the same type of equipment and the same quantity and quality of ingredients.

C. Standardized recipes offer many advantages for school food service. Benefits include:

1. Quality control.
2. Portion and yield control.
3. Cost control.
4. Creativity.
5. Accurate nutrient analysis.
6. Hazard Analysis and Critical Control Points (HACCP) requirements.

D. When is a standardized recipe required? Anytime a food item contains more than one ingredient that contributes to the nutrient content of the meal. These ingredients might include margarine or butter, salt, seasoned salt, etc. Examples of food items needing recipes include toast, seasoned vegetables, scrambled eggs, sandwiches, and salad bars.

E. Each standardized recipe should contain the following information:

1. Yield
2. Serving size
3. Crediting information
4. Ingredient information, including form (fresh, frozen, canned, etc.), fat content, packing medium (water, syrup, fruit juice, etc.)
5. Correct measures, weights, and/or pack
6. Complete preparation and serving procedures
7. CCPs—Critical Control Points
8. Process numbers (optional)

F. Any modifications made to USDA recipes must be documented. A new recipe must be written with the modifications to the USDA recipe.

Recipe: _____ Category: _____

Process Number: _____

Ingredients	Yield _____		Directions
	Weight	Measure	

CCPs: _____

Crediting Information: _____

Serving Sizes: _____

Mt—Meat/Meat Alternate	Vegetable:
GB—Grains/Breads	DGV—Dark Green Vegetable
WG—Whole Grain	ROV—Red/Orange Vegetable
F—Fruit	LV—Beans/Peas (Legumes) Vegetable
Mk—Milk	SV—Starchy Vegetable
X—Extra Foods/Condiments	OV—Other Vegetable

Key for crediting information.

Recipe Analysis

Recipe Name:_____ **Portions Per Recipe:**_____

Ingredients (1)	Quantity of Ingredients As Purchased	Purchase Unit (3)	Servings Per Purchase Unit in Food-Buying Guide (4)	Meat/Meat Alternate (5)	Grains/ Breads (6)	Fruits (7)	Vegetables DGV—Dark Green Vegetables ROV—Red/Orange Vegetables LV—Legume Vegetables SV—Starchy Vegetables OV—Other Vegetables (8)				
							DGV	ROV	LV	SV	OV
NOTES			**TOTALS**								
• Oz to lb conversion chart is on page I-36 in the Food-Buying Guide • Remember to convert ready-to-use products to their As Purchased amount • The values for Columns 5, 6, 7, and 8 are found by multiplying the value in Column 2 by the value in Column 4 • Remember to divide the total 1/4 cups of vegetables and fruits by 4 to get the cups of vegetables and fruits • Grains/breads in portions of a cup: Convert all needed servings into the same portion of a cup; use the corresponding yield data for that same size • Grains/breads in numbers of servings: Use the yield data provided for 1 grains/breads serving • Separate vegetables into subgroups, using the subcolumns of 8 • Keep recipe analysis with standardized recipe for reference		Portions Per Recipe....		Total of M/ MA divided by Total # Portions	Total of G/B divided by Total # Portions	(1) Total of **Fruits** divided by 4 to convert to cups; (2) Divide cups by Total # Portions	(1) Total of **DGV** divided by 4 to convert to cups; (2) Divide cups by Total # Portions	(1) Total of **ROV** divided by 4 to convert to cups; (2) Divide cups by Total # Portions	(1) Total of **LV** divided by 4 to convert to cups; (2) Divide cups by Total # Portions	(1) Total of **SV** divided by 4 to convert to cups; (2) Divide cups by Total # Portions	(1) Total of **OV** divided by 4 to convert to cups; (2) Divide cups by Total # Portions
		Calculations		oz M/Ma	serv G/B	cups **Fruits**	cups **DGV veg**	cups **ROV veg**	cups **LV veg**	cups **SV veg**	cups **OV veg**
		Each Portion Contains		oz	serv	c	c	c	c	c	c

EXAMPLE

Recipe: CORN CHIP PIE

Category: MEAT/MEAT ALTERNATE GRAINS/BREADS

Process Number: 2

Ingredients	Yield 100		Directions
	Weight	Measure	
PINTO BEANS	2 #10 CANS		1. DRAIN BEANS.
RAW GROUND BEEF, 80/20 ONIONS, CHOPPED	6 LB 1 LB		2. BROWN GROUND BEEF AND ONIONS TOGETHER.
TOMATOES, CANNED, CRUSHED, DICED FLOUR	1 1/2 #10 CANS		3. DRAIN JUICE FROM TOMATOES. MAKE PASTE OF FLOUR AND TOMATO JUICE. ADD CRUSHED TOMATOES; ADD FLOUR/JUICE PASTE TO BEEF MIXTURE. SIMMER 30 MINUTES.
SALT CHILI POWDER GARLIC SALT	2 OZ 2 OZ 3 TSP		4. ADD BEANS AND REMAINDER OF SEASONINGS. STIR. CCP = HEAT TO 155°F OR HIGHER FOR AT LEAST 15 SECONDS. 5. PORTION INTO 12"X20"X2" SERVING PANS. HEAT TO 155°F OR HIGHER FOR AT LEAST 15 SECONDS.
CORN CHIPS REDUCED-FAT CHEDDAR CHEESE, GRATED	6 LB 3 1/2 LB		6. TO SERVE, PLACE CORN CHIPS ON PLATE OR TRAY; TOP WITH 1/2 CUP (NO. 8 DISHER) CHILI MIXTURE, AND SPRINKLE WITH GRATED CHEESE. 7. CCP = HOLD FOR HOT SERVICE AT 135°F OR HIGHER.

CCPs: COOK TO 155°F FOR 15 SECONDS, AND HOLD AT 135°F OR HIGHER

Crediting Information: 1 PORTION PROVIDES 2 OZ MEAT/MEAT ALTERNATE, 1 SERVING GRAINS/BREADS, AND 1/8 CUP (ROV) VEGETABLE

Serving Sizes: 1/2 CUP CHILI MIXTURE AND .9 OZ CORN CHIPS, SPRINKLE WITH CHEESE

Mt—Meat/Meat Alternate	Vegetable:
GB—Grains/Breads	DGV—Dark Green Vegetable
WG—Whole Grain	ROV—Red/Orange Vegetable
F—Fruit	LV—Beans/Peas (Legumes) Vegetable
Mk—Milk	SV—Starchy Vegetable
X—Extra Foods/Condiments	OV—Other Vegetable

Key for crediting information.

EXAMPLE

Recipe Analysis

Recipe Name: Corn Chip Pie **Portions Per Recipe:** 100

Ingredients (1)	Quantity of Ingredients As Purchased	Purchase Unit (3)	Servings Per Purchase Unit in Food-Buying Guide (4)	Meat/Meat Alternate (5)	Grains/ Breads (6)	Fruits (7)	Vegetables DGV—Dark Green Vegetables ROV—Red/Orange Vegetables LV—Legume Vegetables SV—Starchy Vegetables OV—Other Vegetables (8)				
							DGV	ROV	LV	SV	OV
PINTO BEANS, CANNED, DRAINED	2	#10 CAN	37.2	74.4							
GROUND BEEF, 80/20	6 LB	LB	11.8	70.8							
REDUCED-FAT CHEDDAR CHEESE, GRATED	3.5 LB	LB	16	56							
TOMATOES, CANNED, CRUSHED, DICED	1.5	#10 CAN	46.6					69.9			
ONIONS, DICED, READY-TO-USE	1 LB	LB	12.6								12.6
CORN CHIPS	6 LB	LB	15		90						
NOTES			**TOTALS**	201.2	90			69.9			12.6
• Oz to lb conversion chart is on page I-36 in the Food-Buying Guide • Remember to convert ready-to-use products to their As Purchased amount • The values for Columns 5, 6, 7, and 8 are found by multiplying the value in Column 2 by the value in Column 4 • Remember to divide the total 1/4 cups of vegetables and fruits by 4 to get the cups of vegetables and fruits • Grains/breads in portions of a cup: Convert all needed servings into the same portion of a cup; use the corresponding yield data for that same size • Grains/breads in numbers of servings: Use the yield data provided for 1 grains/breads serving • Separate vegetables into subgroups, using the subcolumns of 8 • Keep recipe analysis with standardized recipe for reference		Portions Per Recipe....		Total of M/MA divided by Total # Portions	Total of G/B divided by Total # Portions	(1) Total of **Fruits** divided by 4 to convert to cups; (2) Divide cups by Total # Portions	(1) Total of **DGV** divided by 4 to convert to cups; (2) Divide cups by Total # Portions	(1) Total of **ROV** divided by 4 to convert to cups; (2) Divide cups by Total # Portions	(1) Total of **LV** divided by 4 to convert to cups; (2) Divide cups by Total # Portions	(1) Total of **SV** divided by 4 to convert to cups; (2) Divide cups by Total # Portions	(1) Total of **OV** divided by 4 to convert to cups; (2) Divide cups by Total # Portions
		Calculations		oz M/Ma	serv G/B	cups **Fruits**	cups **DGV veg**	cups **ROV veg**	cups **LV veg**	cups **SV veg**	cups **OV veg**
		Each Portion Contains		oz 2.00	serv 1	c 0	c 0	c 1/8	c 0	c 0	c 0

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PRODUCTION RECORDS

A. Purpose

1. The CNP production record is a record that documents compliance with the meal requirements for the chosen menu-planning system.

2. ***The SFA/school district may elect to use a different format that better meets its needs; but it must contain, at a minimum, the required information.***

3. Besides meeting federal record-keeping requirements, several other valuable management tools are available from the proper use of this form:

   a. Determining trends in student acceptability of the menu items

   b. Projecting student participation levels

   c. Forecasting quantities of food to purchase

   d. Effectively managing menu planning and the scheduling of labor and work assignments

B. Retention

All records concerning the CNP, including this form (or equivalent) and supporting documentation (e.g., CN labels, product formulation statements, nutrition labels, and Nutrient Data Forms), must be retained for a period of three years plus the current year. The records must be retained beyond the three-year period if audit findings have not been resolved.

C. Preparation

Use of food production records should begin prior to meal preparation for the purpose of planning the menu. The records should be completed daily after meal service at the food preparation site to reflect what was actually prepared, including menu changes and/or modifications. Each day's production record must show the quantities prepared for that day of operation.

If a site has extensive menu offerings and/or multiple serving lines, modifying the form or preparing separate records for each serving line may be necessary.

MENU PLANNING FOOD PRODUCTION RECORD INSTRUCTIONS

NOTE: Use one record for each line.

Date: Record the date (month, day, and year) of the meal service.

School Site: Record the name of the eating site.

Offer versus Serve and Grades Participating:
Indicate if the eating site participates in Offer versus Serve. Record the grades that participate in Offer versus Serve at the eating site.

Actual Number of Meals Served:
Record the number of meals served to students, adults, and any contract meals.

Item A: **Menu or Food Item Used and Form**
Record each menu or food item used and the form of the item (e.g., sliced, chopped, shredded, fresh, frozen, canned, raw), the packing medium (e.g., canned in juice or light syrup, frozen with added sugar or plain), and the method of preparation (e.g., baked or boiled). All offerings, choices, milk, substitutions, condiments, and noncreditable items must be listed to facilitate an accurate nutrient analysis of the menu.

Item B: **Recipe Number, Product Brand, and CN Label Number**
Record the recipe number of the menu item if the menu item is made from a recipe. Any menu item that has more than two ingredients combined to make the item must have a standardized recipe (e.g., seasoned or buttered corn, tossed salad, lasagna, rolls, fruit salad, cookies). If the item has been purchased, record the product brand, and/or CN label number, if applicable.

Item C: **Total Quantity of All Food Prepared**
Record the quantity of each menu or food item prepared for all students, adults, à la carte, and contract meals. Indicate the unit size in very specific terms (i.e., pounds, #10 cans, number of recipe servings).

Item D: **Indicate the Meal Contribution of Each Menu Item**

- Meat/Meat Alternate (Mt)
- Fruit (F)
- Vegetable
  - —Dark Green (DGV)
  - —Red/Orange (ROV)
  - —Beans/Peas (Legumes) (LV)
  - —Starchy (SV)
  - —Other (OV)
- Grains/Breads (GB)
- Whole Grains (WG)
- Milk (Mk)
- Extra Foods/Condiments (X)

Items E and F: Indicate the internal temperatures of hot and cold foods ***AND the times they were taken***.

Items G, H, and I: **Planned Number of Meals**
Indicate the total number of reimbursable student meals planned. These figures will be used to conduct a nutrient analysis and, therefore, should not include any cafeteria workers, adults, contract, or à la carte numbers.

Planned Serving Size
Record the serving size of the menu/food item to be served. ***NOTE: The planned serving size must be the same as the portion size served.***

Planned Number of Servings
Record the total number of servings planned for each menu/food item to be served. If seconds are routinely planned, they are to be recorded in this column and will be included in the nutrient analysis.

Item J: **Adult, À la Carte, and Contract Meals**
Any adult meals or contract meals served, in addition to any à la carte items served, must be recorded here.

Item K: **Leftovers/Comments**
Enter the quantity of each menu item left at the end of the meal service. Record if the food was discarded, given out as seconds, or stored for future use. The menu planner may also use this column to record comments about the menu. If any food is left over, this column ***MUST*** be used to indicate what happened to the food.

Food Production Record

Site Name: _____ Date: _____

Meal Type: Breakfast ☐ Lunch ☐

Offer versus Serve: Yes ☐ No ☐ Grades Participating: _____

Meals Served	
Age/Grade	*Actual Number Served*
Adult Meals	
Contract Meals	

(A) Menu or Food Item Used and Form	(B) Recipe # or Product Brand and CN Label #	(C) Total Quantity of All Food Prepared	(D) Meal Contri-bution*	(E) Time and Temp 1	(F) Time and Temp 2	(G) Grade Group: _____ Planned # Reimbursable Meals for Students: _____		(H) Grade Group: _____ Planned # Reimbursable Meals for Students: _____		(I) Grade Group: _____ Planned # Reimbursable Meals for Students: _____		(J) À la Carte, Adults, Contract Meals	(K) Leftovers/ Comments
						Planned Serving Size**	Planned # Servings (Including Planned Seconds)	Planned Serving Size**	Planned # Servings (Including Planned Seconds)	Planned Serving Size**	Planned # Servings (Including Planned Seconds)		

*Meal Contribution—Meat/Meat Alternate (Mt); Fruit (F); Vegetable—Dark Green (DGV), Red/Orange (ROV), Beans/Peas (Legumes) (LV), Starchy (SV), Other (OV); Grains/Breads (GB); Whole Grains (WG); Milk (Mk); Extra Foods/Condiments (X)

**The planned serving size must be the same as the portion size served.

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D. Salad Bars

1. ***A school may offer a daily salad bar line that offers multiple vegetable subgroups every day as a way to meet the weekly vegetable subgroup requirement.***

   This is acceptable if the salad bar is available to all children each day and offers all of the required weekly subgroups over the course of the week.

2. ***The vegetable subgroups offered on a daily salad bar need to be itemized on the production records. All of these items need to be listed on the menu.***

   Section 201.10(a)(3) of the regulations requires that production and menu records for the meals show how the meals offered contribute to the required food components and food quantities. These records must be examined by the State Agency during the administrative review to ensure the meals offered are reimbursable.

3. ***Schools that offer salad bars are not required to use specific size serving utensils to meet quantity requirements.***

   Schools are not required to use specific serving size utensils, but may do so to encourage children to take appropriate food amounts. However, regardless of the serving utensils used, food service staff must ensure that the portions on the student's tray meet the meal pattern requirements. This may be done by training the cashiers to visually identify the correct portions or by preportioning the food items.

4. Salad Bars and Point of Service (PoS)

   The memo on salad bars (SP-02-2010—Revised) states, "To ensure that each student's selections from the salad bar meet the required portions for an entrée or food item, the PoS must be stationed after the salad bar. If a school is not able to position the salad bar in a location prior to the PoS, the State Agency may authorize alternatives to the PoS lunch counts." If the fruits and vegetables are located in an approved location beyond the PoS, there must be a system in place to ensure that each reimbursable meal selected by the student includes a fruit or a vegetable and that the total of any fruit or vegetable item selected under Offer versus Serve equals at least 1/2 cup."

Salad/Food Bar Production Record
Instructions

Follow these instructions when the salad/food bar is planned as a menu item or extra offerings rather than a reimbursable meal.

Date: Record the date.

Planned Number of Students and Adults for Salad/Food Bar:
Indicate the total number of students and adults eating from the salad/food bar.

Meal Contribution:

Check the *Extra* box when the salad/food bar is not being used as any contribution to a reimbursable meal.

Check the *Vegetable or Fruit Component* box when it is being used as a component toward a reimbursable meal. You will also need to indicate on the production record the planned number of servings and a serving size. ***Note: Salad/food bar must be monitored when contributing to any part of the reimbursable meal.***

Comments: Note any special circumstances regarding meal contribution.

Item A: Food Item Prepared and Form, Recipe Number or Product Brand

Record each menu or food item to be prepared. Record the form of the item (i.e., sliced, chopped, shredded, fresh, frozen, canned, raw), the packing medium (e.g., canned in juice or light syrup, frozen with added sugar or plain), and the method of preparation. ***Note: Indicate the description of food items based on the Food-Buying Guide, when applicable.***

Also, record the recipe name and number of the menu item if the menu item is made from a recipe. Any menu item that has more than two ingredients combined to make the item must have a standardized recipe (e.g., seasoned or buttered vegetables, potato salad). If the item has been purchased, record the product brand and Child Nutrition (CN) label, when applicable.

Item B: Record times and temperatures according to your local HACCP plan.

Item C: Indicate Fruit or Vegetable. Vegetables must be reported by subgroups. Use the following abbreviations: Meat/Meat Alternate (Mt), Fruit (F), Vegetable—Dark Green (DGV), Red/Orange (ROV), Beans/Peas (Legumes) (LV), Starchy (SV), Other (OV), Milk (Mk), Extra Foods/Condiments (X).

Item D: Total Quantity of Food Prepared

Record the exact quantity of each food item to be prepared. Indicate the unit size in very specific terms (i.e., pounds, #10 cans, dozen).

Item E: Quantity of Food Left Over

Enter the quantity of each food item left at the end of the meal service. Indicate leftovers in a standardized measure.

Item F: Quantity Used on the Salad/Food Bar

Subtract Item D from Item C, and record quantity.

Item G: Comments

Enter the quantity of each item left at the end of the meal service. Record if the food was discarded or stored for future use. The menu planner may also use this column to record comments about the food item.

SALAD/FOOD BAR PRODUCTION RECORD

Date: _____ Planned Number of Students and Adults for Salad/Food Bar: _____

Meal Contribution			
☐ **Extra**			
☐ **Vegetable Component**	_____	**Serving Size**	_____
☐ **Fruit Component**	_____	**Serving Size**	_____

NOTE: *Use this form ONLY when the salad/food bar is planned as a menu item or extra offerings rather than a reimbursable meal.*

(A) Food Item Prepared/What Form Recipe Number or Product Brand	(B) Time and Temp	(C) Meal Contribution	(D) Total Quantity of Food Prepared (lb or qty)	(E) Quantity of Food Left Over (lb or qty)	(F) Quantity Used on the Salad/ Food Bar	(G) Comments

Meal Contribution: Fruit (F); Vegetable—Dark Green (DGV), Red/Orange (ROV), Beans/Peas (Legumes) (LV), Starchy (SV), Other (OV), Extra Foods/Condiments (X)

E. Multiple Lines

If a school has multiple serving lines, a daily production record must be maintained for each. Each serving line must offer all vegetable subgroups and meet minimum and maximum of all required food components.

F. Lines With Multiple Main Dishes

Lines with multiple main dishes may be recorded on one daily food production record if the same fruits and vegetables are available to students on that line. See example on **page CM-73** for K-5 grade grouping for meat/meat alternate and grains/breads. The fruit and vegetable items that are offered are the same for each option.

Line With Multiple Main Dishes
K-5 Meal Pattern

Component	Food Item		Serving Size	Total Servings—Sample Menu	
	Option 1	Option 2		Option 1	Option 2
Meat/Meat Alternate 8-10 ounce equivalent (oz eq) weekly/ 1 ounce equivalent (oz eq) daily	M *Chicken Burger*	M *Grilled Cheese*	Mon *2 oz, 1 oz*	2 oz eq Chicken	1 oz eq Cheese
	T *Marinara With Beef*	T *Lowfat Yogurt*	Tues *2 oz, 4 oz*	2 oz eq Beef	1 oz eq Yogurt
	W *Chicken Fajita*	W *Beef Burrito*	Wed *2 oz, 2 oz*	2 oz eq Chicken	2 oz eq Beef
	Th *Ginger Chicken With Citrus Glaze*	Th *Braised Tofu*	Thurs *2 oz, 2 oz*	2 oz eq Chicken	2 oz eq Tofu
	F *Cheese Pizza*	F *Chef's Salad*	Fri *2 oz, 2 oz*	2 oz eq Cheese	2 oz eq C Salad
				TOTAL: (MAX) 10 oz eq	**TOTAL: (MIN)** 8 oz eq

Component	Food Item		Serving Size	Total Servings—Sample Menu	
	Option 1	Option 2		Option 1	Option 2
Grains 8-9 ounce equivalent (oz eq) weekly/ 1 ounce equivalent (oz eq) daily	M *Whole-Grain Bun*	M *Whole-Wheat Bread*	Mon *1 ea, 2 slices*	2 oz eq Bun	1 oz eq Bread
	T *Whole-Grain Noodles*	T *Whole-Grain Roll*	Tues *1/2 cup, 1 ea*	2 oz eq Noodles	1 oz eq Roll
	W *Tomato-Basil Tortilla*	W *Flour Tortilla*	Wed *1 ea, 1 ea*	2 oz eq Tortilla	2 oz eq Tortilla
	Th *Whole-Grain Rice*	Th *Whole-Grain Roll*	Thurs *1/2 cup, 1 ea*	2 oz eq Rice	2 oz eq Roll
	F *Pizza Crust*	F *Whole-Grain Roll*	Fri *1 ea, 1 ea*	2 oz eq Crust	2 oz eq Roll
				TOTAL: (MAX) 10 oz eq	**TOTAL: (MIN)** 9 oz eq

Component	Food Item	Serving Size	Total Servings—Sample
Fruits 2 1/2 cups weekly/ 1/2 cup daily	M *Fresh banana or raisins*	Mon *1/4 cup*	1/4 cup
	T *Fresh orange or sliced peaches*	Tues *1/2 cup*	1/2 cup
	W *Fresh, seedless grape bunches or sliced pears*	Wed *1/2 cup*	1/2 cup
	Th *Fresh apple slices or pineapple juice*	Thurs *1/2 cup*	1/2 cup
	F *Fresh kiwi or pineapple*	Fri *1/2 cup*	1/2 cup
			TOTAL: 2 1/4 cups

Component	Food Item	Serving Size	Total Servings—Sample
Vegetables 3 3/4 cups weekly/ 3/4 cup daily	M *Baked beans or sweet potato fries*	Mon *3/4 cup*	Dark Green 3/4 cup
	T *Fresh spinach and romaine salad or Italian peas*	Tues *3/4 cup*	Red/Orange 2 1/4 cups
	W *Roasted herb corn or cole slaw*	Wed *3/4 cup*	Beans/Peas (Legumes) 3/4 cup
	Th *Asian medley vegetables or celery sticks*	Thurs *3/4 cup*	Starchy 1 1/2 cups
	F *Fresh carrots or three-bean salad*	Fri *3/4 cup*	Other 2 1/4 cups
			TOTAL: 2 1/4 cups

Component	Food Item	Serving Size	Total Servings—Sample
Milk 5 cups weekly/ 1 cup daily	Fat-free milk, flavored or unflavored each day	All day, 8 ounces (1 cup)	8 cups weekly

OFFER VERSUS SERVE

A. Offer versus Serve (OvS) was established by USDA regulations in order to reduce plate waste by giving students the option to decline food items. The SFA decides whether to implement Offer versus Serve and in what grades.

B. Offer versus Serve is required ***at lunch*** in senior high schools and optional for all other grades. Offer versus Serve is not required for any grade if the institution is a residential child care institution (RCCI).

C. If a district participates in Offer versus Serve, it is reported on the annual contractual agreement with the State Agency.

D. Students must be offered a lunch that contains:

1. Five food components (grains/breads, meat/meat alternate, fruit, vegetable, and milk).

2. Students ***MUST*** take at least three of the five food components.

3. Students must select at least one-half cup fruit and/or vegetable. This requirement can be met if the student selects one-fourth cup of fruit and one-fourth cup of vegetable.

4. The meal must be priced as a unit.

5. Students must take the full planned servings for food components to count toward a reimbursable meal (except students only require one-half cup of fruit and/or vegetable).

6. Students may decline any food component, including the main dish or milk. However, the student must take one-half cup fruit and/or vegetable.

7. **The five items at lunch include:**

   - Meat/Meat Alternate.
   - Grains/Breads.
   - Fruits.
   - Vegetables.
   - Milk.

E. Offer versus Serve—Traditional Food-Based Menu Planning for Breakfast

1. Schools must offer at least the minimum serving sizes for the appropriate age/grade group of all four food items from three or four food components.

2. Students must select at least three food items in at least the minimum serving size for the appropriate age/grade group.

3. Students must take full servings to count toward a reimbursable meal.

4. Students may decline any food item, including milk.

5. Breakfast must be priced as a unit.

6. The breakfast food components include:

- Milk (Mk)
- Juice/Fruit/Vegetable (V/F)
- Grains/Breads (G/B)

AND/OR

- Meat/Meat Alternate (Mt)

7. The four items at breakfast are:

- 1 serving of Milk
- 1 serving of Juice/Fruit/Vegetable
- 2 servings of Grains/Breads

AND/OR

- 2 servings of Meat/Meat Alternate

OR

- 1 serving of Grains/Breads and 1 serving of Meat/Meat Alternate

OR

- An equivalent combination of Grains/Breads and Meat/Meat Alternate

NOTE: The SFA may choose to offer a smaller serving size of any item, but it would not contribute toward the reimbursable meal.

OFFER VERSUS SERVE (OvS) for Breakfast

Under *New* Meal Patterns

(New Breakfast Required School Year 2013-2014)

- **Offer daily 3 food components**
- **1. Grains/Breads**
  2. Fruits or Vegetables
  3. Milk
  4. Additional Food Item
- ***Offer 4 food items***
- **Student may decline 1 of the 4 items**
- ***Student must select 1/2 cup fruit***
- **Other 2 items must be selected in quantity planned**

F. School Nutrition Staff Roles Relating to Offer versus Serve

1. **Menu Planners**
   - Use cycle menus.
   - Plan consistent number of menu items daily.
   - Use forecasting to plan food quantities.
   - Communicate menus to other staff.
   - Educate students and teachers about OvS.

2. **Servers**
   - Display food choices clearly, attractively.
   - Encourage students to select a complete meal via:
     - Enthusiastic comments.
     - Age-appropriate merchandising.

3. **Cashiers (This may not be the cashier, but the person who is monitoring students' trays to ensure reimbursable meals.)**
   - Review the planned menu:
     - Menu items
     - Serving sizes
     - Reimbursable meals
   - Remind students of choices and unit price.
   - Practice!

4. **Cooks**
   - Prepare foods according to standardized recipes.
   - Portion foods accurately.
   - Keep accurate menu production records.

G. Teaching Students About Offer versus Serve

1. **Concerns**
   - Number of components to select
   - Portion sizes
   - Pricing

2. **Strategies**
   - Encourage students to select complete meals.
   - Use age-appropriate materials (posters, table tents, other signs) at the point of service.
   - Promote consistent, key messages.
   - Give hands-on demonstrations.
   - Enlist teachers' help.
   - Remind them again and again.

H. Offer versus Serve—Additional Information

1. Offer versus Serve will continue to be a requirement in the NSLP for senior high schools and is an option for lower grade schools. It is also an option for the SFA for all schools in the SBP. Under OvS, schools must offer all the required food components and quantities and students are required to select at least three full components in the NSLP and SBP, with exceptions as noted below:

   a. ***NSLP:*** In the NSLP, schools must offer five food components (milk, fruits, vegetables, grains, and meat/meat alternates). Students are allowed to decline two of the five required food components but must select at least one-half cup of either a fruit or a vegetable. Students must select the other food components in the quantities planned.

   b. ***SBP:*** In order to carry out the OvS option in the SBP, schools must offer three food components (milk, fruits, and grains) that consist of a minimum of four food items. Students are allowed to decline one food item but must select at least one-half cup of fruit. Students must select the other food components in the quantities planned.

2. A student may select a one-half cup that consists of different fruits (e.g., fruit salad) or different vegetables (e.g., mixed vegetables) or a combination of only fruits and vegetables (e.g., carrot/raisin salad). Keep in mind that the one-half cup allowance for fruit or vegetable may be used only once for either the fruits or the vegetables component in a meal, so the other food components selected by the student under OvS must be full components.

3. Although fruits and vegetables are separate components in the meal patterns, the OvS requirement to select at least one-half cup of fruits or vegetables daily for a reimbursable meal may be met if the student selects one-fourth cup of fruits and one-fourth cup of vegetables. This is another way to promote the consumption of fruits and vegetables among children. The student would not be required to select additional fruits or vegetables if the reimbursable meal under OvS includes two other components in full.

4. Under OvS, students must select at least one-half cup of either the fruit or the vegetable component or a one-half cup combination of both components (one-fourth cup fruits and one-fourth cup vegetables) for a reimbursable meal. If a student selects only three components and two of these three components are fruits and vegetables, the student may select one-half cup of either fruit or vegetable, but then must select the full component of the other.

   For example, if a student in Grades 9-12 selects just milk, fruit, and vegetables, the student may take one-half cup of the vegetable but must take the full one-cup offering of the fruit. However, if the student selects another full component, such as a grains component or meat/meat alternate, the student may take a smaller portion of the fruit because the fruit is no longer being counted as the third component in the reimbursable meal.

5. SFAs must plan meals in the NSLP and SBP to meet all meal requirements and provide required amounts of food for all students. Menu planners should take into account participation and selection trends to determine what and how much food to offer students. Careful menu planning will ensure that students have access to all of the required food components for the reimbursable meal and minimize food waste.

6. The number of components that may be declined at lunch under OvS is the same for all age/grade groups.

FOOD SAFETY/HACCP

A. Hazard Analysis and Critical Control Point (HACCP) System (Reference All State Directors' Memo 2005-SP-21)

Section 111 of the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) amended Section 9(h) of the Richard B. Russell National School Lunch Act by requiring SFAs to implement a food safety program for the preparation and service of school meals served to children in the school year beginning July 1, 2005. The program must be based on HACCP principles and conform to guidance issued by USDA. All SFAs must have had a fully implemented food safety program no later than the end of the 2005-2006 school year. (Reference USDA Guidance on Developing a School Food Safety Program Based on the Process Approach to HACCP Principles—June 2005)

HACCP is a systematic approach to construct a food safety program designed to reduce the risk of foodborne hazards by focusing on each step of the food production process—receiving, storing, preparing, cooking, cooling, reheating, holding, assembling, packaging, transporting, and serving. The purpose of a school food safety program is to ensure the delivery of safe foods to children in the school meals program by controlling hazards that may occur or be introduced into foods anywhere along the flow of the food from receiving to service (food flow).

There are two types of hazards: (1) ones specific to the preparation of the food, such as improper cooking for the specific type of food (beef, chicken, eggs, etc.) and (2) nonspecific ones that affect all foods, such as poor personal hygiene. Specific hazards are controlled by identifying CCPs and implementing measures to control the occurrence or introduction of those hazards. Nonspecific hazards are controlled by developing and implementing Standard Operating Procedures (SOPs).

B. The Healthy, Hunger-Free Kids Act of 2010 (the Act), Public Law 111-296, strengthens the existing food safety requirements in the NSLP, SBP, and all other FNS programs operated in a school. The purpose of this memorandum is to provide guidance on the implementation of the statutory requirement. (Reference: USDA Policy Memo SP-37-2011)

Section 302 of the Act amends Section 9(h)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758[h][5]) by requiring that the school food safety program based on HACCP principles be applied to any facility or part of a facility in which food is stored, prepared, or served for the purposes of the NSLP, SBP, or other FNS program. The school food safety program, required since 2004, addresses food safety in all aspects of school meal preparation, ranging from procurement through service. FNS anticipates that only minor modifications to existing food safety programs will be needed in order to meet this requirement.

Food safety programs must be reviewed to ensure that standard operating procedures for safe food handling are updated to include any facility or part of a facility where food is stored, prepared, or served, such as on school buses, in hallways, school courtyards, kiosks, classrooms, or other locations outside the cafeteria. This requirement applies to school breakfast or lunch meals and the Special Milk Program (SMP), the Fresh Fruit and Vegetable Program (FFVP), and After-School Snack or Supper Programs (ASSP).

C. Developing a School Food Safety Program

1. Before developing your food safety program, you should review the food service operations within your SFA and describe the facility, functions, and standard procedures for each. Some basic information to consider when doing this initial review includes:

   - Types of facilities in your SFA
   - Existing SOPs
   - Number and type of employees at each site
   - Types of equipment
   - Processes for food preparation
   - Menu items

2. Three main points are essential to developing this program:

   - Sanitation—Be sure that all of your food preparation areas are clean and sanitary, such as workers' hands, utensils, and food contact surfaces. Avoid cross contamination.
   - Temperature control—Be sure to keep cold foods cold and hot foods hot. Cook to proper temperatures, and hold at proper temperatures; be sure to record those temperatures. A basic, properly calibrated food thermometer (digital or dial) is all you need to check for proper temperatures.
   - SOPs—They can be used both for sanitation and to verify that proper temperatures are being observed as well as other aspects of a foodservice operation. The NFSMI has a template available for SOPs.

3. An example of a Food Safety Program plan may be found in the USDA HACCP Guidance. Go to <**www.sde.ok.gov**>. After logging on, select *Services* and highlight *Federal Programs*. Click on ***Child Nutrition***; click on ***Documents***; and scroll down to ***School Meal Program—Various Documents/Forms***.

D. Requirements for a Food Safety Program

The SFA is responsible for developing a comprehensive food safety program for its jurisdiction, including a plan for every school food preparation and service site. A school food safety program must include the following elements.

1. Develop, Document, and Implement SOPs

   SOPs lay a strong foundation for your overall school food safety program. SOPs are step-by-step written instructions for routine food service tasks that affect the safety of food (***NONSPECIFIC*** hazards), such as proper dishwashing procedures, or for tasks that are a part of the HACCP-based plan (specific hazards), such as proper cooking procedures. Each SOP should include instructions on monitoring, documentation, corrective actions, and periodic review of the procedures they cover. Adherence to SOPs allows food service managers and employees to effectively control and prevent hazards.

   SFAs may already have SOPs developed and in place. If not, the NFSMI has developed a series of SOPs applicable to school food service establishments. The final versions of these SOPs are posted on the NFSMI Web site. Log on to **<http://www.NFSMI.org/>**, then click on ***Document Library*** on the upper right-hand side of the page, then click on ***Item 3, Subject Index***, then click on ***Food Safety***. Scroll down to ***Food Safety Standard Operating Procedures***, and select the ***SOP*** desired. These SOPs include critical limits as well as monitoring, corrective action, verification, and record-keeping procedures and may be customized to fit your particular foodservice operation. The main categories of SOPs with some example topics for school foodservice are listed below.

   a. General safety considerations
      - Prohibit bare hand contact with ready-to-eat (RTE) foods.
      - Store chemicals away from food and food-related supplies.

   b. Personnel
      - Require handwashing after restroom use, sneezing, coughing, or after performing any cleaning activity.
      - Develop a policy for restricting or excluding ill employees from food production or preparation areas.

   c. Product procurement
      - Follow recommendations for selecting vendors such as those found in state distributing agency vendor certification procedures.
      - Develop buyer product specifications.

d. Receiving
   - Reject all cans with swollen sides or ends, flawed seals and seams, rust, or dents.
   - Put perishable foods into the refrigerator or freezer immediately.

e. Storing
   - Store all food and paper supplies six to eight inches off the floor.
   - Label all food with name of the school and delivery date.

f. Transporting
   - Preheat transfer carts prior to use.
   - Limit transport travel time to a maximum of two hours.

g. Holding
   - Keep hot foods hot (above 135°F [Oklahoma Health Department requirement]) and cold foods cold (below 41°F).

h. Preparation
   - Do not keep food in the ***danger zone*** (between 41°F and 135°F) for more than four hours.
   - Handle food with utensils; clean, gloved hands; or clean hands. (Bare-hand contact with food during preparation should be limited. Bare-hand contact with RTE foods should be prohibited.)

i. Cleaning/Sanitizing
   - Use clean water, free of grease and food particles.
   - Keep wiping cloths in sanitizing solution while cleaning.

j. Cooking and documenting temperatures
   - Record all temperatures when they are taken.
   - Use only a clean and sanitized thermometer when taking internal temperatures of foods.

k. Cooling
   - Cool rapidly by storing food in small batches in individual containers; cover loosely so that heat can escape quickly.
   - Keep cold foods cold by prechilling ingredients for salads.

l. Reheating
   - Transfer reheated food to hot-holding equipment only when the food reaches the proper temperature.
   - Use only cooking ranges, ovens, steamers, and microwave ovens to reheat foods. Use hot-holding equipment only to maintain temperature and not for rapidly heating food.

2. Written plan at each school food preparation and service site for applying HACCP principles

   a. Assigning menu items in the appropriate HACCP process category

      USDA recommends that SFAs use the ***Process Approach*** to HACCP because it gives them flexibility to create a program suitable for a variety of situations. The Process Approach, originally developed by FDA for retail food establishments, categorizes food preparation into three broad categories based on how many times each menu item moves through the temperature danger zone.

To assign menu items to one of the three processes, consider the processes and procedures used to prepare the food in each of your school district's facilities. Determine whether menu items have no cook step involved, undergo a cook step for same-day service, or receive additional cooling and reheating following a cook step. This will enable you to place each menu item into the appropriate process. Identify the number of times each menu item goes up (heating) or comes down (cooling) through the ***danger zone*** (41°F — 135°F), and classify items into the following food preparation processes:

- Process 1—No Cook

  The menu item does not go completely through the danger zone in either direction.

- Process 2—Same-Day Service

  The menu item takes one complete trip through the danger zone (going up during cooking) and is served.

- Process 3—Complex Food Preparation

  The menu item goes through both heating and cooling, taking two or more complete trips through the danger zone.

You should document the appropriate process for each menu item. This can be done in a variety of ways, including writing the process number directly on the recipe or developing a list of menu items in each of the processes.

b. Identifying control measures and CCPs

The control measures that are absolutely essential must be applied at key points, known as CCPs, during the food preparation process to control specific hazards (physical, chemical, or biological). A CCP is a key point where a step can be taken to prevent, eliminate, or reduce a food safety hazard to an acceptable level.

You must document in writing the CCPs and critical limits for each process approach category in your food safety program and in each site plan. Each of the three processes in the process approach has specific CCPs (such as cooking, cooling, hot holding, cold holding, and reheating). The CCPs for each of the processes will remain the same regardless of the menu item. However, the critical limits will vary, depending upon the menu item and the recipe used to prepare each item. Critical limits for cooking, hot holding, and reheating are demonstrated on the following ***Temperature Rules*** chart:

TEMPERATURE RULES! Cooking for Food Service

Minimum Temperatures and Holding Times

165°F (15 seconds)
- Poultry—chicken, turkey, duck, goose—whole, parts, or ground
- Soups, stews, stuffing, casseroles, mixed dishes
- Stuffed meat, poultry, fish, and pasta
- Leftovers (to reheat)
- Food, covered, cooked in microwave oven (hold cover ***2 minutes*** after removal)

155°F (15 seconds)
- Hamburger, meatloaf, and other ground meats; ground fish*
- Fresh shell eggs—cooked and held for service (such as scrambled)*

145°F (15 seconds)
- Beef, corned beef, pork, ham—roasts (hold 4 minutes)*
- Beef, lamb, veal, pork—steaks or chops
- Fish, shellfish
- Fresh shell eggs—broken, cooked, and served immediately

140°F (15 seconds)
- Ham, other roasts—processed, fully cooked (to reheat)
- Fruits and vegetables that are cooked

***Reheat Foods to the Proper Temperature!**

- Reheat food within 2 hours to an internal temperature of 165°F for 15 seconds.
- Discard foods not reheated to 165°F within 2 hours.

Hold All Hot Food at 135°F or Above After Cooking!

The following are CCPs, related to each food preparation process:

- For Process 1—No Cook

  — Cold holding or limiting time in the danger zone to inhibit bacterial growth and toxin production (e.g., limiting time would be holding at room temperature for four hours and then discarding)

- For Process 2—Same-Day Service

  — Cooking to destroy bacteria and other pathogens
  — Hot holding or limiting time in the danger zone to prevent the outgrowth of spore-forming bacteria

- For Process 3—Complex Food Preparation

  — Cooking to destroy bacteria and other pathogens
  — Cooling to prevent the outgrowth of spore-forming bacteria
  — Hot and cold holding or limiting time in the danger zone to inhibit bacterial growth and toxin formation
  — Reheating for hot holding, if applicable

USDA's ***Recipes for Schools*** include CCPs and critical limits. These recipes are available through the NFSMI Web site at <**http://www.nfsmi.org**>. Click on ***Document Library*** on the upper right-hand side, then click on ***Item 3, Subject Index***, then click on ***Recipes***, and scroll down to ***USDA Recipes for Schools***. Having the recipes on file and following the recipes exactly will fulfill the requirement for documenting CCPs and critical limits within the process approach specifically for these recipes. Any other recipes, local or otherwise, that are not USDA's must have CCPs and critical limits.

c. Establish monitoring procedures

Employees must be trained in what is required by HACCP. Monitoring is an important step for an effective food safety program. Control measures, including CCPs and SOPs, must be monitored, controlled, and documented in writing. Monitoring involves making direct observations or taking measurements to see that the food safety program is being followed. Monitoring will identify when there is a loss of control so that corrective action can be taken. In establishing your monitoring procedures, consider the following questions:

- How will you monitor CCPs and SOPs?
- When and how often will you monitor?
- Who will be responsible for monitoring?
- Who will be responsible for documenting the Food Safety Checklist?

d. Establishing and documenting corrective actions

Whenever a critical limit is not met, a corrective action must be carried out immediately. A corrective action may be simply continuing to heat food to the required temperature. Other corrective actions may be more complicated, such as rejecting food items that were not delivered at the right temperature or discarding food that has been held without temperature control too long. Your food safety program must include corrective actions. Employees must know what these corrective actions are and be trained in making the right decisions.

e. Record keeping

There are certain written records or kinds of documentation that are needed to verify that the food safety program is working. These records will normally involve the food safety plan and any monitoring, corrective action, or calibration records produced in the operation of the food safety program based on HACCP principles. Record keeping also provides a basis for periodic reviews of the overall food safety program. In the event your operation is implicated in a foodborne illness, documentation of activities related to monitoring and corrective actions can provide proof that reasonable care was exercised in the operation of your facility.

Maintain records of cooking, cooling, and reheating temperatures and other CCPs in the food preparation process. Keep documentation as simple as possible to make record keeping easy for employees. You do not necessarily need to develop new records. For example, you may use existing paperwork such as delivery invoices for documenting product temperature when receiving food items. Determine what records must be kept, where to keep them, and which staff members will be responsible for maintaining them. Some of the types of records that should be maintained include:

- Records documenting the SOPs
- Time and temperature monitoring records
- Corrective action records
- Verification or review records
- Calibration records
- Training logs
- Receiving logs

f. Review and revise periodically

Review and revise your food safety program at least annually or as often as necessary to reflect any changes in your facility. These may include new equipment, new menu items, reports of illness or comments on health inspections, or other factors that indicate how well your food safety program is working. Determine who will review the current plan, when it will be done, and how it will be documented.

E. Emergency Procedures—Food Loss

During a power outage, a freezer temperature of 10°F or below is still considered a hard freeze. Therefore, if the freezer temperature stays below 10°F, food may still be kept in the freezer and used at a later date.

Most freezers will lose one degree per day without power if the freezer door stays shut. Sites must continue to check the temperature daily to avoid using foods not kept at the correct temperature.

If the temperature of the freezer rises above 10°F, then the food should be moved to a refrigerator and used within seven days.

When a site has food that it feels should not be used, the SFA should call the Food Sanitation Office of the Oklahoma State Health Department at 405-271-5243 and the Food Distribution Agency at 405-521-3581. The Health Department can schedule a county official to come out to the site and help the site dispose of the food and document the amount of food lost. This will give the site the documentation necessary for commodity replacement and insurance purposes for purchased foods.

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FOOD SAFETY CHECKLIST

Date: _____ Observer: _____

Directions: *Use this checklist according to the instructions in your SOPs, if applicable. Determine areas in your operations requiring corrective action. Record corrective action taken, and keep completed records in a notebook for future reference.*

PERSONAL HYGIENE	*Yes*	*No*	*Corrective Action*
• Employees wear clean and proper uniform, including shoes.	☐	☐	_____
• Effective hair restraints are properly worn.	☐	☐	_____
• Fingernails are short, unpolished, and clean (no artificial nails).	☐	☐	_____
• Jewelry is limited to a plain ring such as a wedding ring, a watch, and no bracelets.	☐	☐	_____
• Hands are washed properly, frequently, and at appropriate times.	☐	☐	_____
• Burns, wounds, sores or scabs, or splints and bandages on hands are completely covered with a glove while handling food.	☐	☐	_____
• Eating, drinking, chewing gum, smoking, or using tobacco are allowed only in designated areas away from preparation, service, storage, and all washing areas.	☐	☐	_____
• Employees use disposable tissues when coughing or sneezing and then immediately wash hands.	☐	☐	_____
• Employees appear in good health.	☐	☐	_____
• Hand sinks are unobstructed, operational, and clean.	☐	☐	_____
• Hand sinks are stocked with soap, disposable towels, and warm water.	☐	☐	_____
• A handwashing reminder sign is posted.	☐	☐	_____
• Employee restrooms are operational and clean.	☐	☐	_____

FOOD PREPARATION	*Yes*	*No*	*Corrective Action*
• All food stored or prepared in facility is from approved sources.	☐	☐	_____
• Food preparation, equipment, and food contact surfaces are properly washed, rinsed, and sanitized before every use.	☐	☐	_____
• Frozen food is thawed under refrigeration, cooked to proper temperature from frozen state, or in cold running water.	☐	☐	_____
• Thawed food is not refrozen.	☐	☐	_____
• Preparation is planned so ingredients are kept out of the temperature danger zone to the extent possible.	☐	☐	_____

FOOD PREPARATION (Continued)	*Yes*	*No*	*Corrective Action*
• Food is tasted using the proper procedure.	☐	☐	_____
• Procedures are in place to prevent cross-contamination.	☐	☐	_____
• Food is handled with suitable utensils, such as single-use gloves or tongs.	☐	☐	_____
• Food is prepared in small batches to limit the time it is in the temperature danger zone.	☐	☐	_____
• Clean, reusable towels are used only for sanitizing equipment surfaces and not for drying hands, utensils, floor, etc.	☐	☐	_____
• Food is cooked to the required safe internal temperature for the appropriate time. The temperature is tested with a calibrated food thermometer.	☐	☐	_____
• The internal temperature of food ***being cooked*** is monitored and documented.	☐	☐	_____

HOT HOLDING	*Yes*	*No*	*Corrective Action*
• Hot holding unit is clean.	☐	☐	_____
• Food is heated to the required safe internal temperature before placing in hot holding. Hot holding units are not used to reheat potentially hazardous foods.	☐	☐	_____
• Temperature of hot food ***being held*** at or above 135°F.	☐	☐	_____
• Hot holding unit is preheated before hot food is placed in unit.	☐	☐	_____
• Food is protected from contamination.	☐	☐	_____

COLD HOLDING	*Yes*	*No*	*Corrective Action*
• Temperature of cold food being held is at or below 41°F.	☐	☐	_____
• Food is protected from contamination.	☐	☐	_____

REFRIGERATOR, FREEZER, AND MILK COOLER	*Yes*	*No*	*Corrective Action*
• Refrigerator and freezer units are clean and neat.	☐	☐	_____
• Temperature is appropriate for piece of equipment.	☐	☐	_____
• Food is stored 6 inches off floor in walk-in cooling equipment.	☐	☐	_____
• Thermometers are available and accurate.	☐	☐	_____
• Proper chilling procedures are used.	☐	☐	_____
• All food is properly wrapped, labeled, and dated.	☐	☐	_____
• The FIFO (First In, First Out) method of inventory is practiced.	☐	☐	_____
• A temperature form is maintained to document storage temperatures daily.	☐	☐	_____

FOOD STORAGE AND DRY STORAGE	*Yes*	*No*	*Corrective Action*
• Temperature of dry storage area is between 50°F and 70°F or state public health department requirement.	☐	☐	_____
• All food and paper supplies are stored six to eight inches off the floor.	☐	☐	_____
• All food is labeled with name and delivery date.	☐	☐	_____
• Food is stored in original container or a food grade container.	☐	☐	_____
• Open bags of food are stored in containers with tight-fitting lids and labeled with common name.	☐	☐	_____
• The FIFO method of inventory management is used.	☐	☐	_____
• There are no bulging or leaking canned goods.	☐	☐	_____
• Food is protected from contamination.	☐	☐	_____
• All surfaces and floors are clean.	☐	☐	_____
• Labeled chemicals are stored away from food and food-related supplies.	☐	☐	_____
• There is a regular cleaning schedule.	☐	☐	_____

CLEANING AND SANITIZING	*Yes*	*No*	*Corrective Action*
• Three-compartment sink is properly set up for washing.	☐	☐	_____
• Dishmachine is working properly (such as gauges and chemicals are at recommended levels).	☐	☐	_____
• Suds are visible in wash sink.	☐	☐	_____
• Water is clean and free of grease and food particles.	☐	☐	_____
• Water temperatures are correct for wash and rinse.	☐	☐	_____
• If heat sanitizing, the utensils are allowed to remain immersed in 171°F water for 30 seconds.	☐	☐	_____
• If using a chemical sanitizer, it is mixed correctly and a sanitizer test strip is used to test chemical concentration.	☐	☐	_____
• Smallware and utensils are allowed to air dry.	☐	☐	_____
• Wiping cloths are stored in sanitizing solution while in use.	☐	☐	_____

UTENSILS AND EQUIPMENT	*Yes*	*No*	*Corrective Action*
• All small equipment and utensils, including cutting boards, are cleaned and sanitized between uses.	☐	☐	_____
• Small equipment and utensils are washed, sanitized, and air-dried.	☐	☐	_____
• Work surfaces and utensils are clean.	☐	☐	_____
• Work surfaces are cleaned and sanitized between uses.	☐	☐	_____
• Thermometers are cleaned and sanitized after each use.	☐	☐	_____
• Thermometers are calibrated on a routine basis.	☐	☐	_____
• Can opener is clean.	☐	☐	_____
• Drawers and racks are clean.	☐	☐	_____
• Clean utensils are handled in a manner to prevent contamination of areas that will be in direct contact with food or a person's mouth.	☐	☐	_____

LARGE EQUIPMENT	*Yes*	*No*	*Corrective Action*
• Food slicer is clean.	☐	☐	_____
• Food slicer is cleaned and sanitized after each use.	☐	☐	_____
• Boxes, containers, and recyclables are removed from site.	☐	☐	_____
• Loading dock and area around dumpsters are clean and odor-free.	☐	☐	_____
• Exhaust hood and filters are clean.	☐	☐	_____

GARBAGE STORAGE AND DISPOSAL	*Yes*	*No*	*Corrective Action*
• Kitchen garbage cans are clean and covered.	☐	☐	_____
• Garbage cans are emptied as necessary.	☐	☐	_____
• Boxes and containers are removed from site.	☐	☐	_____
• Loading dock and area around dumpster are clean.	☐	☐	_____
• Dumpster is closed.	☐	☐	_____

PEST CONTROL	*Yes*	*No*	*Corrective Action*
• Outside doors have screens, are well sealed, and are equipped with a self-closing device.	☐	☐	_____
• No evidence of pests is present.	☐	☐	_____
• There is a regular schedule of pest control by a licensed pest control operator.	☐	☐	_____

USDA FOODS

Fruits, vegetables, whole grains, and healthy sources of protein are available to help schools create meals that are consistent with the new meal requirements. For example, the USDA Foods program offers reduced-sodium canned beans and vegetables at no more than 140 mg per half-cup serving, which is in line with the requirement to reduce sodium in school meals. A variety of frozen fruits and vegetables without added sugar or salt are also available. The program also offers reduced-sodium and reduced-fat processed and blended cheeses (including Cheddar and mozzarella), fajita strips, and beef products.

Schools can convert their USDA Foods into ready-to-use end products. Establishing the Nutrient Standards for processed end products, and sharing their standards with processors, is the responsibility of the SFA that orders the end product.

A. If SFAs have any questions about USDA Foods (i.e., perpetual inventory, transferring foods, lost USDA Foods, disposal of spoiled USDA Foods), they should contact the Department of Human Services (DHS) at ***405-521-3581*** and/or the following Web site: **www.okdhs.org**.

B. USDA Foods are allocated based on the total number of lunches served in the previous year. USDA Foods are forecast a year in advance; if there is an increase or decrease in the number of lunches served, this will be reflected in the next year's allocation.

C. The maintenance of a refrigerator and/or freezer daily temperature log is required by the Food Distribution Unit of DHS for SFAs receiving USDA Foods. In the event that a refrigerator or freezer containing USDA Foods should malfunction and the contents be lost, USDA has deemed that the SFA must assume financial responsibility for the lost items unless a daily temperature log maintenance record can be produced. The daily temperature log maintenance record could possibly save the SFA from being placed in the unfortunate situation of having a claim filed by USDA for the value of USDA Foods lost. Refer to **page CM-95** for an example of the log.

D. A USDA Foods Product Comment Form developed by USDA is to provide local SFAs with a standardized method in which to document undesirable and/or inferior USDA Foods received by their SFAs. Refer to **page CM-97** for a sample Comment form.

E. A written system of accountability must be developed for the USDA Foods received by the SFA. USDA refers to this as a ***perpetual inventory***. This is the complete and accurate record of the receipt, distribution, use, disposal, and inventory of USDA Foods. Refer to **page CM-99** for a sample Perpetual Inventory form.

F. Sites are to use USDA Foods in the preparation of required food items or side dishes of the reimbursable lunch. In addition, they may be used in the preparation of meals served under any other meal service activity that is operated in the site under the nonprofit CNP account; e.g., SBP, SMP, à la carte sales, and snacks. (Reference All State Directors' Memo 99-SNP-14)

Examples of ***ACCEPTABLE*** use of USDA Foods are:

- Repackaging and selling USDA Foods peanuts in the à la carte sales line.
- Serving USDA Foods beef patties at a school function banquet. The cost must be at least equal to or greater than the value of the USDA Foods contained in the meal. The USDA value of the USDA Foods must accrue to the nonprofit school food service account (SFSA).
- Using USDA Foods in baking items that are sold in the teachers' lounge as long as they are also sold/served to students.

Examples of ***UNACCEPTABLE*** use of USDA Foods are:

- Catering operations for sites not participating in the NSLP.
- Catering for child care centers not participating in the CACFP.

- Using USDA Foods in the preparation of meals served at a school function banquet where the USDA value of the USDA Foods is not returned to the nonprofit SFSA.
- Using donated products in baking items that are given/sold exclusively to faculty, parent organizations, or the public.
- Using USDA Foods in any nonstudent-related events such as catering banquets for civic groups, partisan political functions, or supplying refreshments for parent organizations. Further, SFAs are prohibited from increasing their orders for USDA Foods for the purpose of supporting school-related functions other than NSLP, SBP, etc.

G. Commodity Processing

Commodity processing allows state distributing agencies (DHS) and eligible SFAs to contract with commercial food processors to convert raw bulk USDA Foods into more convenient ready-to-use end products.

USDA Foods processed by USDA do not require the school to follow procurement regulations. However, if a USDA Foods item is being processed by a food vendor, then procurement regulations must be followed.

1. Commodity Processing Operations

USDA offers states an estimate of the dollars planned to support a particular commodity. Multiple forms of a commodity are available as ordering options, one of which is bulk for reprocessing.

For example, funds to support the turkey market may be spent on turkey roasts, turkey ham, whole turkeys, or bulk pack turkeys. The bulk pack is specifically designed for efficient processing into end products such as sliced deli meat, hot dogs. DHS coordinates with school districts the best forms in which to order this commodity to meet school needs.

For raw bulk USDA Foods to be further processed into selected end products, DHS or SFAs contract with commercial food processors to have USDA Foods converted to more usable forms.

This legally binding agreement (or processing agreement) allows the processor to receive USDA Foods like bulk chicken as an ingredient in the production of a finished end product like chicken nuggets or patties. In turn, the value of USDA Foods is passed through to the recipient agency in the form of a lower cost for the finished product. USDA purchases and delivers bulk donated foods to the designated processing location as ordered by DHS.

2. The Commodity Value Passed on to SFA

Processors entering into these types of agreements must ensure that the full value of USDA Foods contained in the finished products is returned to the SFA. This value can be returned to the SFA by:

a. Discounting the normal commercial price of a product.

b. Paying a refund to the school.

c. Charging a fee for service for converting the USDA Foods.

End products made from meat or poultry are usually produced under fee-for-service agreements. Under this arrangement, the end products are sold at a processing fee, which represents the processor's costs for labor, packaging, other ingredients, and administrative overhead. With a fee for service, the value of the USDA Foods in the end products is not included in the price of the product.

3. Types of Commodity Processing Agreement

Processing agreements can be between FNS, DHS, and a processor, or an SFA and a processor. There are four basic types of agreement:

- ***National Processing Agreement (NPA).*** To reduce costs and paperwork, FNS has taken on the role of holding the agreement with the processor, monitoring the bond and approving all of the end products manufactured under the agreement. For additional information on NPA, go to **<www.fns.usda.gov./fdd/processing/national/>**.
- ***State Master Agreement.*** Under a state master agreement, DHS enters into an agreement with the processor and designated eligible SFAs may purchase end products from their processor.
- ***State Agreement.*** Under a state agreement, DHS negotiates bids and/or prices, selects the processor and the end products that will be produced, and enters into an agreement with the processor.
- ***Recipient Agency Agreement.*** Under a recipient agency agreement, the SFA enters into an agreement with the processor. This kind of arrangement requires the approval of DHS. Once approved, the SFA may purchase end products from that processor. A recipient agency agreement should be used after the SFA has completed its procurement process.

4. Procurement of Processing Services

- Under a national agreement, DHS or the SFA is responsible for conducting procurement, depending on who controls the finished product.
- Under a state agreement, DHS is responsible for conducting procurement.
- Under both the state master agreement and the recipient agency agreement, the SFA is responsible for conducting the procurement.

Regardless of the type of agreement that is used, processing services must be procured following federal procurement regulations.

All procurements are subject to the most stringent procurement thresholds whether that is federal, state, or local thresholds.

5. Regulations Governing Commodity Processing

Commodity processing is governed by regulations contained in 7 CFR §250.30. For a complete copy of 7 CFR §250 regulations, go to the Food Distribution Web site at **<www.fns.usda.gov/fdd/regs;fd regulations.htm>**.

For more information about commodity processing, we suggest that you contact DHS. A list of these state contacts may be found on the Food Distribution Web site at **<www.fns.usda.gov/fdd/contacts/sdacontacts.htm>**.

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REFRIGERATOR/FREEZER DAILY TEMPERATURE LOG

_____ For: _____
NAME OF SITE (IDENTIFY UNIT)

MONTH: _____ YEAR: _____

Day	Time	Temperature	Corrective Action	Food Worker's Initials
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
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28				
29				
30				
31				

Retain completed form with monthly Child Nutrition Programs (CNP) records.

REFRIGERATOR/FREEZER DAILY TEMPERATURE LOG INSTRUCTIONS

The maintenance of a refrigerator and/or freezer temperature log is required by the Food Distribution Unit of the Department of Human Services (DHS) for any institution receiving commodities. In the event that a refrigerator or freezer containing United States Department of Agriculture (USDA) commodities should malfunction and the contents be lost, USDA has deemed that the institution must assume financial responsibility for the lost items unless a temperature log maintenance record can be produced. The temperature log maintenance record could possibly save the institution from being placed in the unfortunate situation of having a claim filed by USDA for the value of commodities lost. Refrigerators should be maintained at 41°F or below; freezers should be maintained at 0°F or below.

INSTRUCTIONS:

- Use one form per freezer and/or refrigerator unit.
- Record name of site, name of refrigerator/freezer unit, and month and year.
- Record a temperature reading of every unit each morning.
- Post the date, time, and temperature of each unit on the designated form for that unit.
- Initial form for the day the temperature of the unit was recorded.

Document temperatures daily during operations. Record the temperatures late each Friday afternoon and early Monday morning if the institution is closed for the weekends. Record the temperature immediately after a known or suspected power loss. During holidays, record the temperature at least every other day, with no more than a two-day gap.

RETURN TO:

Department of Human Services
Food Distribution Agency
P. O. Box 25352
Oklahoma City, Oklahoma 73125
405-521-3581

COMMODITY PRODUCT COMMENT FORM

Contract Party: (Name of food service director, SFA's name, address, and telephone number)	Date:
Commodity Item(s):	
Complaint:	
Location: (Site's name, address, and telephone number)	Complaint made by:
Commodity Contract Number: (Located on case—must have this number) Commodity Lot Number: (Usually located on case—valuable to have) Other Identifying Information: (Pack date; can code; any other numbers available)	
FOR STATE AGENCY USE ONLY	
Vendor:	Order Number:
Shipped From:	Date:
Destination Point:	Date:

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State of Oklahoma
Department of Human Services
PERPETUAL INVENTORY FOR USDA FOODS

Food Item	Location	Description	Best If Used by

DATE	QUANTITIES IN	QUANTITIES OUT	BALANCE	INITIALS	REMARKS

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ADDITIONAL INFORMATION

A. Food Leaving School Premises/Designated Eating Areas (Reference FNS Instruction 786-8, Revision 1)

The authorizing legislation and program regulations clearly intend that meals (breakfasts, lunches, and snacks) reimbursed under the programs are to be ***SERVED*** and ***CONSUMED*** as part of the school program ***on school or school-related premises.*** Therefore, school meals given to children to take home are not reimbursable. The term ***PREMISES*** has been defined as those assigned eating areas for both students and adults. Guests must also eat their meals in the designated areas. No food items—meals, leftover food, or USDA Foods—are to be carried away from the premises by any person. However, meals such as those taken on school-supervised field trips may be reimbursed if they meet meal pattern requirements and are served and consumed as part of a school-related function. These functions must be part of the curriculum, as defined by the State Agency, and not extracurricular events. Meals served off-site should be subject to especially stringent sanitary and precautionary measures to avoid contamination and spoilage. ***NOTE:*** USDA requires that all food items necessary for a reimbursable meal must be provided by the SFA. Therefore, any part(s) of a meal that is being provided by a parent, student organization, grandparent, or any other person or entity must not be claimed for reimbursement. (Reference 7 CFR §210.10)

B. Use of Leftover Foods (Reference USDA Policy Memo 89-SNP-7 and 96-SNP-28)

1. There has been a strict interpretation of regulations dealing with the use of foods produced and USDA Foods used in the school food service program.

   At the same time, discarding unusable leftover food when there are needy people in the community and there are charitable nonprofit organizations in the community that can use the food to address that need is wasteful and violates humanitarian sensibilities.

2. A new policy will now allow the state the flexibility to authorize SFAs to release leftover food to charitable nonprofit organizations under the following conditions:

   a. Good meal production planning is followed to ensure that one meal per child is produced.

   b. The leftover food cannot be used in the food service program and would otherwise be thrown away.

   c. State and local health codes are followed.

   d. There is an agreement on file at the SFA between the SFA and the nonprofit organization to include, at a minimum: (a) terms of the agreement; (b) duties of the district; (c) duties of the contractor; (d) nondiscrimination; (e) contractor not an officer, employee, or agent of the district; (f) liability; (g) hold harmless and indemnification; and (h) certification of liability insurance. An example of an agreement is on **page CM-109**.

   e. Documentation must be maintained with food production records. This must include, at a minimum:

      - What food items
      - Quantities
      - Date

C. Food Garbage

USDA has very strict regulations about the distribution of food garbage for the use of feeding animals. The Oklahoma Department of Agriculture should be contacted for further information.

D. Sanitation/Health Inspections of Kitchens

1. Sanitation

Local, county, and state standards must be followed. It is recommended that a sample of each food served during the day be taken at each meal service and kept under refrigeration for at least 72 hours before discarding. The Oklahoma State Department of Health Food Service Establishment Regulations (Chapter 256) may be obtained through the Consumer Protection Division of Food Sanitation at 405-271-5243. This information may also be accessed at <***www.health.state.ok.us***>.

2. Health Inspections of Kitchens

a. Section 111 of the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) amended Section 9(h) of the Richard B. Russell National School Lunch Act regarding health inspections required in schools participating in the NSLP or SBP.

b. Each school must obtain at least two health inspections each school year. The inspections must be conducted by the Health Department. In addition, schools must post, in a publicly visible location, the most recent health inspection and provide a copy of the health inspection report to a member of the public upon request. If a school is not receiving the required two inspections per year, the school should contact the Health Department to request that the inspections be conducted; the date and name of the person spoken to concerning this matter should be documented.

c. The Reauthorization Act also requires the State Agency to annually submit a report on health inspections to the Secretary of Agriculture. To meet this requirement, state agencies must annually collect and submit to FNS the number of schools within the state that meet the requirement for two health inspections; the number of schools that have only obtained one inspection; the number of schools that have not been able to obtain any inspections; and the number of schools that exceed the required number of inspections. (Reference USDA Policy Memo 2005-SP-10) This report will be submitted through eClaims by each school district prior to the submission of the September claim for reimbursement.

d. Oklahoma Law Title 63 O.S. Sections 1-106.1(E) and 1-1118, and Title 75 O.S. Section 314(C)(1) requires institutions such as schools to pay annual license renewal fees of $100 per site to the Oklahoma State Department of Health. This fee is necessary to support the continued operation of food sanitation programs, including facility inspections conducted by the Health Department.

E. Competitive Food Services (Reference All State Directors' Memos 1985-SCHOOLS-28)

1. Section 10(a) of the Child Nutrition Act of 1966, as amended by Public Law 95-166 in 1977, directs USDA to issue regulations relating to the service of foods made available in competition with the NSLP and SBP. The federal law does not provide specifics about how competitive foods should be regulated, and there is no specific authority enabling USDA to regulate foods sold outside of the designated food service areas. ***Designated food service areas include any area where reimbursable meals are prepared, served, and/or consumed.***

2. À la carte foods are all other foods offered for individual sale and defined as foods sold at any time during the school day anywhere on the school campus, including the school food service areas.

3. USDA regulations do not prohibit the sale of these foods. These foods range from second servings of foods that are part of the reimbursable school meal to foods that students purchase in addition to or in place of a reimbursable school meal, such as à la carte sales and other foods and beverages purchased from vending machines, school stores, and snack bars.

4. USDA regulation §210.11(b) states that the sale of these foods may be allowed in the food service area during the meal period only if all income from the sale of such foods accrues to the benefit of the nonprofit school food service or ***school or student organizations*** approved by the school.

E. Foods of Minimal Nutritional Value (FMNV) (Reference All State Directors' Memo 1980-SNP-52)

1. Definition

   USDA defines foods of minimal nutritional value as those foods which provide ***LESS*** than 5 percent of the United States Recommended Daily Allowance (USRDA) for each of the eight specified nutrients per 100 calories ***AND*** less than 5 percent of the USRDA for each of eight specified nutrients per serving. The eight specified nutrients to be evaluated are protein, vitamin A, vitamin C (ascorbic acid), niacin, riboflavin, thiamin, calcium, and iron. In the case of artificially sweetened foods, only the per serving measure would apply.

2. USDA realizes that states and local SFAs may find it difficult to apply the 5 percent rule to each food item sold on school premises. Therefore, USDA has established a more practical method to evaluate FMNV. USDA has identified four categories of food items that are considered to be FMNV. States and SFAs must restrict those foods which are included in the four categories of FMNV. (Reference All State Directors' Memo 1980-SNP-52)

   The four categories of FMNV are soda water/carbonated beverages, water ices, chewing gum, and certain candies. The types of food items belonging to each category are defined as follows:

   a. ***Soda water/carbonated beverages***—A class of beverages made by absorbing carbon dioxide in potable water. The amount of carbon dioxide used is not less than that which will be absorbed by the beverage at a pressure of one atmosphere and at a temperature of 60°F. It either contains no alcohol or only such alcohol, not in excess of 0.5 percent by weight of the finished beverage, as is contributed by the flavoring ingredient used. No product shall be excluded from this definition because it contains artificial sweetener or discrete nutrients added to the food, such as vitamins, minerals, and protein.

   b. ***Water ices***—Water ices are the foods prepared from the same ingredients and in the same manner prescribed for sherbets, except that the mix need not be pasteurized and complies with all the provisions as sherbet (including the requirements for label statement of ingredients), except that no milk or milk-derived ingredient, and no egg ingredient other than egg white, is used. Water ices include foods that are artificially or naturally flavored with nonfruit or nonfruit juice flavorings. However, a frozen product with fruit or fruit juice or with milk or milk products is ***NOT*** classified as a water ice.

      Unless the following types of products have an exemption for a specific product, they are considered FMNV:

      Frozen, water-based bars—water ices
      Frozen coffee/tea drinks—water ices
      Partially frozen drinks—water ices
      Frozen pickle juice/brine—water ice
      Soda water floats—soda water; while these items contain ice cream which is not an FMNV, the main ingredient is soda water

c. ***Chewing gum***—Flavored products from natural or synthetic gums and other ingredients which form an insoluble mass for chewing.

d. ***Certain candies***—Processed foods made predominantly from sweeteners or artificial sweeteners with a variety of minor ingredients which characterize the following types:

- ***Hard candies***—A product made predominantly from sugar (sucrose) and corn syrup which may be flavored and colored; is characterized by a hard, brittle texture; and includes such items as sour balls, fruit balls, candy sticks, lollipops, starlight mints, after-dinner mints, sugar wafers, rock candy, cinnamon candies, breath mints, jaw breakers, and cough drops.

- ***Jellies and gums***—A mixture of carbohydrates which are combined to form a stable gelatinous system of jellylike character; are generally flavored and colored; and include gumdrops, jelly beans, jellied and fruit-flavored slices.

- ***Marshmallow candies***—An aerated confection composed of sugar, corn syrup, invert sugar, 20 percent water, and gelatin or egg white, to which flavors and colors may be added.

- ***Fondant***—A product consisting of microscopic-sized sugar crystals which are separated by a thin film of sugar and/or invert sugar in solution such as candy corn or soft mints.

- ***Licorice***—A product made predominantly from sugar and corn syrup which is flavored with an extract made from the licorice root.

- ***Spun candy***—A product that is made from sugar that has been boiled at a high temperature and spun at a high speed in a special machine.

- ***Candy-coated popcorn***—Popcorn which is coated with a mixture made predominantly from sugar and corn syrup.

G Federal USDA Regulations and FMNV

1. In order to further the nutrition goals set forth by statute, current USDA regulations prohibit the sale of these FMNV during student meal services (7 CFR § 210.11[b]). SFAs must ensure that they are complying with the requirements of FMNV in the following areas:

a. Food service area/meal period (Reference All State Directors' Memo 2001-SP-06)

(1) The term ***food service area*** refers to any area on-site premises where program meals are either served or eaten. Eating areas that are completely separate from the serving lines are clearly part of the food service area. Furthermore, sites may not design their food service areas in such a way as to encourage or facilitate the choice or purchase of FMNV as a ready substitute for, or in addition to, program meals. Similarly, ***during meal periods*** includes both the time of serving and the time the student spends eating the meal.

b. Access to FMNV

(1) It is not permissible for a site to serve FMNV during a meal service period in the area where reimbursable meals are served and/or eaten.

(2) SFAs agree to price the reimbursable meal as a unit. Any FMNV provided with a reimbursable meal ***at no additional charge*** is in fact being ***SOLD*** as part of the unit if the FMNV is only available when a reimbursable meal is taken. This violates the prohibition against selling FMNV in the food service areas during meal periods. Further, such arrangements violate the unit price provision in the agreement.

c. Use of funds in the nonprofit SFSA

Costs charged to the nonprofit SFSA must be both necessary and reasonable. The costs of FMNV purchased for service in the food service area during meal periods are neither necessary nor reasonable, so they are not allowable costs. In some circumstances, the cost of ***MINOR*** quantities of FMNV used to decorate or enhance a food or menu item is allowable. Any other costs of FMNV for service in the food service area during meal periods must be disallowed. If SFSA funds are used to purchase FMNV for sale outside a meal period or outside a food service area during meal periods, such purchases must be self-sustaining. This means that funds must be deposited in the SFSA in an amount sufficient to cover all direct and indirect costs relating to the purchase and service of FMNV with SFSA funds. Records documenting the recovery of these costs must be maintained and available for review.

H. State (Oklahoma) law and FMNV (Effective July 1, 2007)

1. Senate Bill 265, which went into effect on July 1, 2007, was signed into law by Governor Brad Henry on April 14, 2005. The bill introduced a new section of law (70 O.S. Section 5-147) providing that each district board of education shall ensure that:

a. Students in elementary school facilities are not provided FMNV except on special occasions. (Reference 70 O.S. §5-147)

b. Students in middle and junior high school facilities are not provided FMNV except after school, at events which take place in the evening, and on special occasions. An exception to the minimal nutritional value standard will be diet soda with less than ten calories per bottle or can.

c. Students in high schools are provided healthy food options in addition to any FMNV to which they have any access at school. Each district shall provide incentives such as lower prices or other incentives to encourage healthy food choices for high school students.

d. For purpose of this section, ***foods of minimal nutritional value*** means any food so defined in 7 CFR 210.11 and listed in Appendix B of the regulations for the NSLP.

e. There may be exceptions to the above-named rules in certain instances. For example, FMNV may be allowed when used as part of an instructional program; when prescribed by a physician or as part of a student's individualized education program (IEP); when part of a lunch brought from home; or when used as an ingredient in a special recipe, such as cupcakes with jellybeans or sweet potatoes with marshmallow topping.

I. Special Medical or Dietary Needs

1. USDA regulations state "Schools shall make substitutions in foods listed in this section for students who are considered disabled under 7 CFR Part 15(b) and whose disability restricts their diet. Schools ***MAY*** also make substitutions for nondisabled students who are unable to consume the regular breakfast, lunch, or milk provided under the Special Milk Program (SMP) because of medical or other special dietary needs. Substitutions shall be made on a case-by-case basis only when supported by a statement of the need for substitutions that includes recommended alternate foods, unless otherwise exempted by USDA Food and Nutrition Service (FNS). Such statement shall, in the case of a disabled student, be signed by a physician or, in the case of a nondisabled student, by a recognized medical authority." (Refer to **pages CM-111** and **CM-113** for medical forms.)

2. SFA Responsibilities:

- Required to make substitutions or accommodations for students with disabilities if meals or milk under SMP is normally available to the general student population and a Section 504 Plan is on file for the student (the Rehabilitation Act of 1973).

- Must provide additional meal services or food items not normally available for disabled students when required in an IEP (Individuals With Disabilities Education Act [IDEA]).

- Must base substitutions or modifications for disabled students on a prescription written by a licensed physician.

- Must base substitutions or modifications for nondisabled children on a medical statement by a medical authority.

- Must not revise or change a diet prescription or medical order.

- May provide food or beverage substitutions or accommodations for nondisabled children with special dietary needs as supported by a statement signed by a recognized medical authority

- ***Documentation of special dietary needs must be on file at the cafeteria manager's office.***

J. Food Allergy

1. Generally, children with food allergies or intolerances do not have a disability as defined under either Section 504 of the Rehabilitation Act or Part B of IDEA, and the school food service ***MAY***, but is not required to, make food substitutions for them.

2. However, when in the licensed physician's assessment, food allergies may result in severe, life-threatening (anaphylactic) reactions, the child's condition would meet the definition of ***DISABILITY*** and the substitutions prescribed by the licensed physician must be made. It is the responsibility of the SFA to pay for any substitutions required. ***(For more information on allergy and anaphylaxis label reading, go to <www.foodallergy.org>.)***

K. Milk Substitutions (Nondairy Beverage)

1. Public Law 108-265, Section 102 states that a school ***MAY*** substitute for the fluid milk requirement a nondairy beverage that is nutritionally equivalent to fluid milk and meets nutritional standards established by USDA for students who cannot consume fluid milk because of a medical or other special dietary need other than a disability.

2. Substitutions ***MAY*** be made if the school notifies the State Agency in its Renewal Policy Statement that the school is implementing this variation. The substitution is required to have a written statement from a medical authority or from a student's parent or legal guardian (refer to **page CM-115** to see an example of the Milk Substitution Request Form) that identifies the medical or other special dietary need that restricts the student's diet. The school shall not be required to provide beverages other than beverages the school has identified as acceptable substitutes.

3. Expenses incurred in providing substitutions that are in excess of expenses covered by reimbursement shall be paid by the SFA.

NOTE: Only meals that contain milk or an acceptable milk substitute are reimbursable unless the school is implementing the Offer versus Serve provision and the student declines the milk.

a. ***REMINDER:*** Acceptable fluid milk to serve includes pasteurized:

- Unflavored or flavored fat-free milk
- Unflavored lowfat milk
- Lactose-reduced milk
- Lactose-free milk
- Cultured buttermilk

b. Fluid milk substitution rule applies to the following CNP:

- National School Lunch Program (NSLP)
- School Breakfast Program (SBP)
- After-School Snack Program (ASSP)
- Special Milk Program (SMP)

c. Nondairy beverage nutrient requirements per cup:

• Calcium	276 mg
• Protein	8 g
• Vitamin A	500 IU
• Vitamin D	100 IU
• Magnesium	24 mg

d. Acceptable reasons for requesting a milk substitute:

- Milk allergy
- Religious
- Cultural
- Ethical reason
- Vegan diet

NOTE: If a request states that a child does not like milk, this is not an acceptable reason.

e. Unacceptable milk substitutions:

- Water
- Juice

NOTE: When the milk substitution request is due to a medical or special dietary need other than a disability, the school chooses whether to accommodate the student and selects the nondairy beverage in accordance with the final milk substitution rule.

L. Substitutions Due to Ethnic or Religious Preferences

Sites ***MAY*** consider ethnic and religious preferences when planning and preparing meals. Variations on an experimental or continuing basis in the ***food components*** for the ***food-based*** menu-planning approaches must have written approval from USDA. Contact the State Agency for further instructions. (Reference USDA Regulations §210.10[g][2])

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EXAMPLE
USE OF LEFTOVER FOODS

AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, _____, between _____, hereinafter referred to as the ***Contractor***, and _____, hereinafter referred to as the ***District***.

WHEREAS the Contractor is a nonprofit agency qualified to distribute food to needy persons in the community,

The parties hereby agree as follows:

1. TERM

   This Agreement is effective upon execution and shall remain in effect until terminated by the parties hereto. Either party may terminate this Agreement by providing the other party five days advance written notification, delivered to its last known address.

2. DUTIES OF THE DISTRICT

   The District shall make available to the Contractor at no cost and on a nonexclusive basis leftover food items from the District's food service operation, for which the District has determined it has no further use.

3. DUTIES OF THE CONTRACTOR

   The Contractor shall pick up the food items at times and places mutually agreeable to the parties as specified in paragraph 9, transport them as necessary, and provide them at no cost to needy persons, all in a manner that complies with applicable laws and regulations.

4. NONDISCRIMINATION

   Neither party shall employ discriminatory practices in its performance hereunder on the basis of race, color, religion, national origin, ancestry, sex, age, or disability.

5. CONTRACTOR NOT AN OFFICER, EMPLOYEE, OR AGENT OF THE DISTRICT

   While engaged in performance of this contract, the Contractor is an independent contractor and is not an officer, employee, or agent of the District.

6. LIABILITY

   The District shall not be liable to the Contractor for personal injury or property damage sustained by the Contractor in the performance of this contract, whether caused by the District, its officers, employees, or by third persons.

7. HOLD HARMLESS AND INDEMNIFICATION

The Contractor agrees to release, discharge, indemnify, defend, and hold harmless the District, its employees, and agents for all illness, injury, or damage to persons or property which may arise out of the activities covered under this Agreement, including the transportation, distribution, use, or consumption of food items, irrespective of any negligence on the part of the District.

Furthermore, the Contractor agrees to defend and fully indemnify the District from any and all liability, loss, or damage the District or its agents or employees may suffer as a result of claims, demands, costs, penalties, litigation, or judgments against it arising from any and all illness, injury, or damage to any person, persons, or property caused by or resulting from the activities covered under this Agreement, including the transportation, distribution, use, or consumption of food item.

8. INSURANCE

The Contractor shall carry sufficient general liability insurance to protect itself, its employees, and agents against all such claims (referenced in paragraph 7, above) arising under this Agreement, and to indemnify and defend the District.

Contractor shall provide the District with certificate(s) of insurance acceptable to the District's Contract Supervisor, specifying that the District is to be given written notice 30 days in advance of any modification to or termination of coverage.

The Contractor's insurance carrier is: _____,

Policy Number: _____.

9. DELIVERY

Contractor shall take delivery at the following location(s):

CONTRACTOR

BY _____

_____
Title

DISTRICT

BY _____
Contract Supervisor

MEDICAL STATEMENT
FOR
CHILDREN *WITHOUT* DISABILITIES
Requesting Special Foods in Child Nutrition Programs

Part I (to be filled out by SFA or Parent/Guardian)

Name of Student: _____ Age: _____

Name of Parent/Guardian: _____ Telephone Number: _____

School District: _____ School Attended by Student: _____

Part II (to be filled out by a recognized Medical Authority)

Diagnosis (include description of the patient's medical or other special dietary needs that restrict the child's diet):

_____

_____

_____

List food(s) to be omitted from diet:

_____

_____

_____

List food(s) that may be substituted (diet plan):

_____

_____

_____

Additional information:

_____

_____

_____

_____ _____

Date Signature of Recognized Medical Authority

Telephone Number: _____

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MEDICAL STATEMENT
FOR
CHILDREN *WITH* DISABILITIES
Requesting Special Foods in Child Nutrition Programs

Part I (to be filled out by the School District or the Parent/Guardian)

Name of Student: _____ Age: _____

Name of Parent/Guardian: _____ Telephone Number: _____

School District: _____ School Attended by Student: _____

Part II (to be filled out by a Physician)

Diagnosis (include description of the patient's disability and the major life activity affected by the disability):

_____

_____

_____

List food(s) to be omitted from diet:

_____

_____

_____

List food(s) that may be substituted (diet plan) and any modifications of texture or consistency that are necessary:

_____

_____

_____

_____

_____ _____

Date Signature of Physician

Physician'sTelephone Number: _____

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MILK SUBSTITUTION REQUEST

Student's Name: _____ Age: _____ Grade: _____

The _____ Public School is participating in the milk substitution provision which states that a school may substitute for the fluid milk a nondairy beverage that is nutritionally equivalent to fluid milk and meets Nutritional Standards established by the United States Department of Agriculture (USDA). At a minimum, the Nutritional Standards shall include fortification of calcium, protein, vitamin A, and vitamin D to levels founds in cow's milk for students who cannot consume fluid milk because of a medical or other special dietary need other than a disability.

The _____ Public School has notified the State Department of Education (the State Agency) that the school is implementing this variation. The substitution requires a written statement by a medical authority or by a student's parent or legal guardian that identifies the medical or other special dietary need which restricts the student's diet, except that the school shall not be required to provide beverages other than beverages the school has identified as acceptable substitutes.

Acceptable substitutes are as follows:

_____

_____

_____

_____

_____

Expenses incurred in providing substitutions that are in excess of expenses covered by reimbursements shall be paid by the school district.

_____ _____

Date Signature of Medical Authority or Parent/Guardian

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How to Read a Label for a Milk-Free Diet

All FDA-regulated manufactured food products that contain milk as an ingredient are required by U.S. law to list the word "milk" on the product label.

Avoid foods that contain milk or any of these ingredients:

butter, butter fat, butter oil, butter acid, butter ester(s)
buttermilk
casein
casein hydrolysate
caseinates (*in all forms*)
cheese
cottage cheese
cream
curds
custard
diacetyl
ghee
half-and-half
lactalbumin, lactalbumin phosphate
lactoferrin
lactose
lactulose
milk (*in all forms, including condensed, derivative, dry, evaporated, goat's milk and milk from other animals, lowfat, malted, milkfat, nonfat, powder, protein, skimmed, solids, whole*)
milk protein hydrolysate
pudding
Recaldent®
rennet casein
sour cream, sour cream solids
tagatose
whey (*in all forms*)
whey protein hydrolysate
yogurt

Milk is sometimes found in the following:

artificial butter flavor
baked goods
caramel candies
chocolate
lactic acid starter culture and other bacterial cultures
luncheon meat, hot dogs, sausages
margarine
nisin
nondairy products
nougat

The Food Allergy & Anaphylaxis Network
11781 Lee Jackson Hwy.
Suite 160
Fairfax, VA 22033-3309
Phone: 703-691-3179
Fax: 703-691-2713
www.foodallergy.org
faan@foodallergy.org

How to Read a Label for a Soy-Free Diet

All FDA-regulated manufactured food products that contain soy as an ingredient are required by U.S. law to list the word "soy" on the product label.

Avoid foods that contain soy or any of these ingredients:

edamame
miso
natto
shoyu
soy (*soy albumin, soy cheese, soy fiber, soy flour, soy grits, soy ice cream, soy milk, soy nuts, soy sprouts, soy yogurt)*
soya
soybean (*curd, granules*)
soy protein (*concentrate, hydrolyzed, isolate*)
soy sauce
tamari
tempeh
textured vegetable protein (*TVP*)
tofu

Milk is sometimes found in the following:

Asian cuisine
vegetable broth
vegetable gum
vegetable starch

Keep the following in mind:

- **The FDA exempts highly refined soybean oil from being labeled as an allergen.** Studies show most allergic individuals can safely eat soy oil that has been highly refined (***NOT*** cold pressed, expeller pressed, or extruded soybean oil).
- Most individuals allergic to soy can safely eat soy lecithin.
- Follow your doctor's advice regarding these ingredients.

How to Read a Label for a Peanut-Free Diet

All FDA-regulated manufactured food products that contain peanut as an ingredient are required by U.S. law to list the word "peanut" on the product label.

Avoid foods that contain peanuts or any of these ingredients:

artificial nuts
beer nuts
cold pressed, expeller pressed, or extruded peanut oil
goobers
ground nuts
mixed nuts
monkey nuts
nut pieces
nutmeat
peanut butter
peanut flour
peanut protein hydrolysate

Peanuts are sometimes found in the following:

African, Asian (*especially Chinese, Indian, Indonesian, Thai, and Vietnamese*), and Mexican dishes
baked goods (*e.g., pastries, cookies*)
candy (*including chocolate candy*)
chili
egg rolls
enchilada sauce
marzipan
mole sauce
nougat

Keep the following in mind:

- Mandelonas are peanuts soaked in almond flavoring.
- **The FDA exempts highly refined peanut oil from being labeled as an allergen.** Studies show that most allergic individuals can safely eat peanut oil that has been highly refined (***NOT*** cold pressed, expeller pressed, or extruded peanut oil). Follow your doctor's advice.
- A study showed that, unlike other legumes, there is a strong possibility of cross-reaction between peanuts and lupine.
- Arachis oil is peanut oil.
- Many experts advise patients allergic to peanuts to avoid tree nuts as well.
- Sunflower seeds are often produced on equipment shared with peanuts.

How to Read a Label for a Wheat-Free Diet

All FDA-regulated manufactured food products that contain wheat as an ingredient are required by U.S. law to list the word "wheat" on the product label. The law defines any species in the genus *Triticum* as wheat.

Avoid foods that contain wheat or any of these ingredients:

bread crumbs
bulgur
cereal extract
club wheat
couscous
cracker meal
durum
einkorn
emmer
farina
flour (*all-purpose, bread, cake, durum, enriched, graham, high-gluten, high-protein, instant, pastry, self-rising, soft wheat, steel ground, stone ground, whole-wheat*)
hydrolyzed wheat protein
Kamut
matzoh, matzoh meal (*also spelled as matzo, matzah, or matza*)
pasta
seitan
semolina
spelt
sprouted wheat
triticale
vital wheat gluten
wheat (*bran, durum, germ, gluten, grass, malt, sprouts, starch*)
wheat grass
whole-wheat berries

Wheat is sometimes found in the following:

soy sauce
starch (*gelatinized starch, modified starch, modified food starch, vegetable starch*)
surimi

How to Read a Label for an Egg-Free Diet

All FDA-regulated manufactured food products that contain egg as an ingredient are required by U.S. law to list the word "egg" on the product label.

Avoid foods that contain egg or any of these ingredients:

albumin (*also spelled* albumen)
egg (*dried, powdered, solids, white, yolk*)
eggnog
globulin
lysozyme
mayonnaise
meringue (*meringue powder*)
ovalbumin
ovovitellin
surimi

Egg is sometimes found in the following:

baked goods
egg substitutes
lecithin
macaroni
marzipan
marshmallows
nougat
pasta

How to Read a Label for a Shellfish-Free Diet

All FDA-regulated manufactured food products that contain a crustacean shellfish as an ingredient are required by U.S. law to list the specific crustacean shellfish on the product label.

Avoid foods that contain shellfish or any of these ingredients:

crab
crawfish (*crayfish, ecrevisse*)
lobster (*languouste, langoustine, scampo, coral, tomalley*)
prawn
shrimp (*crevette*)

Mollusks are not considered major allergens under food-labeling laws and may not be fully disclosed on a product label.

Your doctor may advise you to avoid mollusks or these ingredients:

abalone
clams (*cherrystone, littleneck, pismo, quahog*)
cockle (*periwinkle, sea urchin*)
mussels
octopus
oysters
snails (*escargot*)
squid (*calamari*)

Shellfish are sometimes found in the following:

bouillabaisse
cuttlefish ink
fish stock
seafood flavoring (*e.g., crab or clam extract*)
surimi

Keep the following in mind:

- Any food served in a seafood restaurant may contain shellfish protein due to crosscotnact.
- For some individuals, a reaction may occur from inhaling cooking vapors or from handling fish or shellfish.

How to Read a Label for a Tree Nut-Free Diet

All FDA-regulated manufactured food products that contain a tree nut as an ingredient are required by U.S. law to list the specific tree nut on the product label.

Avoid foods that contain nuts or any of these ingredients:

almonds
artificial nuts
beechnut
Brazil nuts
butternut
cashews
chestnuts
chinquapin
coconut
filberts/hazelnuts
gianduja (*a chocolate-nut mixture*)
ginkgo nut
hickory nuts
litchi/lichee/lychee nut
macadamia nuts
marzipan/almond paste
Nangai nuts
natural nut extract (*e.g., almond, walnut*)
nut butters (*e.g., cashew butter*)
nut meal
nut paste (*e.g., almond paste*)
nut pieces
nutmeat
pecans
pesto
pili nut
pine nuts (*also referred to as Indian, pignoli, pigñolia, pignon, piñon, and piñon nuts*)
pistachios
praline
shea nut
walnuts

M. Inventory Records

1. Because SFAs are required to account for all revenues and expenditures and the definition of ***cost of food used*** is the dollar value of beginning inventory plus the dollar value of food received during the period less the value of ending inventory, inventory is required by USDA of ***purchased foods***. (Reference USDA Policy Memo 1984-SNP-31) An Inventory Record is available on the SDE Web site **<www.sde.ok.gov>** to record the monthly physical inventory. After logging on, highlight ***Services*** and ***Federal Programs***. Click on ***Child Nutrition***; click on ***Documents***; and scroll down the page to ***School Meal Program—Various Documents/Forms***. The publication reflects only the physical inventory for one year. Each SFA may print the appropriate number of Inventory Records needed for each eating site. (Refer to **pages CM-121** and **CM-123** for forms.)

2. An inventory system is a tool of management that must be maintained for an efficient food service operation. This inventory book provides food service managers with a systematic method for taking and maintaining a complete inventory record of purchased food and supplies.

   An incorrect inventory can mean the difference between profit or loss and will also reflect an incorrect food cost.

   Inventory records are used to:

   - Develop meaningful food cost analysis (arrive at food and milk used).
   - Prepare monthly orders for food and supplies.
   - Avoid being overstocked or understocked.
   - Assure that quantity of food needed to meet menu requirements is available.
   - Prevent food deterioration by using older stocks first.
   - Control any possible disappearance of foods.
   - File insurance claims in case of fire or theft.
   - Determine food and milk used for financial reports.

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INVENTORY RECORD

Item	Month Date			Month Date			Month Date		
	Amount on Hand	Unit Price can/lb doz/unit $	TOTAL VALUE $	Amount on Hand	Unit Price can/lb doz/unit $	TOTAL VALUE $	Amount on Hand	Unit Price can/lb doz/unit $	TOTAL VALUE $

INSTRUCTIONS

1. Refer to the *Index of Purchased Foods* for grouping of items. The format used groups items by food categories. For example, instead of having all frozen foods in a separate section, all fruits are in one section and are separated into canned, frozen, and dehydrated/dried. This arrangement is easy to use when preparing purchase orders.

2. The inventory form has only three columns to fill in. The *Amount on Hand* should be number of single units—such as 21 cans applesauce (not 3 cases + 3 cans), 30 pounds frozen strawberries (not 1 can), 48 pounds flavored gelatin (not 2 boxes). The price is the *Unit Price*—such as $1.85/#10 can, $.40/lb, or $1.50/qt/jar. Items such as eggs would be priced per dozen, mustard might be per gallon, vanilla per quart, but the majority of items will be priced per #10 can or per pound. The *Total Value Column* is figured by multiplying the *Amount on Hand* by the *Unit Price*.

3. In the storeroom, the commodity items should be separated from the purchased foods and inventoried separately using the perpetual inventory format provided by the Department of Human Services (DHS).

4. Any substantial amount of food in the refrigerators should be inventoried at the per portion cost.

5. For speed, accuracy, and efficiency, items on the storeroom shelf should be arranged in the same order as the inventory form.

6. When space and facilities permit, nonfood supplies should be in a separate storeroom. When this is not possible, they should be grouped together in alphabetical order in one area of the storeroom.

7. Use hard-lead pencil only (#3); soft-lead pencils (#2 or #2 1/2) will smear.

8. When the monthly inventory has been totaled, transfer the totals to the *Monthly Record of Inventory Value*.

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MONTHLY RECORD OF INVENTORY VALUE

YEAR: _____

MONTH	TOTAL VALUE OF PURCHASED FOODS	TOTAL VALUE OF SUPPLIES

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RESOURCE PAGE

Food-Buying Guide	http://teamnutrition.usda.gov/Resources/foodbuy/ngguide.html
Food-Buying Guide Calculator	http://fbg.nfsmi.org/
My Plate	http://teamnutrition.usda.gov/myplate.html.html # www.choosemyplate.gov
USDA Recipes	http://www.fns.usda.gov/tn/Resources/usda.recipes.html
Oklahoma Child Nutrition Documents	http://ok.gov/sde.childnutrition-documents
Food Allergy Network	http://www.foodallergy.org/
Meal Patterns	http://www.nfsmi.org/mealpattern
Meal Pattern Training Module	http://healthymeals.nal.usda.gov/mealpattern
Final Rule and Q&A on New Guidelines	http://www.fns.usda.gov/cnd/Governance/Legislation/ nutritionstandards.htm
USDA—Food and Nutrition Services	http://www.fns.usda.gov/fns/
Menu Planning	http://healthymeals.nal.usda.gov/menu-planning
Best Practices	http://healthymeals.nal.usda.gov/bestpractices
USDA Foods (Commodities)	http://www.fns.usda.gov.fdd
Vegetable Subgroups	http://www.choosemyplate.gov/food-groups
Timeline of Implementation	http://www.fns.usda.gov/cnd/governance/legislation/ nutritionstandards.htm

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