CHILD NUTRITION MANUAL

FY2020

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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 NLSP 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. (Reference FNS Instruction 786-7, Rev. 1)

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. (Reference FNS Instruction 786-7, Rev. 1)

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

- Special Milk Program (SMP)—Milk is only reimbursable when school is in session (Reference FNS Instruction 786-7, Rev. 1)
- After-School Snack Program (ASSP)
- Summer Food Service Program (SFSP)
- Fresh Fruit and Vegetable Program (FFVP)—Fresh fruits and vegetables are only reimbursable when school is in session (Reference FNS Instruction 786-7, Rev. 1)

The manual is updated annually, incorporating the latest changes, and is available to all program participants at the CNP Web site listed on the next page. 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.ok.gov***
- Code of Federal Regulations Web site address is ***www.ecfr.gov***
- Food and Nutrition Service (FNS) Web site address is ***www.fns.usda.gov/cnd***
- Commodities Distribution Web site address is ***www.okdhs.org***
- Institute of Child Nutrition (ICN) Web site address is ***www.theicn.org***

Compliance Section

COMPLIANCE SECTION
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COORDINATOR TERRITORIES

Area coordinators are available to provide technical assistance to Child Nutrition Programs (CNP) personnel. Following is a list of the area coordinators, assigned counties, and telephone numbers where the coordinators may be reached.

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DENISE WIELAND **405-301-5786** Denise.Wieland@sde.ok.gov	Canadian—09 Oklahoma (1/4)—55

State Agency Telephone Number: 405-521-3327

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, 2019***.

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 (2017-2018)
Free Lunches	$ 3.41	$ 3.43
Reduced-Price Lunches	3.01	3.03
Full-Price Lunches	.32	.34

Above Rates Do Not Include the Additional Incentive Payment ($.07)

Reimbursable Breakfasts Served to Students	
Free Breakfasts	$ 1.84
Reduced-Price Breakfasts	1.54
Full-Price Breakfasts	.31

Commodities Per Student Lunch	$ .2375 + .1250 = $.3625

Severe Need Breakfasts		School sites within a district that served 40 percent or more of their lunches free or at a reduced price in second preceding school year (2017-2018)
Free Breakfasts	$ 2.20	
Reduced-Price Breakfasts	1.90	
Full-Price Breakfasts	.31	

Special Milk Program		
Nonpricing Program	$ .2150	Per half-pint served
Option 1 Pricing Program	NA	Per full-price half-pint served and average cost of free half-pint served
Option 2 Pricing Program	.2150	Per half-pint served

After-School Snack Program	
Free Snack	$ .94
Reduced-Price Snack	.47
Full-Price *Not Eligible* Snack	.08

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 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	
Due With Renewal	Student Paid Lunch Prices by site	
Tenth of Each Month	Monthly Claim for Reimbursement	
Fifteenth of Each Month	Monthly Claim for Reimbursement—Fresh Fruit and Vegetable Program	
June 30	Community Eligibility Provision Application	
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	
October 1	Verification Process to begin	
After October Claim Has Been Processed, No Later Than November 26	Low-Income Student Count Report (Must be completed prior to submission of November claim)	
November 15	Verification Process to be completed	
Before December Claim Can Be Submitted	Verification Report	
February	Registration for Summer Food Service Program training	
Before May Claim Can Be Submitted	Paid Lunch Equity Tool	
April 1	Print Direct Certification list from the WAVE	
April 15	Application for Fresh Fruit and Vegetable Program	
April 30	Application for Summer Food Service Program	
May 15	Seamless Summer Option Application due	

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

October 31	Civil Rights Compliance Checklist: **page C-22**	□
February 1 of each year	On-Site Review (Only for schools with more than one eating site; a review must be completed for each lunch site and 50 percent of breakfast sites): **pages C-108 - C-115**	□
Twice annually	On-Site Review for After-School Snacks (only for sites participating): **page C-16** (First review must be conducted in the first 4 weeks of operation)	□
Annually	SFA must complete Food Service Management Company monitoring form, CARS & Contract Packet	

LIST OF CHILD NUTRITION AND RELATED ACRONYMS

ADA	Average Daily Attendance
ADM	Average Daily Membership
AF	Attendance Factor
AR	Administrative Review
ASSP	After-School Snack Program
CACFP	Child and Adult Care Food Program
CEP	Community Eligibility Provision
CFDA	Catalog of Federal Domestic Assistance
CN	Child Nutrition
CNA	Child Nutrition Act
CNP	Child Nutrition Programs
CPI	Consumer Price Index
DGA	Dietary Guidelines for Americans
DHS	Department of Human Services
DoD	Department of Defense
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
FNS	Food and Nutrition Service (USDA)
FSIS	Food Safety and Inspection Service (USDA)
FSMC	Food Safety Management Company
FY	Fiscal Year
HACCP	Hazard Analysis of Critical Control Points (USDA)
HUSSC	HealthierUS School Challenge
ICN	Institute of Child Nutrition
IEG	Income-Eligibility Guidelines
IEP	Individual Educational Plan
IFB	Invitation for Bid
LEA	Local Education Agency
LWP	Local Wellness Policy
NCLB	No Child Left Behind
NSLA	National School Lunch Act
NSLP	National School Lunch Program
OCAS	Oklahoma Cost Accounting System
OMB	Office of Management and Budget
PLE	Paid Lunch Equity
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 know as the *State Agency*)
SFA	School Food Authority
SFSA	School Food Service Account
SFSP	Summer Food Service Program for Children
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

INTERACTIVE FORMS IN *OTHER DOCUMENTS IN CARS*

C-41	PLE Nonfederal Source Funds
C-55	OCAS Expenditure Worksheet
C-57	Average Adult Meal Cost vs Actual Adult Meal Charge
C-97	Edit Check Worksheet
C-109	CEP Calculator
E-67	Free/Reduced Application
E-73	Notice of Approval/Denial of Benefits
E-81	Direct Certification Notice
CM-60	Recipe Form
CM-61	Recipe Analysis
CM-67	Food Production Record
CM-71	Salad Bar Production Record
CM-133	Inventory Record
	PLE Tool
	Smart Snack Calculator
	Permanent Policy Statement
	Meal Pattern Certification Form

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. An after-school care program is ***area eligible*** if it is located at a school or in the attendance area of a school where at least 50 percent of the enrolled children are eligible for free or reduced-price meals. For example, if a high school with less than 50 percent free or reduced-price school enrollment is located in the attendance area of a middle school that has 50 percent or more of the enrolled children eligible for free or reduced-price meals, then the after-school care program located in the high school would be area eligible. 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 for 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 CARS system will automatically display the After-School Snack Program (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 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 education 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. This means snacks can be claimed only if served on educational days (after the school day has ended) that are counted as part of the accreditation requirement, whether or not the breakfast and/or lunch meals are served. 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 (LEA) in which the school is located.

3. A residential child care institution (RCCI) may participate in the 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 (OvS) 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 who 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: Review each ASSP two times a year; the first review shall be made during the first four weeks that the school is in operation each school year, except that an ASSP operating year-round shall be reviewed during the first four weeks of its initial year of operation, once more during its first year of operation, and twice each school year thereafter. (Reference 7 CFR §210.9[c][7]) This includes RCCI;s that operate on a year round basis.

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
Grains/Breads[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 If milk is one of the two snack components, one of the following must be offered: 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. Sweet snacks should not be served more than two times per week.

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 (ASSP) site.
2. Record the month and year.
3. List each child's first and last name.
4. Daily, check each child who is in attendance.
5. 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: GRAINS/ BREADS	QTY SERVED: VEGETABLE/ JUICE	QTY SERVED: FRUIT/JUICE	QTY SERVED: MILK
Date: _____ Total children served: ____ Number of children served: _____ 3-5: _____ 6-18: _____ Adults: _____ Contract: _____						
Date: _____ Total children served: ____ Number of children served: _____ 3-5: _____ 6-18: _____ Adults: _____ Contract: _____						
Date: _____ Total children served: ____ Number of children served: _____ 3-5: _____ 6-18: _____ Adults: _____ Contract: _____						
Date: _____ Total children served: ____ Number of children served: _____ 3-5: _____ 6-18: _____ Adults: _____ Contract: _____						
Date: _____ Total children served: ____ Number of children served: _____ 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: GRAINS/ BREADS	QTY SERVED: VEGETABLE/ JUICE	QTY SERVED: FRUIT/JUICE	QTY SERVED: MILK
Date: 8/25/19 Total children served: 41 Number of children served: _____ 3-5: ____ 6-18: 41 Adults: 0 Contract: 0	Cheese Saltine Crackers Water	Cheddar Cheese 5.5 lbs	Saltine Crackers .5 lb			
Date: _____ Total children served: ___ Number of children served: _____ 3-5: _____ 6-18: _____ Adults: _____ Contract: _____						
Date: _____ Total children served: ___ Number of children served: _____ 3-5: _____ 6-18: _____ Adults: _____ Contract: _____						

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
Area-Eligibility Based on _____ Site

SITE: _____	YES	NO	NA*
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 allowance?	☐	☐	☐
5. Does the site have proper procedures to manage and safeguard cash (reconciliation, extra item sales, adult meals, etc.)?	☐	☐	☐
C. MENU 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. Is 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	NA*
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 LEA or school district for all federal programs, including Child Nutrition. ***NOTE: If the charter is operating as an RCCI, all requirements must continue to be met on pages C-142 through C-153.***

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. ***NOTE: If the charter is also operating as an RCCI, the* Statement of Facts *form will suffice as documentation of eligibility (see page C-145).***

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 any 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-118**) 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 it 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 federal reimbursement from its claim will be deposited into whatever bank account the charter school has set up with the State Agency. However, all State Match funds will be deposited into the sponsor's 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 of all CNP reports:

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

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 (DHS) 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 coordinator.
    c. CNP area coordinators 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 U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, disability, and reprisal or retaliation for prior civil rights activity. (Not all prohibited bases apply to all programs.)
>
> Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, and American Sign Language) should contact the responsible State or local Agency that administers the program or USDA's TARGET Center at **(202) 720-2600** (voice and TTY) or contact USDA through the Federal Relay Service at **(800) 877-8339**.
>
> To file a program discrimination complaint, a complainant should complete a Form AD 3027, USDA Program Discrimination Complaint Form, which can be obtained online, from any USDA office, by calling **(866) 632-9992**, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:
>
> 1. Mail: U.S. Department of Agriculture
> Office of the Assistant Secretary for Civil Rights
> 1400 Independence Avenue, SW
> Washington, D.C. 20250-9410
>
> 2. Fax: 202-690-7442
>
> 3. E-Mail: program.intake@usda.gov
>
> This institution is an equal opportunity provider.

***NOTE: If material is too small to permit the full statement,* this institution is an equal opportunity provider *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 a 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 (previous).
   b. A Civil Rights Compliance Checklist is included on **page C-22**. 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 bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by USDA, 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 Office of the Assistant Secretary for Civil Rights (CR) Division, for submission to the OMA. The OMA will prepare and issue letters of acknowledgement 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, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by USDA, 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, the State Agency, or Food and Nutrition Service Regional Office (FNSRO). The complaints will be forwarded at once to the 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-23**. The person who has allegedly been discriminated against must complete and sign the form.

E. Required Staff Training

.

Annual training on civil rights is required for all SFA employees. Online training may be accessed through CARS.

Documentation with names of participants must be maintained at the SFA for all staff training.

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	NA*
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 by October 31 of each year by each site within the SFA and retained in your CNP files. The completed form will be reviewed during the AR.

PROGRAM DISCRIMINATION COMPLAINT FORM

First Name: _____ Middle Initial: _____ Last Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

E-Mail Address (If You Have One): _____

Telephone Number, Starting With Area Code: _____

Alternate Telephone Number, Starting With Area Code: _____

Best Time of Day to Reach You: _____

Best Way to Reach You (Check One): Mail _____ Phone _____ E-Mail _____ Other: _____

Do you have a representative (lawyer or other advocate) for this complaint? Yes _____ No _____

If ***Yes***, please provide the following information about your representative:

First Name: _____ Last Name: _____

Address: _____ City: _____ State: _____ Zip Code: _____

Telephone Number: _____ E-Mail: _____

1. Who do you believe discriminated against you? Use additional pages, if necessary. Name(s) of person(s) involved in the alleged discrimination (if known):

   Please name the program you applied for (if known/if applicable): _____

   Please check (√) the United States Department of Agriculture (USDA) agency below that conducts the program or provides federal financial assistance for the program (if known):

   ☐ Farm Service Agency
   ☐ Food and Nutrition Service
   ☐ Rural Development
   ☐ Natural Resource Conservation Service
   ☐ Forest Service
   ☐ Other: _____

2. What happened to you? Use additional pages, if necessary, and please include any supporting documents that would help show what happened.

3. When did the discrimination occur?

   Date: _____
   Month Day Year

   If the discrimination occurred more than once, please provide the other dates:

4. Where did the discrimination occur?

   Address of location where incidence occurred:

   _____
   Number and Street, P O Box, or RD Number

   _____
   City State Zip Code

5. It is a violation of the law to discriminate against you based on the following: race, color, national origin, religion, sex, disability, age, marital status, sexual orientation, family/parental status, income derived from a public assistance program, and political beliefs. (Not all bases apply to all programs.) Reprisal is prohibited based on prior civil rights activity.

   I believe I was discriminated against based on my:

6. Remedies: How would you like to see this complaint resolved?

7. Have you filed a complaint about the incident(s) with another federal, state, or local agency or with a court?
   Yes ____ No ____
   If ***Yes***, with what agency or court did you file? _____

   When did you file? _____
   Month Day Year

Signature: _____ Date: _____

Mail Completed Form to:

USDA
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW, Stop 9410
Washington, D.C. 20250-9410

E-Mail Address:
program.intake@usda.gov

Telephone Numbers:
Local Area: 202-260-1026
Toll-Free: 866-632-9992
Local or Federal Relay: 800-877-8339
Spanish Relay: 800-845-6136
Fax: 202-690-7442

United States Department of Agriculture (USDA)
Program Discrimination Complaint Form
Instructions

PURPOSE: The purpose of this form is to assist you in filing a USDA program discrimination complaint. For help filling out the form, you may call any of the telephone numbers listed at the bottom of the complaint form. You are not required to use the complaint form. You may write a letter instead. If you write a letter, it must contain all of the information requested in the form and be signed by you or your authorized representative. Incomplete information will delay the processing of your complaint.

You may also send a complaint by fax or e-mail. We must have a signed copy of your complaint, so if you send your complaint by e-mail, be sure to attach the signed copy to your e-mail. Incomplete information or an unsigned form will delay the processing of your complaint.

FILING DEADLINE: A program discrimination complaint must be filed no later than 180 days of the date you knew or should have known of the alleged discrimination, unless the time for filing is extended by USDA. Complaints sent by mail are considered filed on the date the complaint was signed, unless the date on the complaint letter differs by seven days or more from the postmark date, in which case the postmark date will be used as the filing date. Complaints sent by fax or e-mail will be considered filed on the day the complaint is faxed or e-mailed. Complaints filed after the 180-day deadline must include a ***good cause*** explanation for the delay. For example, you may have ***good cause*** if:

1. You could not reasonably have been expected to know of the discriminatory act within the 180-day period.
2. You were seriously ill or incapacitated.
3. The same complaint was filed with another federal, state, or local agency and that agency failed to act on your complaint.

USDA POLICY: Federal law and policy prohibits discrimination against you based on the following: race, color, national origin, religion, sex, disability, age, marital status, sexual orientation, family/parental status, income derived from a public assistance program, and political beliefs. (Not all bases apply to all programs.)

USDA will determine if it has jurisdiction under the law to process the complaint on the bases identified and in the programs involved. Reprisal that is based on prior civil rights activity is prohibited.

PROPERTY ADDRESS: If this complaint involves a farm or other real estate property that is not your current address, write in the address for that farm or real estate property. Otherwise, this part of the form can be left blank.

PLEASE READ IMPORTANT LEGAL INFORMATION BELOW CONSENT
This USDA Program Discrimination Complaint Form is provided in accordance with the Privacy Act of 1974, 5 U.S.C. §552a, and concerns the information requested in the form to which this Notice is attached. The USDA's Office of the Assistant Secretary for Civil Rights requests this information pursuant to 7 CFR Part 15.

If the completed form is accepted as a complaint case, the information collected during the investigation will be used to process your program discrimination complaint.

Disclosure is voluntary. However, failure to supply the requested information or to sign the form may result in dismissal of your complaint. If your complaint is dismissed, you will be notified. The information you provide in this complaint may be disclosed to outside parties where USDA determines that disclosure is:

1. Relevant and necessary to the Department of Justice, the court or other tribunal, or the other party before such tribunal for purposes of litigation.
2. Necessary for enforcement proceedings against a program that USDA finds to have violated laws or regulations.
3. In response to a Congressional office if you have requested that the Congressional office inquire about your complaint.
4. To the United States Civil Rights Commission in response to its request for information.

REPRISAL (RETALIATION) PROHIBITED
No agency, officer, employee, or agent of the USDA, including persons representing the USDA or its programs, shall intimidate, threaten, harass, coerce, discriminate against, or otherwise retaliate against anyone who has filed a complaint of alleged discrimination or who participates in any manner in any investigation or other proceeding raising claims of discrimination.

PAPERWORK REDUCTION ACT AND PUBLIC BURDEN STATEMENTS
The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) requires us to inform you that this information is being collected to ensure that your complaint contains all of the information required to file a complaint. The Office of the Assistant Secretary for Civil Rights will use the information to process your complaint of program discrimination.

Response to this request is voluntary. The information you provide on this form will only be shared with persons who have an official need to know and will be protected from public disclosure pursuant to the provisions of the Privacy Act, 5 U.S.C. §552a(b).

The estimated time required to complete this form is 60 minutes. You may send comments regarding the accuracy of this estimate and any suggestions for reducing the time for completion of the form to USDA, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410.

An agency may not conduct or sponsor, nor is a person required to respond to, a collection of information unless it displays a currently valid OMB Control Number. The OMB Control Number for this form is 0508-0002.

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 Programs (CNP) reimbursement.

B. Oklahoma Cost Accounting System (OCAS)

1. CNP funds are to be deposited into a separate appropriated fund (Fund 22) or into the General Fund account (Fund 11). 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 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 except refunds for students who leave the district.*** 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. Auditors require a segregation of duties by two separate individuals whenever money is collected and deposited. Therefore, the CNP needs to have a minimum of two people counting and depositing the monies for CNP.

12. 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.

13. 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.

14. ***Even though Oklahoma statutes do not allow sites to loan funds (Article 10 of the Constitution)***, USDA does allow ***transfer of funds as long as a bona fide loan agreement exists at the time the funds are transferred***. 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-47** for a copy of the Loan Agreement for Food Service Deficits.

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

C. Revenues and Expenditures

1. Federal Child Nutrition (CN) funds must only be used for the operation and/or improvement of the school food service operations. Expenditures should never exceed revenues reported by each project reporting code.

2. CN expenditures:

   a. CN expenses must meet the requirements of 2 CFR §200.
   b. Expenses must be reasonable, necessary, and allowable.
   c. Costs must be treated as direct or indirect.
   d. Allowable costs
      - Salaries and wages/benefits
      - Travel
      - Training and staff development
      - Meetings and conferences
      - Printing and publications
      - Food service or business supplies

e. Allowable costs with prior State Agency approval
   - Capital expenditures (equipment purchases, etc.)—Any item with an acquisition cost of $5,000 or more
   - State Agency must give approval for any capital expenditures ***NOTE: A list of equipment that has been preapproved can be found on the*** CARS ***Web site under*** **Other Documents.**

     — There have been some questions concerning when a school district must gain approval from the State Agency for the purchase of equipment versus when approval is not necessary. The regulations state any piece of equipment with an acquisition cost of $5,000 or more must have prior approval before an SFA can use its nonprofit school food service account for its purchase.
     — This means that when ***ONE*** piece of equipment (i.e., oven, mixer) costs $5,000 or more, prior approval is required. It does not mean that if the total amount of the invoice or purchase order (PO) is $5,000 or more that the SFA needs approval. Further, it does not mean SFAs must gain approval for kitchen equipment ***REPAIRS*** that cost $5,000 or more.
     — ***EXAMPLE:*** An SFA wants to purchase ***TWO*** ovens, and each oven costs $4,999.99; so the total invoice is $9,999.98. In this case, ***NO*** approval from the State Agency is required (because each oven costs less than $5,000). However, if each oven costs $5,000 and the total invoice was $10,000, the SFA would be required to gain approval from the State Agency prior to the purchase being made.

f. Unallowable costs
   - Alcoholic beverages
   - Entertainment
   - Costs of general government lobbying
   - Contribution to contingency funds
   - Uncollectable meal charges

g. SFAs must document expenditures in OCAS accurately.
h. All expenditures must be supported with source documents; i.e., canceled checks, paid bills.

3. CN Revenue

   a. Revenue for all Child Nutrition will consist of meal count reimbursement, State Match, local collections, and funds generated by fundraisers or interest.
   b. SFAs must document revenues in OCAS accurately.

4. By September 1 of each year, each school district must report total expenditures/revenues to the OCAS office. The figures reported for Child Nutrition activity will be used by the State Agency to verify compliance that CN funds were used and coded in accordance with CN regulations. For RCCIs and boarding schools, a Year-End Expenditure Report is in the RCCI section (**page C-150**).

EXPENDITURES VERSUS REVENUES FORMULA

A.	B.	C.	D.	E.
County/District Code	SFA Name	Total CNP Revenue (Program Code: 700; PR Code 763, 764, 765, 385, 331, 332, 334, 335, 800, 000-299)	Total CNP Expenditures (Program Code: 700; PR Code 000-299, 331, 332, 334, 335, 385, 591*, 763, 764, 765, 800)	Revenues Exceed Expenditures **YES/NO** (C is = to or greater than D **YES** = Compliance)

* Project Reporting Code 591 represents impact aid funds which are unrestricted, and schools may use them at their discretion.

5. Carryover Funds

   a. Carryover funds from one fiscal year to another—Because CNP funds are now coded by the various federal, state, or local project reporting codes, if there are any carryover funds at the end of the year (June 30), each must be coded to the specific project reporting code originally assigned. ***Example: If there are carryover funds in Project Reporting Code 763, then these funds must be coded specifically to Project Reporting Code 763 as cash forward. This coding would be Project Recording Code 763/ Source of Revenue Code 6110.***
   b. The total of all CNP funds (federal, state, and local) that are carried over from one fiscal year to the next is what is used to ensure the SFA has not exceeded its three-month operating balance.
   c. ***NOTE: The operating balance as of June 30 for any fiscal year must be carried over into the next fiscal year (Revenue Code 6110) and is counted toward the operating balance of the following fiscal year. The carryover funds must be coded to the specific Project Reporting Code (i.e., 763, 764, 765, 385).***

D. Nonprofit School Food Service Account

1. SFAs shall maintain a nonprofit school food service. (7 CFR §210.14[a])

2. Unlike other federal programs, CNP can have a carryover as of June 30 of each year. This carryover could be used for food for the new school year. Three-month operating balance: USDA regulation §210.14(b) requires an SFA to limit its net cash resources to an amount that does not exceed three months average expenditures for its nonprofit school food service. The State Agency uses OCAS records to determine if an SFA has exceeded its three-month operating balance requirement. Total Child Nutrition (Program Code 700/Project Reporting Codes 763, 764, 765, 385, 331, 332, 334, 335, 800, and 000-299) expenses are divided by 9 (months) and multiplied by 3 (months) to obtain an average 3-month operating balance. If the SFA's operating balance as of June 30 exceeds the 3-month operating balance, the SFA is out of compliance. The formula is next:

FORMULA FOR CALCULATING AVERAGE THREE-MONTH OPERATING BALANCE

A.	B.	C.	D.	E.	F.	G.	H.
County/District Code	SFA Name	Total CNP Revenue (Program Code: 700; PR Code: 763, 764, 765, 385, 331, 332, 334, 335, 800, 000-299)	Total CNP Expenditures (Program Code: 700; PR Code: 000-299, 331, 332,334, 335, 385, 591* 763, 764, 765, 791, 800)	Total Expenditures Divided by 9 Multiplied by 3 = Average 3-Month Operating Balance	Child Nutrition Revenue Minus Child Nutrition Expenditures = Operating Balance as of June 30 (C - D = Operating Balance)	District Exceeds 3-Month Operating Balance—**YES/NO** (F is greater than E)	Amount Exceeded, If Any

* Project Reporting Code 591 represents impact aid funds which are unrestricted, and schools may use them at their discretion.

E. Nonprogram Food Expenditures/Revenues Report—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 sale 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:

   - À la carte items sold in competition with school meals.
   - Adult meals.
   - Contract meals.
   - Items purchased for fundraisers, vending machines, school stores, etc.
   - 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:

   - Federal reimbursement.
   - State or local funds such as per meal subsidies and state revenue matching funds.
   - Children's payments for reimbursable meals and à la carte sales.
   - Payments for items purchased for fundraisers, vending machines, etc.
   - Income from contract, 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. The State Agency tracks the nonprogram food costs and revenues through OCAS using the following formula.

NONPROGRAM FOOD REPORT FORMULA

A.	B.	C.	D.	E.	F.	G.	H.	I.
County/ District Code	SFA Name	All Food Expenditures (Program Code: 700; PR Code 000-299, 385, 591, 763, 764, 765, and 800; Function Code: 3110, 3150, and 3155; Object Code 570 and 630)	Nonprogram Food Expenditures (Program Code: 700; PR Code: 001-299, 591*,and 800; Function Code: 3110 and 3155; Object Code: 570 and 630)	% Of Nonprogram Food to All Food Expenditures	All Food Revenue (Program Code: 700; PR Code: 000-299, 385, 763, 764, 765, and 800; Revenue Source Code: 1710, 1720, 1730, 1760, 1790, 3720, 4710, 4720, 4730, 6110, 6130, and 6140)	Nonprogram Food Revenue (Program Code: 700; PR Code: 000-299 and 800; Revenue Source Code: 1720, 1730, and 1760)	% Of Nonprogram Food Revenue to All Revenues	Meets USDA Require-ments—E is Equal to or Less Than H **YES/NO** **YES** = Compliance

* Project Reporting Code 591 represents impact aid funds which are unrestricted, and schools may use them at their discretion.

6. 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.

7. 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.

8. The Nonprogram Food Report for each SFA is received by the CNP state office through OCAS each year. 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.

9. If a district is not charging enough for the adult meals or à la carte and the district does not want to raise prices, then the district ***MUST*** charge some of its ***FOOD*** purchases to the General Fund (Project Reporting Code 000, Function Codes 3110 and 3155).

10. If a district is paying for all Child Nutrition ***UTILITIES*** from the General Fund in an effort to show it is paying for ***ADULT*** meals, this will ***NOT*** work with OCAS coding. The district needs to pay for the ***adult/à la carte food*** from the General Fund (Project Reporting Code 000/Function Code 3155/Object Code 630). The Child Nutrition Fund could then be coded to pay the ***UTILITIES*** up to that amount. This way, the General Fund is not paying ***any more*** than it was to begin with, but the Nonprogram Food Report would be in compliance. (Reference **page C-42** for the Chart on Adult Meal Costs)

11. Child Nutrition OCAS Code Expenditure Worksheet—To assist districts in knowing how to break down invoices of food/beverage purchases, this worksheet can be used. See **page C-55** for a copy of this worksheet.

F. Direct Costs/Indirect Costs

1. **Direct Costs—**Incurred ***SPECIFICALLY*** for a program or other cost objective; clearly identifiable.

   Examples:
   - Wages and salaries of food service workers
   - Cost of food purchased
   - Food service supplies
   - Food service equipment purchases
   - Prorated Direct Costs that would usually be charged as Indirect Costs; i.e., prorated utility costs

2. **Indirect Costs—**Incurred for the benefit of multiple programs, functions, or other cost objectives not readily identifiable.

Examples:
- Payroll services
- Human resources
- Worker's compensation
- Electricity
- Gas
- Trash

3. Cost assignments to Direct Costs or Indirect Costs are unique to each SFA.

4. SFAs who are charging Indirect Costs to Child Nutrition must:

   a. Have an approved Indirect Cost statement with the State Agency showing the approved Indirect Cost rate.
   b. Allowable Indirect Costs (as well as Direct Costs) must be identified in a consistent manner.
   c. An SFA must identify Indirect Costs by using the same methodology to allocate certain shared costs across the entire spectrum of its federal programs.
   d. The SFA must not charge Indirect Costs previously paid by the General Fund.
   e. Any Direct Costs prorated for Child Nutrition (i.e., utilities) that would normally be considered an Indirect Cost must be subtracted from the Indirect Cost rate charged to Child Nutrition if the district is applying Indirect Cost to Child Nutrition.

G. OCAS Codes

1. 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. Each CNP has its own Project Reporting Code in the 700 series. The 700 series under the Project Reporting Codes represents ***federal funds*** (which is what CNPs are). Because the Teachers' Retirement System requires a ***MATCH*** to be paid on any salaries paid from federal funds, ***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.*** This rule only applies to those employees who qualify for Teachers' Retirement. The required match is a legitimate expense under CNP. Refer to **pages C-34 and C-35** for OCAS codes.

2. OCAS Codes and Food Service Management Companies (FSMCs)

If a district contracts with an FSMC, the FSMC must break down each invoice to provide the district with itemized lists of services. The SFA will then code the FSMC invoice according to the OCAS Codes below.

EXPENDITURE	PROJECT REPORTING CODE	FUNCTION	OBJECT
Student Meals—Lunch	763, 385, or 000	3140	570
Student Meals—Breakfast	764, 385, or 000	3140	570
Adult Meals—Both Breakfast and Lunch/ Contract,	000	3155	570
À la Carte	000	3110	570
Catering	000	3110	570
Special Events	000	3110	570
Concessions	000	3110	570
Vending Machines	000	3110	570

CHILD NUTRITION
OKLAHOMA COST ACCOUNTING CODES (OCAS)
Fund 22, Fund 11, or Fund 60—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	Professional Standards
768	Fresh Fruit/Vegetable
769	Child and Adult Care Food Program
790	HealthierUS Challenge
791	Equipment Grant

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/Vegetable
4780	Equipment Grant
6110	Carryover From Previous Fiscal Year

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

STATE

Project Reporting Code:

332	Flex Benefits (Support Staff Without Health)
335	Flex Benefits (Support Staff With Health)
385	State Match Revenue

Program Code:

700	Child Nutrition Program

Revenue Code:

3250	Education Flexible Benefit Allowance
3710	State Reimbursement ***NOTE: Not available at this time.***
3720	State Matching
6110	Carryover From Previous Fiscal Year

LOCAL

Project Reporting Code:

000-299

Program Code:

700	Child Nutrition Program

Revenue Code:

1310	Interest Earnings
1710	Student Lunches, Breakfasts, Snacks, Special Milk (Reimbursable Meals)
1720	À la Carte or Catering Revenue
1730	Adult Lunches, Breakfasts, Snacks
1740	Summer Food Service Adult Revenue
1760	Contract Lunches, Breakfasts, Milk, and Snacks
1790	Other District Revenue (CN)—Gifts and Donations
1794	Commodity Rebates
1795	Promotional Rebates
5120	Cash or Change
5150	Reimbursement From Another Fund
5300	Insufficient Funds
5600	Correcting Entry
6110	Carryover From Previous Fiscal Year

EXPENDITURE

FEDERAL

Project Reporting Code:

763	Lunches (includes ASSP and SSO)
764	Breakfasts
765	Special Milk
766	Summer Food Service Program
767	Professional Standards
768	Fresh Fruit/Vegetable
769	Child and Adult Care Food Program
790	HealthierUS Challenge
791	Equipment Grant

Program Code:

700	Child Nutrition Program

Function Code:

1550	Worker's Compensation
2318	Audit Services
3120	Direct Labor/Benefits
3130	Food and Supplies/Delivery Services
3140	Other Direct and/or Related CNP Srvc;Equipment Grant; FSMC
3150	Food and Milk Purchases for Students (Reimbursable Meals)
3160	Nonreimbursable Services
3180	Nutrition Education and Staff Development
3190	Other CNP Operations
5200	Fund Transfers
5400	Indirect Costs for CNP
5600	Other Refunds (Lost Lunch Tickets)

STATE

Project Reporting Code:

332	Flex Benefits (Support Staff Without Health)
335	Flex Benefits (Support Staff With Health)
385	State Match Expenditures

Program Code:

700	Child Nutrition Program

Function Code:

1550	Worker's Compensation
2318	Audit Services
3120	Direct Labor/Benefits
3130	Food and Supplies/Delivery Services
3140	Other Direct and/or Related CNP Srvc; Equipment Grant; FSMC
3150	Food and Milk Purchases for Students (Reimbursable Meals)
3160	Nonreimbursable Services
3180	Nutrition Education and Staff Development
3190	Other CNP Operations
8100	Restricted Repayment Funds

LOCAL

Project Reporting Code:

000-299

Program Code:

700	Child Nutrition Program

Function Code:

2318	Audit Services
3110	Food and Milk Purchases for À la Carte/Catering
3120	Direct Labor/Benefits
3130	Food and Supplies/Delivery Services
3140	Other Direct and/or Related CNP Srvc; Equipment Grant; FSMC
3150	Food and Milk Purchases for Students (Reimbursable Meals)
3155	Food and Milk Purchases for Adult/Contract Meals Only
3160	Nonreimbursable Services
3180	Nutrition Education and Staff Development
3190	Other CNP Operations
5600	Other Refunds (Lost Lunch Tickets)

NSLP/SBP/SMP ADDITIONAL OCAS CODES

EXPENDITURE	FUNCTION	OBJECT
Building Renovations	3190	450
Custodial Supplies (Warehouse)	3140	618
Department of Human Services (USDA Foods Assessment Fee)	3140	599
Health Department Fee for License	3140	810
Nonexpendable Equipment ($5,000 or more)—Purchase	3140	730
Equipment Grant	3140	731
Equipment—Repair	3140	430
Expendable Equipment (less than $5,000)—Purchase	3140	650
Extermination	3140	424
Food Service Management Company	3140	570
Forms—Publication Orders	3190	810
Insufficient Check Charge	3160	619
Inservice (Miscellaneous Items Purchased for Workshop for Cooks/Managers)	3180	990
Investment Accounts	5700	360
Inservice Speaker (Paying a Fee)	3180	619
Miscellaneous Office Supplies	3190	890
Refund on Unused Lunch Tickets From Previous Year	3190	619
Miscellaneous Materials/Supplies	3140	617
Paper Products	3140	810
Credit Card Machine	3140	930
Refund on Unused Lunch Tickets in the Same Fiscal Year	5600	930
Refund to State Agency	8100	530
Postage	3140	860
Registration for Meetings/Workshops	3180	580
Reimbursement for Travel—In-District	3140	580
Reimbursement for Travel—Out-of-District	3140	651
Supplies (Nonedibles) (Vendor or Warehouse)	3140	657
Uniforms	3140	970
Indirect Cost	5400	

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

EXPENDITURES

Fund: 22 or 11

Project Reporting:
- Summer Food Serving Program—766
- Fresh Fruit and Vegetable—768
- Equipment Grant—791
- Child and Adult Care Food Program—769
- Banquets/Catering/Adult Kitchens—000-299
  (SFA assigns this number)

Functions:
Suggested Codes:
- SFSP/CACFP—3190
- FFVP—3120-3190
- Equipment Grant—3140
- Food Service Management Company - 3140
- Banquets/Catering/Adult Kitchens—3160
- Refund of Equipment Grant to State Agency—8100
  (Object Code—900)

Object: Anything that meets the need
Program: 700

Subject: 0000 (does not apply to CNP)

REVENUE

Fund: 22 or 11

Project Reporting:
- Summer Food Serving Program—766
- Fresh Fruit and Vegetable—768
- Equipment Grant—791
- Child and Adult Care Food Program—769
- Banquets/Catering/Adult Kitchens—000-299
  (SFA assigns this number)

Source of Revenue:
- SFSP Federal Reimbursement—4740
- FFVP Federal Reimbursement—4760
- Equipment Grant—4780
- CACFP Federal Reimbursement—4750
- Banquets/Catering/Adult Kitchens—1790

Program: 700

Operational Unit: 0000 (does not apply to CNP)

G. Audits

1. Type ***A*** Audits ($750,000 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, 2 CFR 200, commonly referred to as *Super Circular*, 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 ($750,000 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 $750,000 in federal award funds)

   For SFAs receiving less than $750,000 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.

H. Claim for Reimbursement

CNPs are performance-based reimbursement programs (entitlement programs). The SFA reports all meals (breakfasts, lunches, and/or snacks) served by site 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 by site 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-48**.

I. 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 size 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 SDE 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 copy of the form ***MUST*** be printed, dated, signed, and submitted either by fax or mail to the State Agency by ***November 30, 2018***. (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, off-site virtual students, or students three years of age (preprimary) 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 26, 2018***. 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-152**.

4. Special Instructions for Provision 2, 3, and Community Eligibility Provision (CEP) Sites

Sites that are Provision 2 or 3 or CEP 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 certify the enrollment numbers we have received from Accreditation for each site participating in Provision 2, Provision 3, or CEP. 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.

EXAMPLE FOR PROVISION 2 AND PROVISION 3 SITES
LOW-INCOME REPORT BY AGE

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

This data can be found on the claiming system. Click on the Provision 2 or Provision 3 link, and then click on View Details next to the name of the site. You then need to locate the Current Year Information Provision 2 Schools. You will see Current Site Enrollment and Current Year Eligibles. Use eligibles for the month of October. Provision 3 schools will use Current Site Enrollment as well as the Free Eligibles and Reduced Eligibles.

1. The district will need to know its current 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 mid-high/high school site(s) 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-and-under students at the elementary and the 18-and-over at the mid-high/high school, the remaining students who are free or reduced-price would be reported in the 5- to 17-year-old category. (Total Free Eligibles minus 4-and-under free OR 18-and-over free equals 5-to-17-year-old free)

4. To get the 5- to 17-year-old ***ENROLLMENT*** in Column 3, the district should take the current site enrollment for the elementary and subtract out all of 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- to 17-year-old group. Likewise, the district should take the current site enrollment for the mid-high/high school and subtract out all of the students who are 18-and-over at the mid-high/high school site. If a student turned 18 in the month of October, count that student in the 5- to 17-year-old group.

COMMUNITY ELIGIBILITY (CEP) LOW-INCOME REPORT BY AGE

The required data can be found in ***CEP Current Year Information*** on the claiming system. This link provides data from the previous April for all sites that are on CEP. To find the **October 1 Site Enrollment** for any particular site, click on ***View Details*** for that site. You will use the October 1 enrollment when completing Column 3 of the Low-Income Report. You will also see the **Free Percentage** and the **Number of Free Eligibles** for that site. You will need the Free Eligibles for each of your CEP sites to complete the Low-Income Report. For sites that have students who are 4-and-under or 18-and-over, you will also need the Free Percentage. See below for instructions on how to come up with the numbers you will enter for those sites:

1. The district will need to know its current 4-and-under count at the elementary site (or sites). Then, apply the site's Free Percentage to the number of 4-and-under the site currently has to get the free eligible count for the 4-and-unders.

2. The mid-high/high school site (or sites) will need a similar count of the 18-and-overs. Again, the site's Free Percentage will be applied to the 18-and-over count to figure the number of 18-and-over free eligibles.

3. Once the free eligible numbers are obtained for the 4-and-under students at the elementary(ies) and the 18-year-olds and over at the mid-high/high school, the remaining students who are free would be reported in the 5- to 17-year-old category. (Total Free Eligibles minus 4-and-under free ***OR*** 18-and-over free equals 5-to-17-year-old free)

4. To get the 5- to 17-year-old ***ENROLLMENT*** in Column 3, the district should take the current (October 1) site enrollment for the elementary and subtract out all of 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- to 17-year-old group. Likewise, the district should take the current (October 1) site enrollment for the mid-high/high school and subtract out all of the students who are 18-and-over at the mid-high/high school site. If a student turned 18 in the month of October, count that student in the 5- to 17-year-old group.

K. 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. School 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 (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.
   e. New SFAs must charge paying students the required maximum amount (the difference between the free reimbursement rate and the paid reimbursement rate). (Reference USDA Memo SP-39-2011 [Revised])
   f. Financial support from nonfederal sources must be cash for direct support for paid lunches, including, but not limited to:
      - Any portion of state revenue matching funds that exceeds the minimum requirement established in 7 CFR §210.17 and that is provided for paid lunches.
      - Per-meal nonfederal reimbursement for ***ANY PAID*** meal (breakfast, lunch, etc.).
      - Any funds provided by organizations for ***ANY PAID*** meal.
      - Any proportion attributable to ***PAID MEALS*** from direct payments made from school district funds to support lunch service. (See the formula on the next page.)

      Some examples of ***NONALLOWABLE*** nonfederal support are:

      - Any payments, including additional per-meal reimbursements, provided to the SFA for support of the SBP or other CNP.
      - Any payments, including additional per-meal reimbursements, provided specifically to support free and reduced-price meals.
      - Any à la carte revenues.

FORMULA FOR USING NONFEDERAL FUND SOURCES FOR PAID MEALS
(Reference USDA Memos SP-39-2011 and SP-34-2013)

STEP ONE: _____ A Total STUDENT PAID MEALS (Lunches, Break-fasts) Claimed in Previous Year	÷ *Divided by*	_____ B Total STUDENT MEALS (Lunches, Break-fasts) Claimed in Previous Year	= *Equals*	X 100 _____ C % of STUDENT PAID MEALS
STEP TWO: Total Dollar Amount of Expenditures From Fund 11 Through Fund 60/Program Code 700/Project Reporting Code 000/Function Codes 3120, 3130, 3140, and 3150 = $ _____ D Nonfederal Fund Sources From Current Year				
STEP THREE: $ _____ D Nonfederal Fund Sources (Step Two)	*X* *Multiplied by*	_____ C % of STUDENT PAID MEALS (Step One)	= *Equals*	_____ E TOTAL AMOUNT OF NONFEDERAL SOURCE FUNDS FOR PAID STUDENT MEALS

L. 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 charged less than the minimum amount required, the General Fund must cover the difference. SFAs report their adult meal prices during the renewal application process. If all school employees are served free, this is a fringe benefit and should be reflected as such through payroll. Contact OCAS for information on correct procedures to do this. Refer to **page C-51** to determine how much of the General Fund must be used to subsidize adult meals if the SFA is not charging what is required. If the LEA is absorbing the cost, food for these adult meals should be coded to Project Reporting Code 000/Function Code 3155.

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

   - Adult lunch charge equals free reimbursement rate for lunch plus the additional incentive payment plus the value of USDA Foods.
   - 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. CNP employees are adults who are directly involved in the operation and administration of the school nutrition programs. If the LEA is absorbing the cost, food for these adult meals should be coded to Project Reporting Code 11 (or 22)/ Function Code 3155. General Fund is not required to subsidize the cost of CNP employee meals. This is an allowable use of CNP funds.

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 are 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.

M. 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 plus the additional incentive payment plus the value of USDA Foods.
   - Contract breakfasts 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-118-119** 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.

N. 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.

O. 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¢. The maximum reduced-price charge for breakfast is 30¢. 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¢. While these are the maximum amounts that may be charged, districts may elect to charge less for either lunch, breakfast, or snacks. Districts may also choose to provide meals at no cost to their reduced-price eligible students. The expenditures associated with covering the reduced-price student payments may be funded from the nonprofit school food service account. (Reference USDA Memo SP-17-2014) Reduced-price meals must always be claimed at the reduced-price rate of reimbursement, whether the district charges the maximum amount, lesser amount, or not at all. ***NOTE: Nonpricing schools are not required to send out the Notice of Approval/Denial of Benefits.***

P. Nonpricing Programs

Any site participating in the NSLP/SBP/ASSP that does not charge its students for any meals and/or snacks is considered a ***nonpricing program***. Any site has the option of not charging its students for meals/snacks served and claimed for reimbursement; however, most sites that do this have very high percentages of free and reduced-price eligible students. Sites may want to use the Income Sources for Meals form on **page C-52** to determine if a nonpricing program is feasible. ***NOTE: Nonpricing sites must make sure that all students are claimed in the correct eligibility category (free, reduced-price, or paid), even though all meals are served free. SFAs implementing nonpricing at all their sites are not required to do the Paid Lunch Equity Tool.*** They are also not required to send a written notice of denial for denied free or reduced-price applications since all meals are provided at no cost.

Q. Use of CNP Funds

1. Funds for the operation of the NSLP, SBP, and SMP may 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 R 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-52** 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 R on the next 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 $5,000. 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.

R. 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***.

S. Equipment Depreciation for Nonexpendable Equipment (See FNS Instruction 796-2 Rev.4)

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 Programs (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 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 Programs Manager

Subscribed and sworn to before me _____ , _____

My commission expires_____ , _____ _____

Notary Public

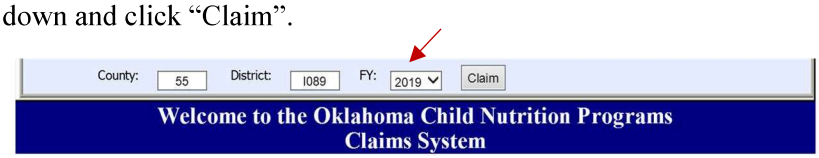
*If utilities and indirect costs/overhead are to be paid from the CNP account, it must be a part of this contract.

CLAIMS, APPLICATIONS, AND REVIEW SYSTEMS (CARS) CLAIMING INSTRUCTIONS

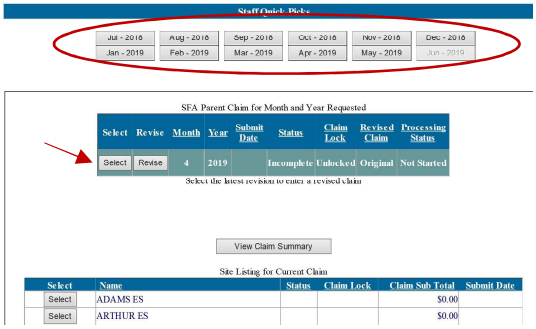
Beginning FY 2019 all districts were required to report claim information for reimbursement by SITE using the new system, CARS.

To access the claims system go to https://cnp.sde.ok.gov/Claims/WelcomeSNPM.aspx. The claims system can also be accessed by clicking the "Claims System" link located in the navigation pane of the Application system. https://cnp.sde.ok.gov/oknslp/snpWelcomeM.aspx. User login information for each user is the same both the application and claim system. Remember that sharing user information or logging in as any other person than yourself is inappropriate.

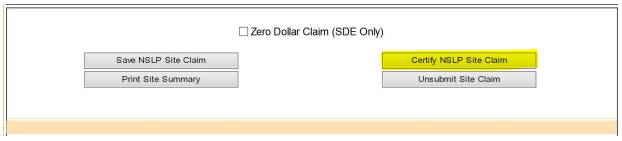
After logging into the CARS claim system, to navigate to the appropriate claim month, ensure that the correct FY is listed in the drop down and click "Claim".



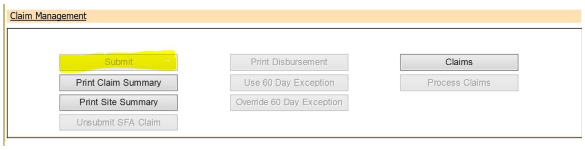
Next, select the month you wish to complete a claim for and the SFA "Parent Claim" grid should appear, from there, click "Select", this will open up the Site list for your district. A site claim will need to be completed for EVERY site that is eligible for reimbursement.



Depending on how your district participates in the Child Nutrition Programs will determine how each site claim will appear and function. After completing, an Authorized Representative must certify each site claim at the bottom of the form.



After a claim has been submitted for each eligible site, the SFA Claim must be submitted before the claim will be processed and paid. To do so, scroll to the top of the site list and click "View Claim Summary". Once the SFA Claim Summary appears, verify that the totals are correct, scroll to the bottom of the page and click "Submit". Until these steps have been completed, claims will not be processed or paid.



For more specific instructions on how to submit a claim in CARS, a SFA User's Manual can be located in the navigation pane on the left hand side of the webpage in the claims system.

CHILD NUTRITION OCAS CODE EXPENDITURES WORKSHEET

FOOD/BEVERAGE EXPENDITURES ONLY

CHILD NUTRITION OCAS CODING FOR EXPENDITURES

Enter the district's total expenditures for the previous year for Child Nutrition Programs, using PROGRAM CODE 700 FOR PROJECT REPORTING CODES 000, 385, 763, 764, AND 765. **DO NOT UTILIZE PROJECT CODES 766, 767, 768, 769, 790, OR 791 FOR THIS REPORT.**

Total Expenditures for *Last Year*		$ 1	-
Total Labor Expenditures for Child Nutrition		$	
Function Code	3120	$ 2	-
Less Total Amount of Other Direct Costs		$	-
Function Code	3130	$ 3	-
Function Code	3140	$ 4	-
Function Code	3160	$ 5	-
Function Code	3180	$ 6	-
Function Code	3190	$ 7	-

To Be Completed by the Institution

À la Carte Revenue Calculation

Total Revenue From ***Last School Year***		$	
Revenue Source Code	1310	$ 8	-
Revenue Source Code	1710	$ 9	-
Revenue Source Code	1720	$ 10	-
Revenue Source Code	1730	$ 11	-
Revenue Source Code	1760	$ 12	-
Revenue Source Code	1790	$ 13	-
Revenue Source Code	3720	$ 14	-
Revenue Source Code	4710	$ 15	-
Revenue Source Code	4720	$ 16	-
Revenue Source Code	4730	$ 17	-
Revenue Source Code	4740	$ 18	-
Revenue Source Code	4750	$ 19	-
Revenue Source Code	4760	$ 20	
Revenue Source Code	6110	$ 21	-
Percentage of À la Carte Revenue		**0**	

To Be Completed by the Institution

Total Expenditures Less Labor and Other Direct Costs		**$**	**-**
Total Food/Beverage Expense Less À la Carte %		**$**	**-**
Total Meals Served From *Last School Year*			**0**
Number of Lunches Served			**0**
Student		$ 22	**0**
Adult		$ 23	**0**
Number of Breakfast			**0**
Student		$ 24	**0**
Adult		$ 25	**0**
Percentage of Lunch		**0**	**$**
Percentage of Student		**0**	**$**
Percentage of Adult		**0**	**$**
Percentage of Breakfast		**0**	**$**
Percentage of Student		**0**	**$**
Percentage of Adult		**0**	**$**

To Be Completed by the Institution

Invoice Breakdown Calculations

Invoice Amount		**$26**	**-**
Meal Type	**Coding**	**Breakdown**	
À la Carte	Reporting Code 000, Function Code 3110	$	-
Student Lunch	Reporting Code 000, 385, ***OR*** 763 Function Code 3150	$	-
Adult Lunch	Reporting Code 000, Function Code 3155	$	-
Student Breakfast	Reporting Code 000 ***OR*** 764, Function Code 3150	$	-
Adult/Contract Breakfast	Reporting Code 000, Function Code 3155	$	-

To Be Completed by the Institution

OCAS CODING AND CHILD NUTRITION
HOW TO BREAK DOWN FOOD/BEVERAGE EXPENDITURES SEPARATELY ON INVOICES

School districts only need to enter information requested in the ***GREEN*** boxes.

Green Box 1: Enter the district's total expenditures for the previous year for CNP, using Program Code 700 for Project Recording Codes 000, 385, 763, 764, and 765. ***DO NOT UTILIZE PROJECT REPORTING CODES 766, 767, 768, 769, 790, OR 791 IN THIS REPORT.***

Green Box 2: Enter the district's total expenditures for the previous year for CNP Employee ***LABOR***, using Function Code 3120.

Green Boxes 3-7: Enter the district's expenditures for each ***Function Code*** listed, if applicable, for the previous school year. Refer to the OCAS Codes in the Child Nutrition Manual Compliance Section to identify the individual Function Codes.

Green Boxes 8-21: Enter the district's revenues for each Revenue Source Code, if applicable, for the previous school year. Refer to the OCAS Codes in the Child Nutrition Manual Compliance Section to identify the individual Revenue Source Codes.

Green Boxes 22-23: Enter the total number of ***LUNCH*** meals served to the ***STUDENTS*** , and then enter the total number of ***LUNCH*** meals served to ***ADULTS*** during the previous school year. (Reference: All claims for reimbursement for the previous school year)

Green Boxes 24-25: Enter the total number of ***BREAKFAST*** meals served to the ***STUDENTS*** , and then enter the total number of ***BREAKFAST*** meals served to ***ADULTS*** during the previous school year. (Reference: All claims for reimbursement for the previous school year)

Save the data entered above so that it does not have to be reentered each time.

Green Box 26: Enter the total amount of one ***FOOD/BEVERAGE*** invoice, ***FOOD/BEVERAGE*** invoices added together for one month, or ***FOOD/BEVERAGE*** invoices added together for the entire year.

Once the invoice amount is entered, the coding will show up at the bottom of the document.

NOTE: Labor and Other Direct can be coded to Project Reporting Code 000, 385, 763, or 764, Function Codes 3120 and 3140. It is recommended that all State Match funds (Project Recording Code 385) be used for Other Direct (Function Code 3140). Districts do need to be aware that any LABOR coded to a Federal Project Reporting Code (763, 764, or any other Project Recording Code in the 700 series) must pay Teachers' Retirement a matching amount on any salaries of employees who are members of Teachers' Retirement.

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

Lunch:

Step 1

$** _____ - **$ _____

Free Reimbursement Rate for Lunch Plus Additional Incentive Payment Plus the Value of USDA Foods

Actual Adult Lunch Charge

$ _____

Lunch Difference

Step 2 Record the number of adult lunch meals at a charge lower than the free reimbursement rate plus additional incentive payment 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 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 DIFFER-ENCE	= $ VALUE
JULY		$	$
AUGUST		$	$
SEPTEMBER		$	$
OCTOBER		$	$
NOVEMBER		$	$
DECEMBER		$	$
JANUARY		$	$
FEBRUARY		$	$
MARCH		$	$
APRIL		$	$
MAY		$	$
JUNE		$	$
TOTAL LUNCH		$	$ *

BREAK-FAST-MEALS	# OF ADULT MEALS	BREAKFAST X DIFFER-ENCE	= $ 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

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 (NSLA). 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 the Department of Defense (DoD) Fresh Fruit and Vegetable Program.
- Be an elementary school and on NSLP.

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 year.

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 to which all respondents will be subject. 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 offerers 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 solicitations. (Reference USDA Policy Memo 2009-SP-11)

HEALTHY SCHOOL ENVIRONMENT (WELLNESS POLICY)

A. Nutrition Education and Training (NET)

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 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, USDA created Team Nutrition to produce resource materials available for purchase from the Institute of Child Nutrition (ICN). In addition, Oklahoma Team Nutrition was created as a part of USDA National Team Nutrition to provide technical assistance and training to Oklahoma 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 Oklahoma Team Nutrition, please call the State Agency at 405-521-3327.

5. Nutrition education material 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.

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 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 CNP coordinator. (Reference Public Law 108-265, Section 126)

c. Technical assistance

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

(1) Qualifying for 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. Local Wellness Policy

What is a local school wellness policy?

A local school wellness policy (*wellness policy*) is a written document that guides a local educational agency's (LEA) or school district's efforts to establish a school environment that promotes students' health, well-being, and ability to learn. (7 CFR 210.31)

The wellness policy requirement was established by the Child Nutrition and Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Reauthorization Act of 2004 and further strengthened by the Healthy, Hunger-Free Kids Act of 2010 (HHFKA). It requires each LEA participating in the National School Lunch and/or School Breakfast Program to develop a wellness policy. The final rule expands the requirements to strengthen policies and increase transparency. The responsibility for developing, implementing, and evaluating a wellness policy is placed at the local level, so the unique needs of each school under the LEA's jurisdiction can be addressed.o

Provisions of the Final Rule

On July 29, 2016, the USDA Food and Nutrition Service (FNS) finalized regulations to create a framework and guidelines for written wellness policies established by LEAs. The final rule requires LEAs to begin developing a revised local school wellness policy during school year (SY) 2016-2017. LEAs must fully comply with the requirements of the final rule by June 30, 2017. The final rule was published on July 29, 2016, and can be found online at ***http://www.fns.usda.gov/tn/local-school-wellness-policy***.

Content of the Wellness Policy

At a minimum, policies are required to include:

- **Specific goals for** nutrition promotion and education, physical activity, and other school-based activities that promote student wellness. LEAs are required to review and consider evidence-based strategies in determining these goals.
- **Standards and nutrition guidelines for all foods and beverages** sold to students on the school campus during the school day that are consistent with federal regulations for:
  * School meal Nutrition Standards.
  * Smart Snacks in school Nutrition Standards.
- **Standards for all foods and beverages provided, but not sold, to students** during the school day (e.g., in classroom parties, classroom snacks brought by parents, or other foods given as incentives)

- **Policies for food and beverages marketing** that allow marketing and advertising that meet Smart Snacks in school Nutrition Standards.
- **Description of public involvement, public updates, policy leadership, and evaluation plan.**

Wellness Leadership

LEAs must establish ***wellness policy leadership*** of one or more LEAs and/or school officials who have the authority and responsibility to ensure each school complies with the policy.

Public Involvement

At a minimum, LEAs must:

- **Permit participation** by the general public and the school community (including parents, students, and representatives of the school food authority, teachers of physical education, school health professionals, the school board, and school administrators) in the wellness policy process.

Triennial Assessments

State agencies are required to assess compliance with the wellness policy requirements as a part of the administrative review every three years. LEAs, as well, must conduct an assessment of the wellness policy every three years, at a minimum. This assessment will determine:

- Compliance with the wellness policy.
- How the wellness policy compares to model wellness policies.
- Progress made in attaining the goals of the wellness policy.

Documentation

The State Agency will examine records during the administrative review, including:

- Copy of the current wellness policy.
- Documentation of how the policy and assessments are made available to the public.
- The most recent assessment of implementation of the policy.
- Documentation of efforts to review and update the policy, including who was involved in the process and how stakeholders were made aware of their ability to participate.
- Identification of the position/title responsible for oversight of the Wellness Policy activities.

Updates to the Wellness Policy

The final rule requires that LEAs update or modify the wellness policy as appropriate.

Public Updates

The rule requires that LEAs must make available to the public:

- The wellness policy, including any updates to and about the wellness policy, on an annual basis, at a minimum.
- The Triennial Assessment, including progress toward meeting the goals of the policy.

QUESTIONS AND ANSWERS FROM USDA MEMO SP-24-2017

GENERAL

1. What is a local school wellness policy, and is it required?

A local school wellness policy is a written document that guides a local educational agency (LEA) in establishing a healthy school environment. Each LEA participating in the National School Lunch Program (NSLP) and/or School Breakfast Program (SBP) is required to establish a written local school wellness policy for all schools under its jurisdiction (7 CFR 210.31[c]). LEAs have the flexibility to customize their individual local school wellness policy based on their own specific circumstances to best improve the health of their students.

2. What is required to be included in local school wellness policies?

While LEAs have flexibility to develop the specific content of their local school wellness policies, the policies must include the following:

- Specific goals for nutrition promotion and education, physical activity, and other school-based activities that are designed to promote student wellness (7 CFR 210.31[c][1]).
- Standards and nutrition guidelines for all foods and beverages available on the school campus during the school day that are, at a minimum, consistent with federal regulations for program meals and the Smart Snacks in school Nutrition Standards and designed to promote student health and reduce childhood obesity (7 CFR 210.31[c][2] and [3]).
- Policies that allow marketing or advertising of only those foods and beverages that may be sold on the school campus during the school day; i.e., those foods and beverages that meet the Smart Snacks in school Nutrition Standards (available at ***http://www.fns.usda.gov/school-meals/fr-072916d***) (7 CFR 210.31[c][3][iii]).

LEAs are also required to:

- Review and consider evidence-based strategies in determining local school wellness goals (7 CFR 210.31[c][1]).
- Involve, inform, and update the public (including parents, students, and other stakeholders) about the content and implementation of the local school wellness policy (7 CFR 210.31[d][2] and [3]).
- Conduct an assessment, at least once every three years, to determine compliance, progress, and the extent to which the policy compares to model local school wellness policies (7 CFR 210.31[e][2].
- Update or modify the local school wellness policy as appropriate (7 CFR 210.31[3]).

3. Who is responsible for developing the local school wellness policy?

The LEA is responsible for developing a local school wellness policy (7 CFR 210.31[a]). This responsibility is placed at the local level so that LEAs have flexibility to address the unique needs of each school under their jurisdiction. In an effort to foster transparency and inclusion, LEAs are required to allow parents, students, SFA representatives, teachers of physical education, school health professionals, the school board, school administrators, and members of the general public to participate in the development, implementation, and periodic review and update of the local school wellness policy (7 CFR 210.31[c][5]). While the LEA is ultimately responsible for developing the local school wellness policy, a best practice would include having each school within the LEA customize the policy at the local level.

4. Do local school wellness policy standards apply to all foods and beverages on the school campus during the school day?

Local school wellness policies are required to address foods and beverages that are both sold and made available at no cost to students.

LEAs must develop standards and nutrition guidelines for all foods and beverages available, but not sold to students on the school campus during the school day (for example, classroom parties or rewards). While these standards and nutrition guidelines are not required to be consistent with Smart Snacks standards as stated in 7 CFR 210.31(c)(3)(iii), local jurisdictions have the discretion to adopt standards that are consistent with federal school meals and Smart Snacks Nutrition Standards or to adopt more or less stringent standards.

For foods and beverages sold to students, the local school wellness policy must include standards and nutrition guidelines that are consistent with the school meal requirements and Smart Snacks Nutrition Standards.

5. Can nonprofit school food service account funds be used to implement local school wellness policies?

Yes, generally, nonprofit school food service account funds may be used to implement local school wellness policies if the local school wellness policy is supporting the operation or improvement of the school meal program.

In order to use this funding for local school wellness policy-related activities, the LEA's food service program must be providing meals in compliance with NSLP and SBP meal patterns and in compliance with resource management. In cases where only a portion of the local school wellness policy coordinator's time is spent directly supporting the school food service operation, the nonprofit school food service account may only cover the portion of the coordinator's salary that is deemed necessary, reasonable, and allocable for the operation of the school meals programs. The LEA may determine that funding a staff position or activities related to the local school wellness policy will support the operation and improvement of the program and that the associated costs are necessary, reasonable, and allocable in accordance with the cost principles of 2 CFR 200. Continual assessment of these costs is essential to ensure that the nonprofit school food service account can continue to support these activities over time.

PROGRAMS INCLUDED

6. Are small schools and residential child care institutions (RCCIs) expected to have a wellness policy?

All schools that participate in the school meals programs are expected to have a wellness policy, including small schools and RCCIs. While there are no exclusions in the law based on the size of a school or institution that participates in the meal programs, these institutions are encouraged to develop a wellness policy that meets the unique needs of their population. Because of the responsibility that RCCIs have in providing nutrition and physical activity to children in residence, it is important that RCCIs implement wellness policies that will support the health and development of their residents.

7. Is a wellness policy required if the school only operates the Special Milk Program (SMP)?

A school or other program that operates only the SMP is not required to have a local school wellness policy.

8. Does the wellness policy requirement apply to private schools, including religious private schools, and charter schools?

Each LEA must establish a local school wellness policy for all schools participating in the NSLP and/or SBP under its jurisdiction (7 CFR 210.31[a]). This includes any private schools, religious private schools, and charter schools that participate in the school meals programs.

Any schools, including private and nonpublic charter schools, that do not participate in the school meals programs, may develop their own wellness policy; or the governing board could develop one for all affiliated schools. Such schools are not required to follow the local school district's local school wellness policy.

FOOD AND BEVERAGE MARKETING

9. What are the requirements around food and beverage marketing?

LEAs are permitted to market foods and beverages that may be sold on the school campus during the school day; i.e., those foods and beverages that meet the requirements set forth in the Smart Snacks standards (7 CFR 210.31[c][3][iii]). Marketing of noncompliant food and beverages is not permitted during the school day but may be present at events that happen after the end of the school day. For example, an evening sporting event may sell and market noncompliant foods or beverages. More information on the Smart Snacks Nutrition Standards is available at ***http://www.fns.usda.gov/healthierschoolday/tools-schools-focusing-smart-snacks***.

10. How does the term *marketing* apply in local school wellness policies?

Food marketing commonly includes oral, written, or graphic statements made for the purpose of promoting the sale of a food or beverage product. Therefore, the marketing standards apply to items such as posters, flyers, and other printed materials advertising products. It also applies to prizes or other premium items given to students to promote a product, cups used for beverage dispensing, and various equipment such as the exterior of vending machines, menu boards, coolers, trash cans, and other food service equipment. All food or beverage products depicted on items/equipment on the school campus during the school day must meet the Smart Snacks Nutrition Standards.

11. What types of marketing are exempt from local school wellness policies?

The marketing restrictions do not apply to materials used for educational purposes in the classroom, such as teachers' use of advertisements as an education tool; or when implementing a health or nutrition education curriculum that favors the consumption of some foods over others.

Items exempt from the marketing provision also include items of personal expression such as clothing and the packaging of products brought from home for personal consumption. For example, if a child wears a shirt that has a food item pictured, the food is not required to meet the Smart Snacks standards in order for the child to wear the item of clothing. Similarly, if a child brings a package of crackers from home, the food item is not required to meet the Smart Snacks standards.

12. What areas of the school are affected by the food and beverage marketing policies?

Marketing standards apply to the school campus. The school campus is defined as all areas of the property under the jurisdiction of the school that are accessible to students during the school day (7 CFR 210.11[a][4]). School day is defined as the midnight before through 30 minutes after the end of the school day (7 CFR 210.11[a][5]). Examples of areas affected include the cafeteria, classrooms, hallways, gymnasiums, football/soccer fields, running track, parking lots, and all other areas of the campus that students may occupy during the school day.

13. Do the food and beverage marketing policies apply to equipment such as scoreboards?

Items such as scoreboards that are already in place do not need to be replaced; however, LEAs must consider the marketing guidelines in the wellness policy when these items are replaced or updated over time. In addition to scoreboards, marketing policies apply to other such durable items or equipment that is on school campus property and accessible by students during the school day (7 CFR 210.11[a][4]). These items may include signs inside/outside of the school, water coolers, beverage cases, food display racks, and school buses.

14. Do the food and beverage marketing policies apply to after-school sporting or other events?

The local school wellness policy marketing requirements do not apply to events occurring more than 30 minutes after the school day, such as after-school sporting or other events. However, it is important to remember that federal Smart Snacks standards are minimum standards and the LEA has discretion to adopt more stringent standards and extend the marketing policy to events outside of school hours.

15. My school/state has its own standards for snack foods sold in schools and/or food and beverage marketing policies. How are they affected by the local school wellness policy?

The federal Smart Snacks standards and marketing policies are minimum requirements for schools that participate in USDA's school meals programs. States, districts, and schools that have stronger standards and policies may maintain their own policies as long as they do not conflict with USDA standards. LEAs have flexibility on how to implement this requirement. It is not intended to imply that schools must allow food or beverage marketing on campus.

16. If a vending machine is turned off during the school day, is the outside of it (logos, pictures, etc.) still considered marketing?

Yes. The front and sides of a vending machine provide a graphic statement intended for the purpose of promoting the sale of a food or beverage product, regardless of whether the machine is on or off.

17. Is there a restriction against marketing brand names?

No; brand name marketing is not restricted. If a specific product does not meet the Smart Snacks Nutrition Standards, it may not be marketed on the school campus during the school day; however, the brand may be marketed. The final rule also discusses copycat products, where a company reformulates one product in a brand's product line to meet school Nutrition Standards. Marketing of copycat products is not restricted under the regulations.

LEAs have discretion to determine what is in the best interest of their respective school communities, however, and may implement additional marketing restrictions. LEAs may choose to include more stringent marketing standard for brand marketing and copycat products in their local school wellness policy; they may simply eliminate advertising of all brands that market foods inconsistent with the Smart Snacks Nutrition Standards, or they may allow both brand marketing and copycat products that meet Smart Snacks standards to be marketed in schools.

18. Do the local school wellness policy standards permit the marketing of incentive programs like a restaurant or brand that gives free pizza or coupons when students read a certain number of books?

Yes. The local school wellness policy marketing standards are not intended to restrict incentive programs. While the LEA is required to address standards and nutrition guidelines for all foods and beverages available on the school campus during the school day, it may determine what is in the best interest of its respective school communities. LEAs are encouraged to use nonfood-related incentive programs or programs that promote items consistent with the Smart Snacks standards.

19. Are label redemption programs (e.g., Box Tops for Education) allowed under this final rule?

Yes. This rule is not intended to restrict label redemption programs. Promotion of label redemption programs on school property is permitted.

TRIENNIAL ASSESSMENT

20. How often must LEAs conduct assessments of schools' compliance with the local school wellness policy?

At a minimum, assessments must be conducted once every three years as described in 7 CFR 210.31(e); this is referred to as the triennial assessment. This assessment is separate from the administrative review conducted by the State Agency. The local school wellness policy must be updated and in compliance with the final rule by June 30, 2017. Therefore, the first triennial assessment must be completed by June 30, 2020.

21. Who is responsible for conducting the assessment?

LEAs must designate at least one LEA or school official(s) as responsible for determining the extent to which each school under their jurisdiction is in compliance with their wellness policies (7 CFR 210.31[e][1]).

In addition to the official(s) identified, other stakeholders must be permitted to be involved in the review process as described in 7 CFR 210.31(d)(1). However, LEAs have discretion in how they implement this requirement since each LEA is best suited to determine the distinctive needs of the community it serves. LEAs are also encouraged to identify a wellness champion at each school that would assist with the implementation and monitoring of the policy at the school level.

22. What must be included in the triennial assessment?

The LEA must develop a triennial assessment report that describes the extent to which its schools comply with the local school wellness policy, the extent to which the local policy aligns with model policies, and a description of progress toward attaining policy goals as described in 7 CFR 210.31(e)(2). There is local discretion on the format of the report. This report must be made available to the public (7 CFR 210.31[d][3]).

23. What tools should LEAs use to assess implementation and compliance with the local school wellness policy?

The LEA has the flexibility to develop tools that will assess compliance with the specific components of its school wellness policy. Some state agencies and partner organizations have developed tools that LEAs can adapt to meet their needs. Example tools can be found at the *School Nutrition Environment and Wellness Resources* Web site at ***https://healthymeals.fns.usda.gov/local-wellness-policy-resources/local-school-wellness-policy-process/assessment-needs-assessment***. In addition, the LEA must document when and how it evaluated its policy. For example, an agenda or attendance sheet could be used as documentation that the local school wellness policy was evaluated at a stakeholder meeting.

24. How often does the LEA have to update the policy?

USDA does not specify the frequency of updates to the local school wellness policy, as the need to update will vary based on the content and structure of the policy. However, it is recommended that the policy be updated, at a minimum, after conducting the triennial assessments (7 CFR 210.31[e][3]). LEAs are also required to annually notify the public about the content of the local school wellness policy and any updates to the policy as stated in 7 CFR 210.31(d)(2).

25. How should LEAs compare their policies to model policies?

The responsibility for developing local school wellness policy was placed at the LEA level so that each LEA has the flexibility to customize its own policy based on its own unique circumstances. However, at a minimum, LEAs must compare their policies against model policies during the triennial assessment (7 CFR 210.31[e][2][ii]). The Alliance for a Healthier Generation, in conjunction with USDA, developed a model local school wellness policy template that may be used for this comparison: ***https://www.healthiergeneration.org/_asset/wtqdwu/14-6372_ModelWellnessPolicy.doc***.

26. Does the LEA need to do a triennial assessment of all the schools under its jurisdiction, or does each school do its own triennial assessment and report back to the LEA?

The LEA is responsible for ensuring that a triennial assessment of all the schools under its jurisdiction has been conducted. The LEA may conduct the triennial assessment on behalf of each participating school under its jurisdiction or may allow each school to conduct its own assessment.

27. What are the next steps if an LEA is not in compliance with the local school wellness policy requirements?

The final rule required LEAs to begin developing a revised local school wellness policy by August 29, 2016. These revised policies must be in place by July 1, 2017. While LEAs are updating and implementing new wellness policies, state agencies should focus on providing technical assistance and work with the LEA on a corrective action plan in order to achieve compliance.

Technical assistance resources include USDA's FNS Team Nutrition Web site. The *School Nutrition Environment and Wellness Resources* Web pages provide information and guidance resources, including:

- **Local School Wellness Policy Process** steps to put the policy into action, as well as sample policy language and examples of existing state-level health policies.
- **Required Wellness Policy Elements** to meet the federal requirements.
- **Success Stories and Best Practice** ideas for schools.
- **Grants/Funding Opportunities** related to child nutrition and physical activity.
- **Trainings** that will assist districts/schools in developing, implementing, and monitoring their wellness policies.

This Web site also includes information on the requirements and a summary of the final rule. The resources Web site can be accessed at ***https://healthy meals.fns.usda.gov/school-wellness-resources***.

28. What documentation is needed for the administrative review?

During an administrative review, the State Agency will review the written local school wellness policy and will ensure an LEA or school official(s) has been designated to oversee the policy process. The State Agency will also review documentation demonstrating:

- Compliance with community involvement requirements, such as a copy of the solicitation on the LEA/school Web site or school newsletter and a list of the stakeholders involved (attendance sheet or list of titles such as parent, school nurse, etc.).
- That the local school wellness policy content and annual updates, as well as the triennial assessments, were made available to the public, such as a copy of the LEA/school Web page and/or the school newsletter or local newspaper where the local school wellness policy and assessment results have been posted.
- How the policy compares to model policies.
- That a triennial assessment of the local school wellness policy was conducted for each school under its jurisdiction.

PUBLIC NOTIFICATION

29. How should LEAs notify the public that they have a policy and/or there has been an update to the policy?

LEAs must inform the public each school year of basic information about the local school wellness policy, including its content and any updates as described in 7 CFR 210.31(d)(2). LEAs may best determine the optimal time for providing the information, although FNS recommends that the information be provided early in the school year. Best practices include highlighting the policy on individual school Web sites, linking to the policy on individual school social media accounts, sending updates in a parent or school newsletter, including the policy in a presentation during parent/staff meetings, providing copies of the policy at back-to-school nights, featuring the policy on the parent- or staff-specific Web pages, and posting on school bulletin boards. Other strategies include placing a blurb in a local community newsletter or newspaper, posting on a community Web site or blog, or sharing updates and accomplishments on a local radio or television show. Team Nutrition's new *Local School Wellness Policy Outreach Toolkit* provides free templates to help notify the public and can be adapted to meet the LEA's needs. This toolkit can be accessed at ***http://www.fns.usda.gov/tn/local-school-wellness-policy-outreach-toolkit***.

30. How often are LEAs or schools required to notify the public about the local school wellness policy?

LEAs are required to annually notify the public of the local school wellness policy and any updates to the policy (7 CFR 210.31[d]). FNS also encourages LEAs or schools to include a summary of each school's events or activities related to local school wellness policy implementation on their annual public notification. LEAs may determine the optimal time for providing the information, although FNS recommends that the information be provided early in the school year.

31. Are LEAs or schools required to produce annual progress reports?

On an annual basis, LEAs are required to notify the public of the local school wellness policy and any updates to the policy (7 CFR 210.31[d]). FNS also encourages LEAs or schools to include a summary of each school's events or activities related to local school wellness policy implementation on their annual public notification.

32. Does the LEA or school official(s) designated to oversee the wellness policy need to publicize its contract information?

LEAs are only required to identify the position title of the LEA or school official(s) responsible for oversight of the local school wellness policy. However, LEAs are strongly encouraged to provide a means of contacting the LEA or school official(s) responsible for oversight by designating an LEA or school-based phone number and/or e-mail address for the community to provide suggestions, make inquiries, request to get involved, or contribute to wellness policy implementation.

33. How should LEAs engage stakeholders in the policy?

Each year, stakeholders must be provided with the opportunity to participate in the development, implementation, periodic review, and update of the local school wellness policy as stated in 7 CFR 210.31(d)(1). It is at the discretion of the LEA on how stakeholders are invited to participate. Suggestions for including a variety of stakeholders include:

- Sending a letter to parents/families.
- Providing status updates in teacher/staff trainings.
- Posting a call for volunteers on the LEA Web site.
- Including a blurb on the school, LEA, or local community newspaper, newsletter, and/or blog.
- Partnering with community organizations to spread the information.
- Posting information about the process on social media.

Team Nutrition has developed an outreach toolkit to help LEAs engage parents and school staff in the development, implementation, and monitoring of their wellness policy. The customizable templates are available for download at ***http://www.fns.usda.gov/tn/local-school-wellness-policy-outreach-toolkit***. Examples of other ways to engage parents are provided in the Centers for Disease Control and Prevention's (CDC) Parents for Healthy Schools found at ***http:www.cdc.gov/healthyschools/parentengagement/parentsforhealthyschools.htm***.

34. How should residential child care institutions (RCCIs) comply with the required public notification?

Although RCCIs may have different circumstances than LEAs, the intent of the public notification requirement is to inform the public about the process and how they can get involved. RCCIs are required to inform parents/caregivers and any other members of the public about the local wellness policy. The RCCI has discretion to determine to whom this public information should be directed. Notification may be as simple as including the local school wellness policy and a description of how to get involved on the RCCI Web site, newsletter, RCCI social media, or other means of notifying families and the general public.

Please note that RCCIs are not required to inform the public regarding eligibility criteria for school meals if they do not have day students. However, they are still required to notify the public of the local school wellness policy provisions because the intent is to provide information to the public about the policy and invite members of the public to become involved.

GOALS

35. Does the wellness policy have to include a specific number of hours for nutrition or physical education?

Nutrition and physical education are very important aspects of wellness and complement a healthy school environment. LEAs have discretion in determining the best way to structure their school day, and there is no requirement that an LEA include specific amount and frequency requirements (i.e., days per week and minutes per day/week) in their policy goals, objectives, and annual benchmarks for physical education, nutrition education, and physical activity. However, FNS encourages LEAs to require a specific number of hours and/or frequency to assist in assessing whether schools are meeting their goals and to consider the Centers for Disease Control and Prevention's (CDC) recommendation of 60 minutes of physical activity each day for children and adolescents (see ***https://www.cdc.gov/physicalactivity/basics/children/index.htm***).

36. What are some examples of evidence-based strategies/techniques to establish wellness goals?

The following examples of evidence-based strategies have been shown to improve the likelihood that children will make the healthier choice: using creative names for fruits and vegetables and targeted entrées, training staff to prompt students to select fruits and vegetables, placing unflavored milk in front of other beverage choices, and bundling *grab and go* meals that include fruit and vegetable items.

LEAs should review *Smarter Lunchroom* tools and strategies which are evidenced-based, simple, low-cost, or no-cost changes that are shown to improve student participation in the school meals program while encouraging consumption of more whole grains, fruits, vegetables, and legumes, and decreasing plate waste (for more information, please visit ***https://healthy meals.fns.usda.gov/healthierus-school-challenge-resources/smarter-lunchrooms***).

37. How can farm-to-school strategies be included in wellness policies?

Wellness policies offer an opportunity to showcase farm-to-school efforts and gain buy-in from the community. According to the ***Farm-to-School Census***, over two-thirds of school districts engaged in farm-to-school activities said they enjoy positive impacts, including increased support from parents and community member, improved acceptance of and participation in school meals, lower school meal program costs, and less plate waste.

Wellness policies offer an opportunity to engage community stakeholders who can help districts start and/or expand activities such as buying local foods, growing gardens, and offering nutrition, agricultural, and culinary education. For specific ideas and sample language from other districts that have included farm-to-school efforts in their policies, please visit ***https://healthymeals.fns.usda.gov/farm-school-wellness-policy-language***.

WELLNESS LEADERSHIP AND INVOLVEMENT

38. Who should oversee the wellness policy?

The LEA has discretion in determining who is responsible for overseeing the wellness policy, including assessments. The LEA is most qualified to identify the best candidate(s) for local school wellness policy leadership as size, resources, and needs vary greatly among LEAs and schools. Some LEAs have a position titled *Wellness Coordinator*, while in other LEAs, the *School Nutrition Director* or *Lead Health Education Coordinator* oversees the policy. The regulations do not specify the title or position of the designated wellness official(s) but simply require that the responsible official be designated (7 CFR 210.31[e][1]).

Regardless of who is named as the designated official(s) to oversee the wellness policy process, the CDC's case study examination found that in successful schools, a *wellness champion* serves as the driving force for developing and implementing the wellness policy. A single wellness champion—such as a school nurse, district superintendent, or community member—led the process in many schools and districts. The champion played a critical role in starting the process and keeping it going when challenges arose. For more information, see ***https://www.cdc.gov/healthyyouth/npao/pdf/251553_SchoolWellnessInAction_Final_508_Ready_508tagged.pdf***.

39. How does FNS define *actively* seeking members for the wellness committee? Is sending an e-mail enough?

LEAs have discretion in how they implement the requirement to actively seek members for their wellness committee. Sending an e-mail is one example of how an LEA could meet the requirement. Other examples include a posting in a newsletter or on the LEA's Web site or social media page, or creating an advertisement in a local community newsletter or newspaper.

TECHNICAL SUPPORT

40. Where can I get more information and technical support?

USDA FNS has developed wellness Web resources as a part of the Team Nutrition Web site. The wellness policy Web site has information on the requirements and a summary of the final rule, action steps for local educational agencies and schools, tools and resources, monitoring wellness policies, funding wellness efforts, and more. The FNS Local School Wellness Policies Web site can be accessed at ***http://www.fns.usda.gov/tn/local-school-wellness-policy***.

Additionally, FNS's *School Nutrition Environment and Wellness Resources* Web page provides information and resources to support the local school wellness policy process and includes sample policy language, examples of existing state-level health policies, stories, and best practice ideas for schools, grants and funding opportunities, and trainings to assist districts/schools in developing, implementing, and monitoring their wellness policies. The resources Web site can be accessed at ***https://healthymeals.fns.usda.gov/school-wellness-resources***.

The CDC also has many resources that can help inform the content and implementation of wellness policies. There are resources on topics that include Smart Snacks, physical activity and physical education, measuring Body Mass Index in schools, and engaging parents to participate in school wellness activities. CDC also has assessment tools, including the School Health Index that schools can use to assess their health policies and practices and then create a plan to improve their health and safety policies and practices. These helpful CDC resources can be accessed at ***www.cdc.gov/healthyyouth/npao/publications.htm***.

CDC's *Putting Local School Wellness Policies to Action: Stories From School Districts and Schools* provides helpful strategies and examples for additional resources for schools. This resource can be accessed at ***https://www.cdc.gov/healthyyouth/npao/pdf/251553_SchoolWellnessInAction_Final_508_Ready_508tagged.pdf***.

C. Healthy and Fit Kids Committee

Oklahoma Statute Section 24-100a of Title 70—each school site is 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://www.fns.usda.gov/food-safety/food-safety**
   b. ***Serving It Safe: A Manager's Tool Kit***, a training program in safety and sanitation for all levels of food service employees: **theicn.org**
   c. Gateway to Government Food Safety Information, includes recall information and food safety tips: **http:/www.FoodSafety.gov**

2. Meal Accountability

   a. Free and reduced-price guidance on the application approval and verification process: **http://www.fns.usda.gov/school-meals/applying-free-and-reduced-price-school-meals**
   b. Prototype free and reduced-price applications and translations: **http://www.fns.usda.gov/school-meals/applying-free-and-reduced-price-school-meals**

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/school-meals/foods-minimal-nutritional-value**

4. Food Safety Program—HACCP

    a. USDA Meat and Poultry Hotline: 1-800-674-6854
    b. FDA Food Information Line: 1-888-SAFEFOOD
    c. USDA Food Safety and Inspection Service: **www.fsis.usda.gov/thermy**
    d. Institute of Child Nutrition (ICN)
       The University of Mississippi: 1-800-321-3064
       www.theicn.org

E. Smart Snacks in School/Competitive Foods

1. The Healthy Hunger-Free Kids Act of 2010 directed USDA to establish Nutrition Standards for all foods and beverages sold to students in school during the school day, including foods sold outside of the meals served through the NSLP and the SBP. The new Smart Snacks in School Nutrition Standards help schools to make the healthy choice the easy choice by offering students more of the foods and beverages we should be encouraging—whole grains, fruits and vegetables, leaner protein, lower-fat dairy—while limiting foods with too much sugar, fat, and salt. To assist districts in determining if a food meets the Smart Snack Rule, go to https://foodplannerhealthiergeneration.org/calculator.

2. Definition

    a. School Day—From midnight on any given day when school is in session to 30 minutes past when the last bell rings.
    b. All Foods—Any foods sold on school premises during the school day, no matter what fund purchased the food. ***All foods*** includes all foods in snack shops, student stores, vending machines, etc.

3. Nutrient Standards for All Foods Sold in School

NUTRIENT STANDARDS FOR ALL FOODS SOLD IN SCHOOL		
Food/Nutrient	**General Standard**	**Exemptions to the Standard**
General Standard for Competitive Food	To be allowable, a competitive ***FOOD*** item must: 1. Meet all of the proposed competitive food Nutrient Standards; AND 2. Be a grain product that contains 50 percent or more whole grains by weight or have whole grains as the first ingredient*; OR 3. Have as the first ingredient* one of the nongrain main food groups: fruits, vegetables, dairy, or protein foods (meats, beans, poultry, seafood, eggs, nuts, seeds, etc.); OR 4. Be a combination food that contains at least 1/4 cup fruit and/or vegetable. * If water is the first ingredient, the second ingredient must be one of Items 2, 3, or 4 above.	• Fresh fruits and vegetables with no added ingredients except water are exempt from all Nutrient Standards. • Canned and frozen fruits with no added ingredients except water or are packed in 100 percent juice, extra light syrup, or light syrup are exempt from all Nutrient Standards. • Canned vegetables with no added ingredients except water or that contain a small amount of sugar for processing purposes to maintain the quality and structure of the vegetable are exempt from all Nutrient Standards.
NSLP/SBP Entrée Items Sold À la Carte	Any entrée item offered as part of the lunch program or the breakfast program is exempt from all competitive food standards if it is sold as a competitive food on the day of service or the day after the service in the lunch or breakfast program.	
Sugar-Free Chewing Gum	Sugar-free chewing gum is exempt from all competitive food standards.	
Accompaniments	Use of accompaniments is limited when competitive food is sold to students in school. The accompaniment must be included in the nutrient profile as part of the food item served and meet all proposed standards.	
Caffeine	Elementary and middle school: Foods and beverages must be caffeine-free with the exception of trace amounts of naturally occurring caffeine substances. High school: Foods and beverages may contain caffeine.	

NUTRIENT STANDARDS FOR ALL FOODS SOLD IN SCHOOL continued		
Food/Nutrient	**Nutrient Standard**	**Exemptions to the Standard**
Total Fats	Acceptable food items must have ≤ 35 percent calories from total fat as served.	• Reduced-fat cheese (including part-skin mozzarella) is exempt from the total fat standard. • Nuts and seeds and nut/seed butters are exempt from the total fat standard. • Products consisting of only dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats are exempt from the total fat standard. • Seafood with no added fat is exempt from the total fat standard. Combination products are not exempt and must meet all the Nutrient Standards.
Saturated Fats	Acceptable food items must have < 10 percent calories from saturated fat as served.	• Reduced-fat cheese (including part-skin mozzarella) is exempt from the saturated fat standard. • Nuts and seeds and nut/seed butters are exempt from the saturated fat standard. • Products consisting of only dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats are exempt from the saturated fat standard. Combination products are not exempt and must meet all the Nutrient Standards.
Trans Fats	Zero grams of trans fat as served (≤ 0.5 g per portion).	
Sugar	Acceptable food items must have ≤ 35 percent of weight from total sugar as served.	• Dried whole fruits or vegetables, dried whole fruit or vegetable pieces, and dehydrated fruits or vegetables with no added nutritive sweeteners are exempt from the sugar standard. • Dried whole fruits or pieces with nutritive sweeteners that are required for processing and/or palatability purposes (i.e., cranberries, tart cherries, or blueberries) are exempt from the sugar standard. • Products consisting of only exempt dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats are exempt from the sugar standard.
Sodium	Snack items and side dishes sold à la carte must be: ≤ 200 mg sodium per item as served, including any added accompaniments. Entrée items sold à la carte: ≤ 480 mg sodium per item as served, including any added accompaniments.	
Calories	Snack items and side dishes sold à la carte: ≤ 200 calories per item as served, including any added accompaniments. Entrée items sold à la carte: ≤ 350 calories per item as served, including any added accompaniments.	• Entrée items served as an NSLP or SBP entrée are exempt on the day of or the day after service in the Program meal.

NUTRIENT STANDARDS FOR ALL FOODS SOLD IN SCHOOL continued		
Food/Nutrient	**Beverage Standard**	
Beverages	**Elementary School** • Plain water or plain carbonated water (no size limit) • Lowfat milk, unflavored (≤ 8 fl oz) • Nonfat milk, flavored or unflavored (≤ 8 fl oz), including nutritionally equivalent milk alternatives as permitted by the school meal requirements • 100 percent fruit/vegetable juice (≤ 8 fl oz) • 100 percent fruit/vegetable juice diluted with water (with or without carbonation) and no added sweeteners (≤ 8 fl oz) **Middle School** • Plain water or plain carbonated water (no size limit) • Lowfat milk, unflavored (≤ 12 fl oz) • Nonfat milk, flavored or unflavored (≤ 12 fl oz), including nutritionally equivalent milk alternatives as permitted by the school meal requirements • 100 percent fruit/vegetable juice (≤ 12 fl oz) • 100 percent fruit/vegetable juice diluted with water (with or without carbonation) and no added sweeteners (≤ 12 fl oz) **High School** • Plain water or plain carbonated water (no size limit) • Lowfat milk, unflavored (≤ 12 fl oz) • Nonfat milk, flavored or unflavored (≤ 12 fl oz), including nutritionally equivalent milk alternatives as permitted by the school meal requirements • 100 percent fruit/vegetable juice (≤ 12 fl oz) • 100 percent fruit/vegetable juice diluted with water (with or without carbonation) and no added sweeteners (≤ 12 fl oz) • Other flavored and/or carbonated beverages (≤ 20 fl oz) that are labeled to contain < 5 calories per 8 fl oz or ≤ 10 calories per 20 fl oz • Other flavored and/or carbonated beverages (≤ 12 fl oz) that are labeled to contain ≤ 40 calories per 8 fl oz or ≤ 60 calories per 20 fl oz	

4. Fundraiser Exemptions

A school district that wishes to conduct fundraisers exempt from the Smart Snack rules must adopt a written policy which shall provide for the following:

a. Each school site shall designate a Smart Snacks in School Exempt Fundraiser contact person who shall be responsible for maintaining up-to-date documentation regarding each fundraiser held at the school site. An example of the School Organization Fund-Raising Form can be found under Other Documents on the e-Claims System.

b. ***A limit of 30 exempt fundraisers per semester may be held at each school site.*** (Vending machines, snack shops, and student stores are all considered fundraisers.)
c. Exempt fundraisers ***are prohibited*** from taking place while meals are being served to students under the NSLP or the SBP and while after-school snacks are being served to students under the ASSP.
d. The maximum duration of any individual exempt fundraiser shall be 14 days.
e. For each individual exempt fundraiser, documentation must be kept on file at the school site showing:
   (1) The school organization, activity, class, or other group that benefits from the fundraiser.
   (2) The date(s) the fundraiser is conducted, with the duration not to exceed 14 days.

A school site is not authorized to conduct or allow any exempt fundraisers unless the school district has adopted a written policy that meets these requirements. All competitive foods sold in a school district that does not have such a written policy must meet the nutritional guidelines under Smart Snacks.

Combination Foods

1. What is a combination food?

A combination food is defined as a product that contains two or more components representing two or more of the recommended food groups: fruit, vegetable, dairy, protein, or grains. If a combination food does not meet the general standards by being (a) a grain product that contains 50 percent or more whole grains by weight or have whole grains as the first ingredient ***or*** (b) having one of the nongrain major food groups as a first ingredient (fruits, vegetables, dairy, protein food) ***or*** (c) a food that contains 10 percent of the Daily Value of a nutrient of public health concern from the DGA (i.e., calcium, potassium, vitamin D, or dietary fiber), then such a combination food must contain 1/4 cup of fruit and/or vegetable. Combination foods must also meet the specific Nutrient Standards specified in the Smart Snacks interim final rule.

2. What is an example of a combination food?

One example of a combination food is a blueberry muffin. A blueberry muffin may not meet the general standard if it does not contain 50 percent or more whole grains by weight or if the first ingredient listed is not a whole grain, fruit, vegetable, dairy, or protein item. However, if the muffin contains refined grains and 1/4 cup of blueberries, the muffin meets the general standard requirement as a combination food that contains 1/4 cup fruit and/or vegetable. (Additionally, the muffin must also meet the specific Nutrient Standards for fat, sugar, sodium, etc.) Some other examples of combination foods would be the Harvest Stew or Vegetable Chili Boat recipes from the Recipes for Healthy Kids contest. Each of these soups contains at least 1/4 cup of vegetable and meets the Nutrient Standards and may be allowable under the Smart Snacks standards in appropriate portions.

3. Are any combination foods exempt from the Nutrient Standards?

There are only two types of combination foods exempt from all or some of the Nutrient Standards. Canned, fresh, and frozen fruits and vegetables that are combined may be exempt from all of the Nutrient Standards as long as there are no added ingredients except water. For example, fresh salsa made from tomatoes, onions, and garlic, with no other ingredients, is exempt from each of the Nutrient Standards.

While combination foods comprised entirely of fruits and/or vegetables are exempt from all the Nutrient Standards, there are some other combination items that are exempt from a subset of Nutrient Standards. Specifically, items that are made from only dried fruit, nuts, and/or seeds are one specific type of combination food item that is exempt from the total fat standard, saturated fat standard, and the sugar standard as long as such products contain no added nutritive sweeteners or fats. Such products are still subject to the caloric, trans fat, and sodium standards.

4. Would two items packaged together as a snack be considered a combination food as long as the package contains 1/4 cup of a fruit or vegetable?

Yes. For example, a 100-calorie pouch of small chocolate chip cookies (approximately 21 grams [g]) combined with one small banana (approximately 100 g) is a combination item if packaged and sold together; the cookies contain grain and the small banana is about 1/2 cup of fruit. The nutrients for this example combination are 190 calories, 3 g of fat (14 percent calories from fat), 1 g of saturated fat (5 percent calories from saturated fat), 0 g trans fat, 95 mg of sodium, and 20 g of sugar (17 percent sugar by weight).

5. **Would a side salad meet the Nutrient Standards and/or is it considered to meet the standards as a combination food?**

   A side salad may qualify based either on the first ingredient being a vegetable or as a combination food. For example, 1 cup of romaine lettuce, 1/4 cup sliced cucumbers, 8 cherry tomatoes, 4 croutons, and 1 tablespoon (Tbsp) of low-calorie Caesar dressing that contains 57 calories, 1 g of fat (16 percent of calories from fat), 0 g saturated fat, 0 g *trans* fat, 191 mg of sodium, and 4 percent sugar by weight would be allowable.

6. **May cheese and crackers be sold?**

   To meet the general standard, the first ingredient in cheese and crackers packaged together must be either a dairy food or a whole grain. Cheese and crackers must also meet all of the specific Nutrient Standards. If the cheese and the crackers are packaged separately and sold as separate items, reduced-fat cheese or part-skim mozzarella would be exempt from the total and saturated fat standard but subject to all other standards, while the crackers would need to have as the first ingredient a whole grain and meet all other Smart Snacks Nutrition Standards.

Beverages

1. **Now that the restrictions on the sale of other beverages during the meal service have been eliminated in the interim final rule, may a student select juice or a diet soda instead of milk for a reimbursable meal?**

   No; the Smart Snacks Interim Final Rule does not change the meal pattern and Nutrition Standards for the NSLP or the SBP. Milk is one component of a reimbursable meal. The milk component may be declined in the case of Offer versus Serve (OvS). However, beverages other than juice and smoothies offered as the fruit or vegetable component of the reimbursable meal would have to be purchased à la carte.

2. **How can I tell if my 20 fluid ounces (fl oz) beverage may be sold in high schools?**

   Use the Nutrition Facts panel as the guide. Beverages with ≤ 10 calories per 20 fl oz may be sold in containers up to 20 fl oz. Additionally, if a beverage is labeled as < 5 calories per 8 fl oz and there are not more than 2.5 servings in the 20-oz container, it may be sold.

3. **For the *Other* beverages category in high school, are the caloric limits proportional or may I serve a 4-oz beverage that has 60 calories?**

   The standard for lower caloric beverages in high school is ≤ 40 calories per 8 fl oz or ≤ 60 calories for 12 fl oz. This is intended to be proportional. This means that these other beverages may have not more than 5 calories per fl oz. A smaller serving of a beverage that contains the maximum calories for a 12 fl oz beverage would ***NOT*** meet the standard.

4. **How can I be sure that juice meets the standard for being full-strength 100 percent juice?**

   The Food and Drug Administration (FDA) requires beverage labels for products that contain juice to include a percent juice declaration on the product carton. When the product carton has the FDA-required percent juice content declaration printed as *100 percent juice*, the product meets the Smart Snack standard for being full-strength, 100 percent juice and can be sold in the appropriate portion sizes (≤ 8.0 fl oz for elementary schools and ≤ 12.0 fl oz for middle and high schools).

5. Diluted juice is allowed in Smart Snacks. How do I make sure that the juice product was 100 percent juice prior to being diluted with water?

Packaged juice that has been diluted with water will have the FDA-required percent juice declaration printed on the label as *contains* _____ - *percent juice* where the blank is filled in with the percent of full-strength, 100 percent juice that is contained in the diluted juice drink. The additional information from the ingredient list will indicate that it has been diluted with water and whether or not it has added sweeteners.

In other words, if the product name is *apple juice drink* with the ingredients listed as *water and apple juice concentrate*, and the product carton has the percent juice declaration statement listed as *contains 70 percent juice* or *70 percent juice*, then the product is full-strength apple juice diluted with water at the ratio of 70 percent juice to 30 percent water. Provided there are no added sweeteners, this product can be sold in the allowed portion sizes (≤ 8.0 fl oz for elementary schools and ≤ 12.0 fl oz for middle and high schools).

6. May 100 percent juice contain added sweeteners?

Yes. The FDA allows added sweeteners such as sugar in products labeled as *100 percent juice*. The Smart Snacks regulation only prohibits added sweeteners in diluted juice (carbonated or noncarbonated with no added sweeteners).

7. There are many beverages on the market that are labeled as *probiotic dairy drinks, drinkable yogurt, milk shakes,* and/or *high protein lowfat milk*. Are such drinks allowable Smart Snack beverages?

Allowable milk beverages for all grade levels in Smart Snacks include unflavored lowfat and flavored or unflavored nonfat milk. Kefir (cultured milk), buttermilk, acidified milk, acidophilus milk, or nutritionally equivalent milk alternatives as permitted by the school meal requirements. This category does not include other dairy drinks or milk beverages. Most of these products have a deviated statement of identity on the product carton such as *probiotic dairy drink, drinkable yogurt, milk shake,* or *high-protein lowfat milk* because these dairy drinks and milk beverages do not meet the federal standard of identity to be labeled as milk. Therefore, these dairy drinks and milk beverages do not meet the Smart Snacks milk standards, but may be sold if they meet the requirements under the low and no calorie beverage standards for high school students only.

8. Are smoothies allowed under the Smart Snacks requirements?

Yes; smoothies may be sold under the Smart Snacks requirements. There are two types of smoothie products: food smoothies and beverage smoothies. In addition, there are two categories of food smoothies: entrée smoothies and snack smoothies.

9. When would a smoothie be considered a beverage?

A smoothie is considered to be a beverage when it is comprised entirely of beverages that are currently allowable under the Smart Snacks standard for 100 percent juice, lowfat or nonfat milk (including milk alternatives), and water (or ice). For example, a smoothie made from 100 percent fruit juice, 1 percent milk, and blended with ice would be considered to be a beverage smoothie. The serving size of this beverage smoothie is limited to not more than 8 fl oz for elementary schools and not more than 12 fl oz for middle and high schools.

10. When would a smoothie be considered a food?

A smoothie is considered to be a food when the smoothie meets the general standard by including one of the main food group categories as the first ingredient and meets the specific Nutrient Standards. For example, if a smoothie consists of pieces of strawberries, banana slices, pineapple juice, and ice, the smoothie may be considered to be a food smoothie since it contains pieces of fruit. This type of smoothie would be considered to be a snack since it does not meet the definition of an entrée (i.e., does not contain a meat/meat alternate) but does meet the general and Nutrient Standards.

11. What if a smoothie contains a meat/meat alternate?

As stated in Question 10, for a smoothie to count as a food, the first ingredient of the smoothie must meet the general standard by being an item included in one of the main food group categories and must meet the specific Nutrient Standards. If a smoothie also contains a meat alternate, such as yogurt or peanut butter as well as a fruit or vegetable, it would not only be considered to be a food smoothie but would also meet the definition of an entrée item and may be sold as such.

12. If a smoothie is served as a breakfast entrée item, is it exempt from the standards?

Yes; if a smoothie is served as a breakfast entrée item in the SBP, it is exempt from the Smart Snacks standards on the day of service and the day after service in the reimbursable breakfast meal.

13. In high school, could a beverage smoothie have added sweeteners?

If a beverage smoothie (combines allowable beverages) is sold in high school and contains added sweeteners, it would fall into the *Other* allowable beverage category for high school. When this is the case, the smoothie must meet the caloric and size restrictions for that beverage category; i.e., ≤ 60 calories per 12 fl oz (or 5 calories/1 fl oz) with a maximum size of 12 fl oz.

14. Would a frozen fruit product labeled as 100 percent juice (i.e., frozen fruit bars, frozen fruit cups, frozen fruit pops) count as a food or beverage?

School districts have the flexibility to choose whether a frozen fruit product will be categorized as a food or a beverage. If a school district decides it wants to sell a frozen fruit product as a food, the product must contain one of the main food groups (protein, dairy, fruit, vegetable) as the first ingredient, it must be 200 calories or less, and it must meet all of the Nutrient Standards for Smart Snacks. If a school district decides that it wants to sell a frozen fruit product as a beverage, 8 fl oz is the maximum serving size for elementary schools and 12 fl oz is the maximum serving size for middle and high schools.

15. If coffee and tea are sold, may the students have cream and sweetener for their beverages?

Yes; cream and sweeteners are accompaniments to coffee and tea. The sugar and cream must be included in the evaluation of the coffee or tea against the beverage standard. The use of accompaniments may be averaged over the number of drinks sold. The other beverage standard in high school permits ≤ 60 calories per 12 fl oz; this is the same as ≤ 5 calories per 1 fl oz. If a smaller beverage is served, the calories may not exceed 5 calories per fl oz; for example, a 6 fl oz beverage may have no more than 30 calories.

16. May espresso and steamed (or boiled) milk beverages be sold, such as lattes and cappuccinos?

Yes; as long as the beverage sold is comprised of two allowable beverages. Espresso (or coffee) is allowable at the high school level only and may be combined with skim milk, flavored or unflavored. Espresso (or coffee) may also be combined with 1 percent milk as long as there is no added flavoring. Additionally, it would be acceptable to sell an espresso beverage over ice or blended with ice. All final beverage sizes must be no more than 12 fl oz.

Soy Products

1. Do soy products like meat less burgers meet the general standard as a protein food?

Processed soy products that have tofu, soybean, texturized vegetable protein (TVP), soy protein isolate, soy flour, or soy protein concentrate as the first ingredient meet the general standard requirement as a protein food. Such foods also need to be evaluated to ensure that the product meets the Smart Snacks Nutrient Standards.

2. Are soy nuts a protein food?

Soy nuts are ***dried*** soybeans that fall into both the protein group and vegetable group. Since the Smart Snacks requirements exempt only *fresh, frozen, and canned vegetables with no added ingredients except water* (and canned vegetables with a small amount of sugar for processing), soy nuts would ***NOT*** be exempt from the Nutrient Standards. However, even though soy nuts would ***NOT*** be exempt from all Nutrient Standards as a vegetable, they ***would be*** exempt from the total fat and saturated fat requirements under the nut/seeds exemption. Remember: Soy nuts are still subject to the caloric, trans fat, sugar, and sodium standards.

3. Do fortified soy beverages meet the standard to be sold?

If a fortified soy beverage meets the standard to be served in NSLP as a fluid milk substitute per 210.10(d), it may be sold. If the standard is met, these beverages need to adhere to the appropriate beverage standards for Smart Snacks—8 fl oz or less in elementary school and 12 fl oz or less in middle and high schools.

Entrées

1. What is considered to be an entrée in Smart Snacks?

The Smart Snacks in school regulation at §210.11(a)(3) defines an entrée as an item that is either:
- □ A combination food of meat or meat alternate and whole grain-rich item.
- □ A combination food of vegetable or fruit and meat or meat alternate.
- □ A meat or meat alternate alone, with the exception of yogurt, lowfat or reduced-fat cheese, nuts, seeds, and nut or seed butters, and meat snacks (such as dried beef jerky).

The preamble to the proposed rule provided several examples for each part of the entrée definition. These included examples of the following three categories of main dish food items:

a. A combination food of meat or meat alternate and whole grain-rich bread (for example, turkey sandwich, peanut butter on whole grain-rich bread, pizza with whole grain-rich crust, hot dog or hamburger on a whole grain-rich bun, a bean and cheese burrito, nachos with chili and cheese).
b. A combination food of vegetable or fruit and meat or meat alternate (for example, chef's salad, fruit and cheese platter, chicken vegetable stir-fry).
c. A meat or meat alternate alone (e.g., fish filet, Salisbury steak, seafood, egg, or chicken) with the exception of yogurt, lowfat or reduced-fat cheese, nuts, seeds, and nut or seed butters.

While the preamble to the interim final rule did not repeat the specific examples above or the term *main dish*, the intent of the interim final rule definition of entrée is to be consistent with the proposed rule discussion. The final rule will clarify that the definition of entrée intends for the item to be a *main dish*

2. Is a cheese sandwich or a peanut butter sandwich considered an entrée item?

Yes; a combination meat/meat alternate and whole grain-rich food meets the definition of an entrée item. Cheese or peanut butter alone is not considered to be an entrée; however, when combined with whole grain-rich bread, these sandwiches are entrée items. Unless served as an entrée in the NSLP on that day or the day after, all entrée items must also meet the Smart Snacks general and Nutrient Standards.

3. Does yogurt with fruit count as an entrée?

Yogurt meets the Smart Snacks general standard as a dairy product. However, when combined with fruit or vegetables or a whole grain-rich food (e.g., granola), it becomes a combination food of a meat/meat alternate and fruit or vegetable or meat/meat alternate and a whole grain-rich food, which becomes an acceptable entrée. It is important to note, however, that the interim final rule prohibits yogurt alone from being considered an entrée item.

4. How often may entrées served as part of a reimbursable meal that do not meet the Smart Snacks standards be sold à la carte to students?

The interim final rule provides that entrées that have been served as part of the NSLP or SBP reimbursable meal are exempt from the Smart Snacks food standards on the ***day of service*** in the NSLP and SBP as well as the ***day after*** such an entrée is served in the NSLP or SBP as part of the reimbursable meal. This means that such entrée items may be sold to students à la carte on the same day that they are served as part of the reimbursable meal as well as the day after such an entrée item has been served as part of the NSLP or SBP meal. Leftover entrées may also be re-served at any time as part of a reimbursable meal without regard to the Smart Snacks restrictions.

5. When considering entrée exemptions on the same day and the next school day, may a breakfast entrée be served during lunch and be exempt and vice versa?

Yes, this is acceptable. Please note that such exempt entrées are required to be served in the same or smaller portion size than the NSLP and SBP entrée.

6. Are traditional grain products made in a nontraditional way, such as bean pasta, bean tortilla chips, and bean crackers, with beans or bean powder as the first ingredient, measured against the entrée standards or the snack standards?

Nontraditional grain products such as pasta, tortilla chips, and crackers made with meat alternates such as beans or bean powder as the first ingredient, by themselves, are not considered an entrée for Smart Snacks. These nontraditional grain products, when sold by themselves, may be measured against the snack standards because they meet the general standard that requires a nongrain food group as the first ingredient. However, when these nontraditional grain products are combined with a meat/meat alternate alone or with a meat/meat alternate and a vegetable or with a meat/meat alternate and a fruit, the combination may be measured against the entrée standards for Smart Snacks. For example, lentil crackers combined with hummus may be sold as an entrée, assuming the combined item meets the entrée standards.

7. If the school food service serves a commercial brand pizza for the reimbursable school lunch meal, may the commercial company sell the same commercial brand pizza in the same building on their own for profit or does the entrée have to be provided through the food service department?

The Smart Snacks in school regulation provides an exemption for entrée items served as the entrée in the reimbursable school meal. Such entrées may be sold on that same day and the day after at any venue in the school, such as the school store, snack bar, etc. It is at the discretion of the school district or school as to whether or not to allow retail operators to sell such foods in schools on the day of and/or the day after such an item is served in the reimbursable meal.

8. How do I count accompaniments for exempt entrées?

As with the NSLP, accompaniments are part of the meal offered and must be considered when conducting a nutrient analysis to determine compliance with the weekly dietary specifications (calories, sodium, trans fat, etc.) for the reimbursable meal programs and for the à la carte meals to ensure that such meals comply with the Smart Snacks standards. Accompaniments are never considered to be exempt from the Smart Snacks in school standards, even when they accompany an exempt entrée item sold à la carte. Salad dressings or condiments do not need to be on the plate when the food item is served; however, the amount of the accompaniments used during the meal service must be averaged into the nutrient profile of the relevant reimbursable meals and à la carte entrées served that day in order to evaluate compliance with the NSLP/SBP meal pattern and the Smart Snacks requirements. The preamble to the interim final rule also discusses this issue.

Nutrition Standards

1. How do I calculate the percentage of calories from fat contained in an item?

There are two methods of calculating this percentage based on the information found in the Nutrition Facts panel. Both are acceptable, though they may yield slightly different results (see Question 2). The Nutrition Facts panel includes total fat in two places: (a) listed as calories from fat near the top and (b) listed in grams with the other nutrients. The percent of calories from fat may be calculated using either number.

Nutrition Facts

Serving Size 1 oz (28g)
Serving Per Container 1

Amount Per Serving	
Calories 140	Calories From Fat 50
	% Daily Value*
Total Fat 5g	**8%**
Saturated Fat 0.5g	**3%**
Trans Fat 0g	
Sodium 200mg	**8%**
Total Carbohydrate 18g	**6%**
Dietary Fiber 3g	**12%**
Sugars 2g	
Protein 3g	**6%**

*Percent Daily Values are based on a 2,000-calorie diet.

To calculate using the calories from fat information, take the calories from fat listed on the label and divide by the total calories, then multiply by 100. Using the Nutrition Facts panel example shown here to calculate the calories from fat method, the calculation would be as follows: 50 calories ÷ 140 calories x 100 = 35.7 percent of calories from fat.

To use the grams of total fat method, take the grams of fat on the label and multiply by 9 (the calories in each gram of fat), divide that result by the total calories, then multiply by 100. Using the Nutrition Facts panel example here, the calculation would be: 5 grams x 9 calories ÷ 140 calories x 100 = 32.14 percent of calories from fat.

2. It appears that these two methods may give different results when calculating the percentage of calories from fat. If so, which calculation should be used?

These two methods will often provide slightly different results because the FDA has different rounding rules for the labeling of these nutrients on the Nutrition Facts panel. However, if either method results in less than or equal to 35 percent of calories from fat (do not round the result), the product will meet the total fat standard. The example on the previous page could be sold since the result, using the grams of total fat, is less than or equal to 35 percent of calories from fat.

3. Must I always use both methods to calculate the percentage of calories from fat?

We recommend you start by using the calories from fat listed at the top of the Nutrition Facts panel. If the result is less than or equal to 35 percent of calories from fat, there is no need to do the calculation with the total fat grams. If the result does not meet the standard, use the grams of total fat to determine if the item meets the total fat standard.

4. How do we calculate the percentage of calories from saturated fat in an item?

To calculate the percentage of calories from saturated fat, take the grams of saturated fat and multiply by 9 (the calories in each gram of saturated fat), divide that result by the total calories, then multiply by 100. Using the Nutrition Facts panel from Question 1, the calculation would be: (0.5 grams x 9 calories) ÷ 140 x 100 = 3.2 percent. Do not round the result since the standard is less than 10 percent of calories from saturated fat. A product with up to 9.9 percent of calories from saturated fat will meet the standard.

5. How do I calculate the percent of sugar by weight?

To calculate the percentage of sugar by weight, take the grams of sugar on the Nutrition Facts panel and divide that by the total weight of the food in grams. Using the Nutrition Facts panel from Question 1, the calculation would be: 2 g (grams of sugar) ÷ 28 g (total weight of food) x 100 = 7.14 percent sugar by weight. Total sugar must be no more than 35 percent by weight. Do not round the result.

6. Which dried fruit items may have added nutritive sweeteners and still be exempt from the sugar standard?

The regulation permits dried fruit with nutritive sweeteners that are required for processing and/or palatability purposes to be exempt from the sugar standard only. Such items, however, must meet the Smart Snack caloric, total fat, saturated fat, trans fat, and sodium standards. At this time, the only types of dried fruit that may have added nutritive sweeteners and be exempt from the sugar standard are dried cranberries, dried tart cherries, and dried blueberries.

7. When is frozen fruit with added sugar considered to be equivalent to canned fruit packed in extra light or light syrup and therefore exempt from the standards?

Frozen fruit with added sugar is processed differently than canned fruit with light syrup. Sugar is added to fruit prior to freezing as a ratio (for example, 11 pounds [lb] of fruit to 1 pound of sugar), not as a liquid syrup (for example, light syrup used in canning). When a frozen fruit product has approximately 20 percent sugar by weight, it is similar to fruit canned in light syrup. Therefore, when a frozen fruit product has added sugar and the sugar by weight is 20 percent or less, it is exempt from the calories, total fat, saturated fat, and sodium standards.

It is important to note that any fruit product with sugar may be evaluated against the standards and be sold as long as it meets all the requirements. For example, if a product's first ingredient is a fruit and all the Nutrient Standards (including calories and sugar by weight) are met, the product may be sold.

8. Will USDA-approved nutrient analysis software include sugars?

Yes. All USDA-approved nutrient analysis software will have sugars included by July 1, 2014. Anyone who does not receive an update to their software with the current CN Database (CN18) by July 1, 2014, should contact his or her software company.

9. There is a discrepancy between the preamble and the regulatory text with regard to the saturated fat requirements for allowable foods. Could you clarify the saturated fat requirement? In addition, please clarify the trans fat limit.

Saturated Fat Requirement

Foods eligible to be sold must derive ***less than*** 10 percent of their calories from saturated fat. A food that has exactly 10 percent of calories from saturated fat would ***NOT*** meet the standard. The preamble incorrectly states the requirement. However, the regulation at §210.11(f)(1)(ii) correctly states the requirement that the saturated fat content of a competitive food must be less than 10 percent of total calories per item as packaged or served, with specific exemptions as specified in (f)(3) of the regulation.

Trans Fat Requirement

Per FDA labeling requirements, a product must have less than 0.5 g of trans fat to be labeled as a product that contains 0 g trans fat. Program operators should only select foods that contain 0 g of trans fat as stated on the Nutrition Facts panel (unless it is a naturally occurring trans fat). We are aware that there is a discrepancy between what is in the Smart Snacks preamble and regulation and the FDA requirements for labeling a product as 0 g of trans fat. This error will be corrected in the final rule. The requirement for Smart Snacks is that a product must be labeled as 0 g trans fat (contain less than 0.5 g) to be allowable, consistent with the FDA labeling requirements.

10. May popcorn quality as a Smart Snack?

Popcorn is whole grain and may be eligible as a Smart Snack, provided it meets all applicable standards. The ingredient label must list the first ingredient as popcorn to meet the general standard. There are many different types of popcorn available on the market, some with added fats and/or sugars; therefore, the Nutrition Facts panel or product specifications must be checked to determine if the product meets the Nutrition Standards.

11. Does a dried/dehydrated fruit or vegetable listed as the first ingredient qualify a product under the general standards for Smart Snacks?

Yes. A dried/dehydrated fruit or vegetable such as dried cherries or potato flakes listed as the first ingredient does qualify the product under the general standard for Smart Snacks. All Nutrient Standards must be met for calories, total fat, saturated fat, trans fat, sodium, and sugar.

In addition, vegetable puree (tomato puree), fruit puree, and concentrated vegetable puree (tomato paste) qualify as a fruit/vegetable under the general standards. Juice and juice blends made from concentrate when water is added in the correct amount (100 percent juice) are also considered a fruit/vegetable ingredient. However, ***dehydrated or concentrated fruit juice or concentrated fruit puree*** listed as the first ingredient is considered added sugar and does not qualify a product for sale under the general standard.

12. Should sugar alcohols be included when calculating total sugar?

No; sugar alcohols should not be treated like sugar.

13. May I use a product specification sheet or product sales literature rather than an actual product label with the Nutrition Facts panel in making Smart Snacks in school decisions?

While actual product labels or cartons are preferred, individuals interested in assessing products against the Smart Snacks in school Nutrient Standards may use properly documented specification sheets or sales literature provided by the food manufacturer or supplier. Properly documented informational materials are documents that are presented on company letterhead or designed portfolios complete with contract information and product identification. In some cases, these informational materials may include raw or unrounded nutrient data and these data can be used to assess the product against the Smart Snacks Nutrient Standards. The individuals making decisions are not required to follow any rounding rules; the information can be used as-is. The intent is that the decisions can be made with the information that is in front of them during the process. It is important that the product labels or the product specification sheets/product sales literature be maintained for record-keeping and monitoring purposes.

14. How do we determine whether frozen fruit and/or juice bars, frozen yogurt, or ice cream meet the Smart Snacks standards when serving size information is provided in fluid ounces or milliliters instead of by weight (grams)?

To evaluate product information that is provided in fluid ounces or milliliters rather than by weight (grams), the fluid ounce serving size will need to be converted from fluid ounces to weight in grams. The simple conversion for this is: 1.0 fluid ounce = 29.57 grams. If serving size information is presented in milliliters (ml), then the individual will need to convert ml to weight in grams. The simple conversion for this is: 1.0 ml - 1 g.

15. Are ice cream products with milk fat as the first ingredient allowable as a Smart Snack?

Since milk fat is not considered to be a dairy food, products that list milk fat or other milk components as the first ingredient would not meet the Smart Snacks general standard as having as the first ingredient from one of the nongrain main food groups. However, if the product carton or the ingredient declaration specifies that the product is ***ice cream*** and then follows with an ingredient list that includes milk fat, milk solids or cream, the product can be measured against the Nutrition Standards for snacks. This is because ***ice cream*** meets a specific federal standard of identity and is considered to be a ***dairy food***. Dairy foods meet the Smart Snacks general standard and are allowable in accordance with the Smart Snacks regulation.

Fundraisers

1. What is considered a fundraiser?

USDA considers a fundraiser to be an event that includes any activity during which currency/tokens/tickets, etc., are exchanged for the sale/purchase of a product in support of the school or school-related activities. For example, giving away food but suggesting a donation would be considered a fundraiser since funds will be raised as a result. Another example may include a vending machine when the profits are used to support a school-sponsored club or activity such as the school band or football team. Purchasing tickets or tokens to be exchanged later for food items would also be considered to be a sale of food and/or a fundraiser and would be subject to the Smart Snacks standards.

2. What if tickets or tokens are provided to students as rewards? Would items exchanged for such tickets have to comply with the Smart Snacks standards?

If a ticket or a token is given to a student for good behavior or good grades—a behavioral or performance award—and no money is exchanged in order to acquire the ticket/token, the exchange of the reward ticket or token would not be considered a sale to the student.

3. What is the allowable length of an exempt fundraising event?

State agencies should address what is considered to be an appropriate time frame for an exempt fundraising event and include such information as a part of their established exempt fundraiser policy which determines the maximum frequency for exempt fundraisers in schools in the state. It is expected that state agencies will establish a reasonable exempt fundraiser policy consistent with the intent of the law that such fundraisers occur on an infrequent basis. For example, considering a vending machine that is available every day during the school year as a single fundraiser or permitting regular week-long or month-long funderaisers would not meet the statutory and regulatory intent with regard to infrequent fundraiser exemptions.

4. The Smart Snacks rule gives the states authority to set a limit on the number of fundraisers that may be exempted from the Nutrition Standards. What if my state does not set a limit?

The interim final rule allows state agencies to set the frequency with which exempt fundraisers may be held in schools in the state. If a state agency does not specify the exemption frequency, no fundraiser exemptions may be granted to the schools in the state.

5. My state has specified the number of school fundraisers that can be exempt from the Smart Snacks requirements. Do I have to allow that number of fundraisers to occur in my school?

The state-established level is the maximum number of exempt fundraisers during which foods that do not meet the Smart Snacks standards may be sold to students. As LEAs and schools are allowed to implement more restrictive competitive food standards, we anticipate that they would also be allowed to implement more restrictive standards for the frequency with which exempt fundraisers may be held in their schools. However, LEAs and schools should direct any questions about the state-established fundraiser standard to their state agency.

6. Does the limit apply to all fundraisers in my school?

A fundraiser limitation established by the state applies only to exempt fundraisers, during which foods that do not meet the regulatory requirements may be sold to students on the school campus during the school day. There are no restrictions on the number of fundraisers that include the sale of food items that meet the Smart Snacks standards as well as the sale of nonfood items. In addition, the Smart Snacks standards do not apply to food sold during nonschool hours, weekends, and off-campus fundraising events such as frozen pizza sales or concessions during after-school sporting events, school plays, or concerts.

7. If a superintendent or principal of a school arranges with local food truck vendors to sell items to the students on the school campus during the school day and the school receives a percentage of funds from the sale of such items, would this be considered to be a fundraiser?

This scenario depicts the operation of a fundraiser and would only be allowable on the school campus during the school day if the food items sold meet the standards or if it is one of the exempt fundraisers permitted within the limits established for such exempt fundraisers. Addressing such practices in the school wellness policy is encouraged.

Sale of Food

1. **If pizza or any other food is sold in a classroom, is it subject to the Smart Snacks rule?**

   All food sold to students anywhere on the campus during the school day is subject to the Smart Snacks regulatory requirements. The Smart Snacks standards do not apply to food given to students without the exchange of currency/purchased tokens/purchased tickets or to food brought to school by the students for their own consumption.

2. **Do the Smart Snacks requirements apply if items are sold to someone other than a student?**

   The Smart Snacks nutrition requirements apply only when foods outside of the school meals programs are sold or available to be sold to students during the school day on the school campus, as defined in the interim final rule. The requirements of the interim final rule are not applicable to food sold to nonstudents such as parents or school faculty/staff members.

3. **If the school food service sells food items to the school for a special event, such as a school celebration, holiday party, and the food will not be sold to students, will be Smart Snacks nutrition requirements apply?**

   The Smart Snacks Nutrition Standards included in the interim final rule apply only to food ***SOLD*** to students on the school campus during the school day. If such foods are provided to the students free of any charge or *contribution*, or the exchange of purchased tokens or purchased tickets of any sort, the competitive foods standards do not apply.

4. **A PTO or teacher collects money from each student at the beginning of the year to cover the cost of foods provided to students during classroom parties throughout the year or a fee is collected from each student for a classroom party several days prior to the party. Would this be considered to be *sales* to students and would the Smart Snacks standards apply?**

   Classroom parties and celebrations where students or teachers supply the food or provide funds to purchase the food are not subject to the Smart Snacks standards. Instead, such parties are subject to the local wellness policy and should comply with the standards of that policy.

Applicability of the Smart Snacks Standards

1. **How does this rule impact schools that also participate in the NSLP After-School Snack Program (ASSP) or any part of the Child and Adult Care Food Program (CACFP)?**

   The Smart Snacks standards are applicable during the school day, which is defined as the midnight before to 30 minutes after the end of the instructional day. If such programs are operated in the school during the school day or if after-school snacks or meals are provided within the 30-minute window after the end of the instructional day, any other food available ***for sale*** to students at that time must comply with the Smart Snacks requirements.

2. **Are schools that do not participate in the NSLP or the SBP required to comply with the Smart Snacks interim final rule?**

   Schools that do not participate in the NSLP or SBP are not required to comply with the Smart Snacks interim final rule. For example, schools that only participate in the Special Milk Program (SMP) are not required to comply with Smart Snacks guidelines, although it is encouraged in order to improve the overall nutrition environment in schools.

3. Do the Smart Snacks standards apply to the Summer Food Service Program (SFSP)?

The Smart Snacks standards do not apply to the SFSP unless the SFSP is operated at a school during the school day during which summer school NSLP meals are being served on campus, as discussed in the previous question.

4. If the school allows other community organizations to use parts of the school building during the school day for community activities not open to students in the school, must food sold to participants in those activities comply with the Smart Snacks standards?

USDA has statutory authority only over the food sold to students on the school campus during the school day. If outside groups are utilizing the school facilities during the school day and the activities are completely separate and not accessible to the students, then food sold to those outside community group members would not be subject to the Smart Snacks requirements. However, any food available to be sold to students on that school campus during the school day is required to conform to the Smart Snacks standards.

5. If both middle school and high school students are located in the same building, which beverage standards should be implemented in the school?

If a middle school and high school are in the same building and all students have access to all venues in the school, the items available for sale to the students (beverages) must meet the middle school standards. If, in the above situation, the middle school students do not have access to the high school area, separate middle school and high school beverage standards may be implemented by the school.

6. If the SFA has an open campus and allows for the ordering and delivery of foods (such as pizza delivery) outside of school, is this practice still allowable based on the Smart Snacks rule?

The Smart Snacks in school statute and the regulation do not provide the Secretary with the authority to regulate foods brought from home or foods purchased outside of the school and brought onto campus for personal consumption. If the school allows students to order food from restaurants and those restaurants deliver the food or if the school is an open campus concept where students purchase lunch foods off campus to bring back to school to consume, Smart Snacks standards do not apply to those foods.

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 (not students) 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-103** for the Acceptable Meal-Counting System Checklist.) No child can be required to take a meal.

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 meal 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. Students cannot be required to take a tray.***

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 four 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

NOTE: The Healthy, Hunger-Free Kids Act of 2010 requires an Edit Check Worksheet to be completed daily for* BOTH *breakfast and lunch for each accredited site.

Before submitting a monthly claim for reimbursement, each SFA shall compare each accredited 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). An Edit Check Worksheet must be completed for each school site eating at a specific cafeteria. For example: One cafeteria has three accredited sites eating there. The elementary, middle school, and high school are the three accredited sites. The SFA ***must*** keep a separate Edit Check Worksheet for each of those three sites.) There is a Site/School Food Authority (SFA) Edit Check Worksheet on **page C-105**.

SFAs are allowed to use a locally designed Edit Check Worksheet if it is equal to or better than the worksheet on **page C-104** as to the information obtained.

3. Attendance Factor Notification

The State Agency will determine each SFA's attendance factor based on enrollment. ***Continue to use your attendance factor from last school year until your new attendance factor is posted.***

The following formula is used to calculate the attendance factor:

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. Annual On-Site Review—Required for lunch and breakfast (SP56-2016)

Every school year each SFA with more than one school (eating site) shall perform no less than one on-site review for each site operating the NSLP and 50 percent of sites operating the SBP. 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 meals served for each day of operation. **Pages C-108** and **C-112** have sample forms 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] and FSMC Guidance, page 7-2)

A. Alternate Methods of Meal Counting and Meal Claiming

1. Provision 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***. ***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 for both breakfast and lunch must be completed. (Refer to **pages C-116** and **C-117** for a copy.) (Reference USDA Policy Memo 2001-SP-30)

a. Provision 1

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.

How it works:

The following requirements apply:

- 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.
- The 80 percent enrollment eligibility for Provision 1 shall be based on the site's March enrollment data of the previous school year.

- 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.
- 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 and breakfasts served each day by category (free, reduced-price, and full-price). There is an Edit Check Worksheet on **page C-117**.

b. Provision 2

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-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 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 still must continue to conduct Direct Certification once annually during the nonbase years. An SFA operating under Provision 2 that collects and processes meal applications from households 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.

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:

- 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.
- 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.

- 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 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.

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:

- Local data developed or collected by city or county zoning and economic planning offices.
- Unemployment data for the areas from which the site draws attendance, measuring the stability of the income level of the site's population.
- 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.
- 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 free and reduced-price meal applications 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:

- Return to standard meal-counting and meal-claiming procedures.
- Establish a new base year by taking new free and reduced-price applications, 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.***

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.

- 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.
- 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.

How to Handle Student Mobility Moving From Provision Site

Transferring within the same LEA
If a student transfers from a Provision school to a non-Provision school within the same LEA and the student is not otherwise eligible for free meals, the receiving LEA must provide free meals to the transfer student for up to 30 operating days or until a new eligibility determination is made, whichever comes first.

Transferring between LEAs
If a student transfers from a Provision school to a non-Provision school in a different LEA, the receiving LEA must provide free meals to the transfer student for up to 30 operating days or until a new eligibility determination is made, whichever comes first.

c. Provision 3

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 must still continue to conduct Direct Certification during the nonbase years.

An SFA operating under Provision 3 may collect applications for meal benefits 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 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.

How it works:

Meal counts by category (F/R/P) are taken in the base year and submitted to the SA electronically. Once the current school year enrollment is known, the current enrollment is compared to the base year enrollment. Whatever percentage the enrollment increased or decreased from the base year to the current year is applied to the total meal counts by category collected in the base year. Once a total meal count for each category is determined for the current year, a daily meal count is determined by dividing the number of operating days into the number of meals by category.

The following requirements apply:

- 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.
- 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.
- 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.
- 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 of 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 subtracting that number from the meals claimed.

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:

- Local data developed or collected by city or county zoning and economic planning offices.
- Unemployment data for the areas from which the site draws attendance, measuring the stability of the income level of the site's population.
- 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.
- SFAs may collect free and reduced-price applications 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 no require meal counts. The collection of free and reduced-price applications 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:

- Return to standard meal-counting and meal-claiming procedures.
- Establish a new base year by taking new free and reduced-price applications, 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.***

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.

- 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.
- 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.

How to Handle Student Mobility Moving From Provision Site

Transferring within the same LEA
If a student transfers from a Provision school to a non-Provision school within the same LEA and the student is not otherwise eligible for free meals, the receiving LEA must provide free meals to the transfer student for up to 30 operating days or until a new eligibility determination is made, whichever comes first.

Transferring between LEAs
If a student transfers from a Provision school to a non-Provision school in a different LEA, the receiving LEA must provide free meals to the transfer student for up to 30 operating days or until a new eligibility determination is made, whichever comes first.

2. Community Eligibility Provision (CEP)

What it is:

SFAs are reimbursed for the total number of meals served from the percentage of directly certified students from enrollment.

By May 15 of each year, the SA will publish the number of directly certified students by site as indicated in the WAVE along with each site's enrollment.

The SFA will edit the figures and certify them as true and correct if participation is desired.

- Each site, group of sites, or the entire SFA must be 40 percent or more directly certified students.
  - Enrollment includes only students who have access to a meal service.
  - Identified directly certified student: any student who qualifies for free meal benefits without an application.
- Any sites, group of sites, or entire SFA participating must offer both breakfast and lunch, and all meals are served free of charge to all students. Nonfederal source funds shall be used to pay the difference between the cost of serving the meals at no charge to all participating students and the federal reimbursement.
- No applications can be collected or approved for meal benefits. ***CATEGORICAL*** meal counts are no longer maintained. ***However, point of service meal counts are still required.***

How it works:

For each site, groups of sites, or entire SFAs participating, the total number of reimbursable meals served by type (breakfast and lunch) will be multiplied by the percentage of directly certified students times 1.6 factor. These meals will be paid at the free reimbursement rate. The remaining meals will be paid at the paid reimbursement rate. A point-of-service total meal count must be taken daily.

If individual sites, groups of sites, or entire SFAs reach 62.5 percent of directly certified students, all meals are paid at the free reimbursement rate.

It is recommended that sites, groups of sites, or entire SFAs be at 50 to 55 percent directly certified students in order to be financially viable. Although CEP sites do not take categorical counts, an edit check to document ***TOTAL*** meal counts is required. Refer to **page C-117** for a copy of the Edit Check Worksheet for both breakfast and lunch.

State Agencies have established an array of processes for assessing the accuracy of an SFAs ISP(s). States opting to follow the Administrative Review procedures (i.e., Locate 10 percent, or a statistically valid sample, of identified student names on appropriate source documentation) must at a minimum, as part of the Administrative Review records, maintain the following ISP data for schools participating in CEP:

- A list of all of the identified students, with their ISP classification, used to determine the ISP from all schools participating in CEP from each district;
- Documentation for the total enrollment at all CEP schools;
- The sample list of students the State Agency used to verify the initial ISP; and
- The ISP worksheet the school used to calculate the ISP(s) and submitted to the State Agency with appropriate documentation.

Schools must maintain source documentation used to validate the ISP for the entire time the school operates CEP. If a school chooses to return to standard counting and claiming, the school must maintain the source documentation for three years after submission of the final Claim for Reimbursement for the last fiscal year of CEP.

Reapplication of CEP:

Applications are taken each spring for the percentage of directly certified students by site, groups of sites, or entire SFAs as of April 1.

This percentage is used for the following four school years unless this site, groups of sites, or entire SFA's directly certified percentages increase as of April 1 in any of the four years. If an increase occurs, the site, groups of sites, or entire SFA may use the increased percentage. If the directly certified percentage decreases, then the initial percentage can be used for the entire four years.

In the fourth year, the site, groups of sites, or entire SFA must recalculate the directly certified percentage for the next four-year period. The percentage must be 40 percent or more for participants to continue, at which point the cycle would begin again.

Sites, groups of sites, or entire SFAs are required to continue Direct Certification efforts during all four years of participation so that the fourth-year directly certified percentage will not fall below the 40 percent mark.

For CEP, LEA/schools must retain those records used in the development of the Identified Student Percentage (ISP) (e.g., records for the initial approval year and all records from the year any updates are made to the ISP) during the entire period the CEP is in effect. CEP records must be retained for three years after submission of the final claim for reimbursement. Records must continue to be retained if any audit findings from the period during which the records were in use remain outstanding. In any such case, records must be retained until all issues raised by the audit have been fully resolved.

How to Handle Student Mobility Moving From Provision Site

Transferring within the same LEA
If a student transfers from a Provision school to a non-Provision school within the same LEA and the student is not otherwise eligible for free meals, the receiving LEA must provide free meals to the transfer student for up to 30 operating days or until a new eligibility determination is made, whichever comes first.

Transferring between LEAs
If a student transfers from a Provision school to a non-Provision school in a different LEA, the receiving

LEA must provide free meals to the transfer student for up to 30 operating days or until a new eligibility determination is made, whichever comes first.

CEP Estimator: See **page C-121** for a formula to assist schools in detecting how much money, if any, could be lost.

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Other State Funding Under CEP:

State Aid: The percentage of directly certified students as of April 1 in the base year by each site will be multiplied by the 1.6 factor. Whatever percentage this is will represent the percentage of ***FREE*** students on the Low-Income Report for October. The only difference will be that the percentage of ***FREE*** students (from April 1) is then compared to the ***CURRENT YEAR*** October 1 enrollment (rather than the April 1 enrollment) to determine the actual number of ***FREE*** students in each school. ***NOTE: Even if a school district has* groups *of sites under CEP or is districtwide in its CEP participation, it will be each individual school site's percentage that is used for State Aid, not the* group *or district-level percentage.***

eRate: The percentage of directly certified students as of April 1 in the base year by each site will be multiplied by the 1.6 factor. Whatever percentage this is will represent the percentage of ***FREE*** students on the Low-Income Report for October of the current year. The only difference will be that the percentage of ***FREE*** students (from April 1) is then compared to the ***CURRENT YEAR*** October 1 enrollment (rather than the April 1 enrollment) to determine the actual number of ***FREE*** students in each school. ***NOTE: Even if a school district has* groups *of sites under CEP or is districtwide in its CEP participation, it will be each individual school site's percentage that is used for eRate, not the* group *or district-level percentage.***

Title I: The percentage of directly certified students as of April 1, by each site, will be multiplied by the 1.6 factor. This percentage will represent the percentage of ***FREE*** students on the Low-Income Report for October (Oklahoma's Economically Disadvantaged Statewide Report). The only difference will be that the percentage of ***FREE*** students (from April 1) is then compared to the ***CURRENT YEAR*** October 1 site enrollment (rather than the April 1 site enrollment) to determine the actual number of ***FREE*** students in each site. ***NOTE 1: Even if a district has a* group *or* groups *of sites under CEP or is districtwide in its CEP participation, it will be each individual school site's percentage that is used for eRate, not the* group *or districtwide percentage.* Title I only uses eligibility data for ages 5-17 from the Low-Income Report. *NOTE 2: For the* large districts *(over 20,000 population area), the Title I funding is based on census data. For FY2019, this includes: Altus, Bartlesville, Bixby, Broken Arrow, Choctaw/Nicoma Park, Claremore, Deer Creek, Duncan, Edmond, Enid, Guthrie, Jenks, Lawton, Moore, Muskogee, Mustang, Midwest City/Del City, Norman, Oklahoma City, Owasso, Ponca City, Putnam City, Sand Springs, Sapulpa, Shawnee, Stillwater, Tahlequah, Tulsa, Union, and Yukon.***

C. Alternate Methods of Meal Counting and Meal Claimingt

Some schools do not have space available to serve breakfast models, which often involve serving breakfast after the school day begins, eliminate such barriers to participation.

1. Breakfast in the Classroom

Breakfast in the Classroom allows students to enjoy a breakfast meal during the first 10 to 15 minutes of the school day. School food service professionals or volunteers distribute meals prepared in the cafeteria to students in the classroom at the start of their first class period. Teachers record the number of meals served after distribution. Students help clean up after the meal, and trash is later removed by school custodial staff.. Teachers may also use the time to take attendance, collect homework, deliver announcements, or read to the class. Serving breakfast in the classroom often leads to cafeteria staff having more time to prepare for lunch, since little time is needed to clean the cafeteria after breakfast service is over.

2. Grab & Go

Students pick up breakfast in the cafeteria, at hallway kiosks, or at other locations identified by school guidelines, and then eat their meal during the first 10 to 15 minutes of class. The meals are prepared by school food service professionals and pre-packed in containers that students can easily carry. School staff use a wireless or other counting system if the meals are distributed elsewhere. Students help clean up after consuming the meal in the classroom, and trash is later removed by school custodial staff. Grab & Go

breakfast meals served in the cafeteria, giving food service professionals more time prepare lunch.

3. Second Chance Breakfast

A second shift of breakfast can be served like Grab & Go or served in the cafeteria. School food service professionals record the number of meals served using the POS system in the school cafeteria. Schools should ensure there are adequate thrash cans in the hallways, as students may consume their meal on the record the number of meals served using the point-of-sale/point-of-service (POS) system in the cafeteria, or using way to class. This may be a good option for middle and high school level who may not be hungry first thing in the morning or was not able to eat during the first shift.

4. Breakfast on the Bus

Students consume breakfast during their morning commute. Meals are prepared by school food service professionals before the driver begins their route, and handed to children as they board the bus. The bus driver or another volunteer uses an appropriate counting & claiming system as the children board. Students may dispose of trash on the bus or as they exit. Breakfast on the bus works best for students who spend over 15 minutes commuting to school and at schools where class schedules are not able to accommodate another alternative meal service.

D. 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 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)

   In order for an SFA to be approved, a letter must be submitted containing the following items:
   - Name of school site where meals are going to be served
   - Statement that these students do not have access to the normal lunch hour
   - Why these students do not have access to the normal lunch hour
   - Statement that the meals served in the evening will meet the lunch meal pattern requirements
   - Collection procedures for the students who have to pay for their meals (or a statement that says all meals will be served free of charge)
   - Point-of-service count procedures

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 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. Virtual students must have access to meal services in order for the SFA to distribute and approve free and reduced-price applications. 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.

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 free and reduced-price meal application 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). This 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 assures 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-118-119**.

6. Claiming Meals for Visiting Students

a. The SFA 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 where the students are enrolled would receive verification that reimbursable meals were served from the SFA the students are visiting. The SFA where 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 where the students are enrolled.

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

☐ Lunch
☐ Breakfast

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?

PROVISION DAILY MEAL COUNT WORKSHEET

Each ***ACCREDITED SITE*** must take a point of service count every day. This form may be used for the ***DAILY*** meal count for each service.

Form must be signed daily by counting official.

PROVISION DAILY MEAL COUNT FORM

Site Name: Meal Type (Circle): B L SN

Date:

Meals Served to Children (Cross Off Number as Each Child Receives a Meal):

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	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120
121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140
141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160
161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180
181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200
201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220
221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240
241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260

Use multiple sheets per day, as needed.

TOTAL STUDENT MEALS SERVED = _____

Meals Served to Adults:

1 2 3 4 5 6 7 8 9 10 **TOTAL ADULT MEALS = _____**

By signing below, I certify that the above information is true and accurate:

Signature Date

SITE/SCHOOL FOOD AUTHORITY (SFA) EDIT CHECK WORKSHEET

1. Site: _____
2. Month: _____
3. Attendance Factor (AF): _____
4. Total Daily Enrollment is the sum going across Columns 6, 10, and 14 on any given day.

☐ Lunch ☐ Breakfast

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														
14														
15														
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

l students must be enrolled and have access to meal services in order for the SFA to distribute and approve free and reduced-price plications.

lit Check Worksheets must be completed by all accredited sites eating at that particular cafeteria. It must be completed separately r both the breakfast and lunch meal services. Indicate which meal service it is for at the top of the page.

1. Site: Record the name of the accredited school site.

2. Month: Record the month and year.

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

4. Total Daily Enrollment: This is the sum going across Columns 6, 10, and 14 on any given day. If the SFA needs a total monthly enrollment, 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 is closed.

6. Highest Enrolled Free Eligibles for Claim: Record the current number of enrolled students eligible for free meal benefits who have meal access on the first serving day of the month. Each day, add any newly enrolled students who are eligible for free meal benefits and who have meal access. 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 who have meal access on the last day of the month is to be reported on the claim for reimbursement. On-site virtual students who have access to a meal service should be included. (Students enrolled in adult education courses, off-site virtual students, 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 next month.

7. Daily Free Eligibles: Record the number of on-site 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 participants 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 Number 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 who have meal access on the first serving day of the month. Each day, add any new enrolled students who are eligible for reduced-price meal benefits and who have meal access. 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 who have meal access on the last day of the month is to be reported on the claim for reimbursement. On-site virtual students who have access to a meal service 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 on-site 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 benefits who do not have access to lunch.

12. Daily Reduced-Price Eligibles X AF: Multiply the number in Column 11 by the attendance factor recorded on Number 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 on-site enrolled students who are not approved for free or reduced-price meal benefits and who have meal access. ***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 Number 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 Number 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 who have meal access 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.

SCHOOL FOOD AUTHORITY (SFA) *LUNCH* ON-SITE REVIEW CHECKLIST

ccording to 7 CFR 210.8(a)(1) and 7 CFR 220.11(d)(1), every school year prior to February 1, each SFA with more than one school s defined by 7 CFR Part 210.2 to include residential child care institutions [RCCIs]) must perform no less than one on-site review of e meal-counting and -claiming system and the readily observable general areas of review identified under 7 CFR 210.18(h) in each hool operating the NSLP and 50 percent of schools operating the SBP under its jurisdiction,

ach on-site review must ensure the school's claim is based on the counting and claiming system, as implemented, and yields the tual number of reimbursable free, reduced-price, and paid meals, respectively, served for each day of operation.

the review discloses problems with a school's meal-counting and -claiming procedures or general review areas, the SFA must ensure at the school implements corrective action and, within 45 days of the review, conduct a follow-up on-site review to determine that e corrective action resolved the problems.

he completed review must be maintained at the SFA level.

chool Name: _____ **Review Date:** _____

FA Reviewer: _____

ATIONAL SCHOOL LUNCH PROGRAM ON-SITE REVIEW (Review Date: _____)
he following questions are recommended, at a minimum, to complete the on-site review requirement:

YES	NO	MEAL-COUNTING AND -CLAIMING SYSTEM
		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[s] 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?
		4. Is the school correctly implementing policies for handling the following (as applicable):

YES	NO	N/A	
			Incomplete meals?
			Second meals?
			Lost, stolen, misused, forgotten, or destroyed tickets, tokens, IDs, etc?
			Visiting student meals?
			Adult and nonstudent meals (and identifying program vs nonprogram)?
			À la carte?
			Student worker meals?
			Field trips?
			Charged and/or prepaid meals?
			Offer versus Serve
			Unpaid meal charges?

		5. Is there a method of identifying nonreimbursable meals (i.e., not meeting meal pattern requirements, seconds, adult meals) and distinguishing them from reimbursable meals?

YES	NO	MEAL-COUNTING AND -CLAIMING SYSTEM CONTINUED
		6. Is someone trained as 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? Do staff know when and how to implement them?
		8. Are daily counts correctly totaled and recorded?
		9. If claims are aggregated, are the meal counts correctly totaled and consolidated?
		NOTE: The following two questions are for all SFAs **EXCEPT** ***for SFAs on Provision 2 or 3 in nonbase years, CEP, or RCCIs with only residential children.*** 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 is made? *Record today's meal counts by category, and compare to the total 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:
		11. Does the system prevent overt identification of children receiving free or reduced-price meals?

YES	NO	
		12. Is a current eligibility list kept up-to-date and used by the meal-counting 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 which compare the daily counts of free, reduced-price, and paid meals against the product of the number of children currently eligible for free, reduced-price, and paid meals, respectively, times an attendance factor (and any discrepancies accounted for)?

LP CORRECTIVE ACTION PLAN (for any *NO* answers):

ECIFY DATE NSLP CORRECTIVE ACTION(S) WILL BE IMPLEMENTED: _____

WHOM: _____

YES	NO	READILY OBSERVABLE GENERAL AREAS			
		14. Were any issues readily observed in relation to resource management?			
		YES	**NO**	**N/A**	
					Maintenance of the Nonprofit School Food Service Account? (7 CFR 210.2, 210.14, 210.19[a], 210.21)
					Paid Lunch Equity? (7 CFR 210.14[e])
					Revenue from Nonprogram Foods? (7 CFR 210.14[f])
					Indirect Costs? (2 CFR Part 200 and 7 CFR 210.14[g])
		15. Were any issues readily observed in other general areas?			
		YES	**NO**	**N/A**	
					Free and Reduced-Price Process—including verification, notification, and other procedures (7 CFR Part 245)
					Civil Rights (7 CFR 210.23[b])
					Reporting and Record Keeping (7 CFR Parts 210, 220, and 245)
					Food Safety (7 CFR 210.13)
					Competitive Food Service (7 CFR 210.11 and 220.12)
					Water (7 CFR 210.10[a][1][i] and 220.8[a][1])
					Professional Standards (7 CFR 210.30)
					SBP and SFSP Outreach (7 CFR 210.12[d])
					Local School Wellness Policies (7 CFR 210.30)
					Other

SLP CORRECTIVE ACTION PLAN (for any *YES* answers above):

PECIFY DATE NSLP CORRECTIVE ACTION(S) WILL BE IMPLEMENTED: _____

Y WHOM: _____

GNATURE:

_____ _____ _____

hool Representative Title Date

_____ _____ _____

FA Reviewer Title Date

SLP FOLLOW-UP VISIT (must be conducted within 45 days if corrective action was required):

ate(s) of Follow-Up: _____

bservations of corrective action implementation:

GNATURE:

_____	_____	_____
chool Representative	Title	Date
_____	_____	_____
FA Reviewer	Title	Date

SCHOOL FOOD AUTHORITY (SFA) *BREAKFAST* ON-SITE REVIEW CHECKLIST

ccording to 7 CFR 210.8(a)(1) and 7 CFR 220.11(d)(1), every school year prior to February 1, each SFA with more than one school s defined by 7 CFR Part 210.2 to include residential child care institutions [RCCIs]) must perform no less than one on-site review f the meal-counting and -claiming system and the readily observable general areas of review identified under 7 CFR 210.18(h) in ch school operating the NSLP and 50 percent of schools operating the SBP under its jurisdiction, with every school within the SFA's risdiction being reviewed at least once every other year..

ach on-site review must ensure the school's claim is based on the counting and claiming system, as implemented, and yields the tual number of reimbursable free, reduced-price, and paid meals, respectively, served for each day of operation.

the review discloses problems with a school's meal-counting and -claiming procedures or general review areas, the SFA must ensure at the school implements corrective action and, within 45 days of the review, conduct a follow-up on-site review to determine that e corrective action resolved the problems.

he completed review must be maintained at the SFA level.

chool Name: _____ **Review Date:** _____

FA Reviewer: _____

ATIONAL SCHOOL BREAKFAST PROGRAM ON-SITE REVIEW (Review Date: _____)
he following questions are recommended, at a minimum, to complete the on-site review requirement:

YES	NO	MEAL-COUNTING AND -CLAIMING SYSTEM
		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[s] 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?
		4. Is the school correctly implementing policies for handling the following (as applicable):

YES	NO	N/A	
			Incomplete meals?
			Second meals?
			Lost, stolen, misused, forgotten, or destroyed tickets, tokens, IDs, etc?
			Visiting student meals?
			Adult and nonstudent meals (and identifying program vs nonprogram)?
			À la carte?
			Student worker meals?
			Field trips?
			Charged and/or prepaid meals?
			Offer versus Serve
			Unpaid meal charges?

		5. Is there a method of identifying nonreimbursable meals (i.e., not meeting meal pattern requirements, seconds, adult meals) and distinguishing them from reimbursable meals?

YES	NO	MEAL-COUNTING AND -CLAIMING SYSTEM CONTINUED	
		6. Is someone trained as 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? Do staff know when and how to implement them?	
		8. Are daily counts correctly totaled and recorded?	
		9. If claims are aggregated, are the meal counts correctly totaled and consolidated?	
		NOTE: The following two questions are for all SFAs* EXCEPT *for SFAs on Provision 2 or 3 in nonbase years, CEP, or RCCIs with only residential children.	
		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 is made?	
		Record today's meal counts by category, and compare to the total 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:
		11. Does the system prevent overt identification of children receiving free or reduced-price meals?	

YES	NO	
		12. Is a current eligibility list kept up-to-date and used by the meal-counting 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 which compare the daily counts of free, reduced-price, and paid meals against the product of the number of children currently eligible for free, reduced-price, and paid meals, respectively, times an attendance factor (and any discrepancies accounted for)?

SBP CORRECTIVE ACTION PLAN (for any *NO* answers):

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

BY WHOM: _____

YES	NO	READILY OBSERVABLE GENERAL AREAS			
		14. Were any issues readily observed in relation to resource management?			
		YES	**NO**	**N/A**	
					Maintenance of the Nonprofit School Food Service Account? (7 CFR 210.2, 210.14, 210.19[a], 210.21)
					Paid Lunch Equity? (7 CFR 210.14[e])
					Revenue from Nonprogram Foods? (7 CFR 210.14[f])
					Indirect Costs? (2 CFR Part 200 and 7 CFR 210.14[g])
		15. Were any issues readily observed in other general areas?			
		YES	**NO**	**N/A**	
					Free and Reduced-Price Process—including verification, notification, and other procedures (7 CFR Part 245)
					Civil Rights (7 CFR 210.23[b])
					Reporting and Record Keeping (7 CFR Parts 210, 220, and 245)
					Food Safety (7 CFR 210.13)
					Competitive Food Service (7 CFR 210.11 and 220.12)
					Water (7 CFR 210.10[a][1][i] and 220.8[a][1])
					Professional Standards (7 CFR 210.30)
					SBP and SFSP Outreach (7 CFR 210.12[d])
					Local School Wellness Policies (7 CFR 210.30)
					Other

BP CORRECTIVE ACTION PLAN (for any *YES* answers above):

PECIFY DATE SBP CORRECTIVE ACTION(S) WILL BE IMPLEMENTED: _____

Y WHOM: _____

GNATURE:

_____ _____ _____

chool Representative Title Date

_____ _____ _____

FA Reviewer Title Date

SBP FOLLOW-UP VISIT (must be conducted within 45 days if corrective action was required):

Date(s) of Follow-Up: _____

Observations of corrective action implementation:

SIGNATURE:

_____	_____	_____
School Representative	Title	Date
_____	_____	_____
SFA Reviewer	Title	Date

☐ Lunch
☐ Breakfast

EDIT CHECK FOR PROVISION 3

Accredited Site: _____ Attendance Factor: _____

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

(1) Total Daily Meals Claimed Per eClaims: _____

(2) Day of Month	(3) Actual Daily Total Meal 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		
TOTAL FOR CLAIM		

_____ _____

Signature Date

1. Take total meals claimed for the month divided by the number of operating days.
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/Breakfast 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 enrollment. The average daily attendance will be the same number for the entire month.

☐ Lunch
☐ Breakfast

EDIT CHECK FOR PROVISION 2 AND CEP

Accredited Site: _____ Attendance Factor: _____

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

(1) Day of Month	(2) Actual Daily Total Meal Count	(3) 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		
TOTAL FOR CLAIM		

_____ _____

Signature Date

1. 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.
2. Actual Total Lunch/Breakfast Count: Record actual daily total meal count as taken by the SFA.
3. Average Daily Attendance: The average daily attendance is calculated by multiplying the attendance factor by the total enrollment. The average daily attendance will be the same number for the entire month.
4. Total for the claim for reimbursement.

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 (FSMCs).

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

The site preparing the meals agrees to (Preparer):

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

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 other program 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 plus additional incentive payment plus the value of USDA Foods. See Schedule B on CARS.

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: 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: _____
SCHOOL/INSTITUTION RECEIVING MEAL: _____
DELIVERY TIME: _____ NUMBER OF MEALS ORDERED/DELIVERED: _____

FOOD ITEMS PREPARED AND QUANTITIES DELIVERED

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

* Crediting/portioning information for 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 and that all above items were at the proper temperature upon arrival. 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

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

_____
Signature of Recipient

Community Eligibility Provision (CEP)

District Name:

Step 1: Calculating the Identified Student Percentage If grouping schools, use the grouping calculator to assist in determining 1.1 and 1.2	
Enter the number of identified students and enrolled students that is reflective of April 1st in 1.1 and 1.2	*Click to define: Identified Students*
1.1) Enter the number of identified students	
1.2) Enter the TOTAL student enrollment	
Percentage of identified students = ***This percentage must be at least 40 percent to be eligible***	0.00%
	0.00%
Percentage of meals reimbursed at the federal FREE rate =	0.00%
Percentage of meals reimbursed at the federal PAID rate =	0.00%

Step 3: Monthly Meal Data
Enter the number of LUNCHES and/or BREAKFASTS served in a month in 3.1 *and* 3.2

Total number of LUNCHES reimbursed at FREE rate =	0
Total number of LUNCHES reimbursed at the PAID rate =	0
Total number of BREAKFASTS reimbursed at the FREE rate =	0
Total number of BREAKFASTS reimbursed at the PAID rate =	0

CEP Difference:

This section displays the estimated difference between operating CEP and the current federal reimbursements and student payments (if applicable). If the differences boxes are green, then CEP will generate the same or more federal revenue; if the box is red, then current procedures generate higher federal revenue.

Step 2: Federal Reimbursement Rates
Select the current reimbursement rates used for each program (without the $0.06).
The additional $0.06 is applied in the next box.

	Lunch	Breakfast
Free	0 ☐	0 ☐
Paid	0 ☐	0 ☐

Select *$0.06* if the SFA is certified for the additional $0.06.

$- ☐

Estimated CEP Monthly Federal Reimbursements	
Reimbursement for LUNCH =	$0.00
Reimbursement for BREAKFAST =	$0.00
Total Reimbursement Level =	$0.00
Federal Reimbursement per LUNCH =	$0.00
Federal Reimbursement per BREAKFAST =	$0.00

Optional Comparison: Enter current monthly federal reimbursements and student payment revenue.

LUNCH =	

LUNCH Difference =		Total Difference

SPECIAL MILK PROGRAM (SMP)

A. In 1954 the 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 NSLP and 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 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 and flavored 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

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	8 - 12	16	6 - 9
151 - 200	12	12 - 16	16	9 - 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. Two breakfasts equate to one lunch, and three snacks 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, preportioned condiments, and using disposable dishes).

Staffing for an Elementary Site With On-Site Production

Number Serving	350 Lunches 40 Breakfasts
Staff	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
Staff	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 (3 snacks = 1 lunch)	=	53	(1,166 divided by 22)
Number of meal equivalents (average number of lunches plus adjusted number of breakfasts and adjusted number of snacks)	=	508	
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

508	divided by	29.5	=	17.22
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-124**. Other factors to be considered in evaluating staffing patterns 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 (3 snacks = 1 lunch)	=	_____	
Number of meal equivalents (average number of lunches plus adjusted number of breakfasts and adjusted number of snacks)	=	_____	
_____	=	_____	hours
_____	=	_____	hours
_____	=	_____	hours

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

STUDENT ISSUES

A. Failure to Pay for Meals/Charge Policy

The 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. ***NOTE: A meal cannot be denied to a free student.***

As of July 1, 2017, all SFAs must have a written policy to address situations where children participating at the reduced-price or paid rate do not have money to cover the cost of a meal at the time of the meal service.

SFAs have discretion in developing the specifics of their policies. (Reference USDA Memos SP-58-2016, SP-23-2017) At a minimum, the policy must include the following: (1) If charges are allowed—what meals, how many charges are allowed, and if an alternate meal will be provided. (2) SFAs must ensure the policy is provided in writing to all families at the start of each school year. (3) SFAs must maintain documentation of the methods used to communicate the policy to households and school or SFA-level staff responsible for policy enforcement; e.g., Web site, student handbook. 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 the family does not qualify for meal benefits after completing the application, the SFA is not obligated to continue providing meals without receiving payment.

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

SFAs may carry over negative balances in student accounts into the next school year (except seniors who graduated last year) unless the school policy is different. This also means that SFAs can continue to attempt recovery of uncollected meal charges from previous years. 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 000, and Source of Revenue Code 1710.

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. ***NOTE: SFAs must provide students with two methods to purchase their meals. SFAs cannot offer*** **prepayments** ***as the only method.***

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 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: Schools should not delay a child's meal substitutions while waiting for the family to submit a medical statement. In this situation, schools must document the initial conversation with the family when first made aware of the child's request for meal substitution. Schools should continue to follow up with the family until a medical statement is obtained or the request is rescinded.

   If a medical statement is provided and does not fully explain the modification needed, the SFA should immediately contact the child's parent or guardian for guidance and ask the family to provide an amended medical statement as soon as possible. Documentation of special dietary needs must be on file at the cafeteria manager's office.

   a. Disabled Students (Reference USDA Memo SP-59-2016, SP-26-2017, and SP-40-2017)

      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)

It is the responsibility of the SFA to pay for any substitutions required.

b. Nondisabled Students

SFAs may 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. A state-recognized medical authority for this purpose is a state-licensed health care professional who is authorized to write prescriptions under state law.

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 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-135** 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 or flavored 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
   - Summer Food Service Program
   - Child and Adult Care Food Program

b. Nondairy beverage nutrient requirements per cup:
    - Calcium 276mg
    - Protein 8g
    - Vitamin A 500IU
    - Vitamin D 100IU
    - Magnesium 24mg
    - Potassium 349mg
    - Phosphorus 222mg
    - Riboflavin 0.44mg
    - Vitamin B-12 1.1mg

c. Acceptable reasons for requesting a milk substitute:
    - Milk allergy
    - Religion
    - Culture
    - 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 fluid 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

Student and parent involvement is required in the 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 or can volunteer. However, 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, or 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 reduce-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 shall 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 meal 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 issuances. 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 free and reduced-price application 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.

L. Prohibition on Separation by Gender

In general, SFAs, institutions, and organizations participating in the CNP are not permitted to separate children on any protected basis during the service of program meals or snacks, in keeping with federal nondiscrimination laws and policies as outlined for USDA programs in 7 CFR Parts 15, 15a, and 15b. Federal law prohibits discrimination based on gender at any educational institution receiving federal assistance.

State agencies may approve exemptions allowing separation by gender during a CNP meal service for participating SFAs, organizations, and institutions, without express prior approval from FNS, in the following circumstances:

- Meal service at religious institutions operating under the dictates of the religion with which they are affiliated.
- Meal service at juvenile correctional facilities where combining members of the opposite gender would present a potential safety risk.
- Meal service at facilities that fully separate by gender as part of their normal operations (for example: gender-separated summer camps).

When requesting an exemption, the CNP operator must specify which of the above-listed reasons apply and why separation by gender is necessary. State agencies must document all exemption requests, including the date of approval or disapproval, and if applicable, the duration of the approval.

The above-listed exemptions are the only acceptable bases for gender separation during CNP meal service. Any other gender separation is strictly prohibited. (Reference USDA Memo SP-31, 2015)

MEDICAL STATEMENT

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

_____

Medical Authority Telephone Number

MILK SUBSTITUTION REQUEST FORM

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 found 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

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 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 NSLP/SBP/ASSP.

   School 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.

3. Operate 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 Statue 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 in carryover applications.

1. Operating the SFSP

Schools may operate the SFSP at one or more sites. These 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. 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 Dee Houston at 405-522-4943. An appointment to visit the school will be set. The school will receive a Username and Password to access the SFSP system.
   (2) Meals Prepared in Schools (7 CFR 225.16[f][1][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.

2019 Rates for Summer Food Service Program for Children

	Rural or Urban Self-Prep* Sites or Rural Vended Sites	**Urban Vended Sites**	
Breakfast	$ 2.2975	$ 2.2550	(Operating and
Lunch/Supper	4.0325	3.6375	administrative reimburse-
Snack	0.9525	0.9325	ment rates have been added together)

NOTE: Metropolitan counties include: Canadian (09), Cleveland (14), Comanche (16), Cotton (17), Creek (19), Grady (26), LeFlore (40), Lincoln (41), Logan (42), McClain (47), Oklahoma (55), Okmulgee (56), Osage (57), Pawnee (59), Rogers (66), Sequoyah (68), Tulsa (72), and Wagoner (73). Any SFSP sites located in these counties or any SFSP sites under an FSMC contract will automatically receive the lower (urban-vended) rates.

*Self-prep sites in either urban or rural areas receive the higher rate

(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 during first four weeks of program operation.

The chart on **page C-140-141** shows the difference between the SFSP and the Seamless Summer.

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 must be 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. Contact LeighAnn Rausch 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.

2019 Rates for Seamless Summer Option Through June 30, 2019

Meal Rate					
Breakfast	$	1.79	or	2.14	(if site is Severe Need)
Lunch/Supper		3.31	or	3.33	(if district is a 60 percent district)
Snack		.91			

(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, meal claiming, menu planning, and food safety requirements.

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

TOPIC	SFSP	SEAMLESS SUMMER OPTION
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 migrant 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 apply (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	• Administrative Review (AR) every 3 years. • At least one seamless site must be included in a AR 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	• May use SFSP or NSLP/SBP/ASSP menu-planning approaches	• Must use NSLP/SBP meal pattern requirements
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

A. Master Roster or Enrollment Application

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-147**.

A copy of a Master Roster Can be found on **page C-161**. 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—see Item B below
8. Approving official's initials
9. Placement agency
10. Date of withdrawal

B. 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-145**. 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.

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.)

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 free and reduced-price application 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-146** 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.

F. Edit Check

All RCCIs are required to complete daily edit checks. Refer to **page C-149** for a copy of the RCCI Edit Check Worksheet.

G. Financial Accounting

Each RCCI must maintain documentation of its nonprofit school food service account funds. Total revenues and expenditures must be readily available during a review or audit. The Year-End Expenditure/Revenue Report on **page C-150** assists RCCIs in maintaining this required documentation.

MASTER ROSTER

Name of Institution: _____

Child's Name	Personal Income (Earned Directly or Received by Child)	Child's Birth Date*	Date of Admis-sion	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.

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

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

☐ Lunch
☐ Breakfast

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 institution 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.

RCCI EDIT CHECK WORKSHEET

☐ Lunch
☐ Breakfast

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.

CHILD NUTRITION PROGRAMS

National School Lunch Program/School Breakfast Program/After-School Snack Program
Year-End Expenditure/Revenue Report
(July 1 - June 30)

Name of SFA/RCCI/Boarding School: _____

County/District Code: _____

1. CHILD NUTRITION EXPENDITURES (EXPENSES)	FOOD SERVICE ACCOUNT
(a) Food and Milk for Students Only.	$ _____
(b) Food and Milk for Institution Employees Only.	$ _____
(c) Direct Labor and Benefits	$ _____
(d Other Direct.	$ _____
(e) Expendable Equipment.	$ _____
(f) Nonexpendable Equipment.	$ _____
(g) Nonreimbursable Expenses	$ _____
(h) TOTAL EXPENDITURES	$ _____

2. CHILD NUTRITION INVENTORY OF PURCHASED FOOD AND MILK	FOOD SERVICE ACCOUNT
(a) Beginning Inventory (Last year's ending inventory)	$ _____
(b) Add Food and Milk Purchased	$ _____
(c) Add or Deduct Inventory Adjustments for the Year (Please identify adjustments with a + or -)	$ _____
(d) Total Food and Milk Available	$ _____
(e) Deduct Ending Inventory as of the Last Day of the School Year	$ _____
(f) Food and Milk Used for the Year.	$ _____

3. REVENUE	FOOD SERVICE ACCOUNT
(a) Federal Reimbursement Received	$ _____
(b) State Match Reimbursement Received	$ _____
(c) Income From À la Carte/Adult Meals.	$ _____
(d) Other Income	$ _____
(e) TOTAL REVENUES.	$ _____

NATIONAL SCHOOL LUNCH PROGRAM/SCHOOL BREAKFAST PROGRAM/ AFTER-SCHOOL SNACK PROGRAM YEAR-END EXPENDITURE/REVENUE REPORT (July 1 - June 30) INSTRUCTIONS

This form is to be completed using data from the National School Lunch, School Breakfast, and After-School Snack Programs for each July 1 through June 30 time period.

NOTE: Figures reported should only include expenditures and revenues from the applicable National School Lunch Program, School Breakfast Program, and After-School Snack Program in which your institution participates. If your institution served more meals than this (i.e., supper), all expenditures must be prorated to only reflect Child Nutrition expenses.

Most residential child care institutions (RCCIs) and boarding schools serve more meals than what can be claimed for reimbursement through Child Nutrition Programs. If this is the case and Child Nutrition expenditures/invoices are not separated, the institution will need to prorate the expenses of Child Nutrition Program meals.

A. TOTAL NUMBER OF MEALS SERVED AT INSTITUTION FOR ONE WEEK: _____

B. TOTAL NUMBER OF MEALS CLAIMED FOR REIMBURSEMENT BY THE INSTITUTION: _____

C. B DIVIDED BY A = PERCENT TO PRORATE ALL EXPENSES, INVENTORY, ETC.

Example: The boarding school serves 28 meals per week. It serves breakfast, lunch, snack, and supper every day, seven days a week. The boarding school claims 15 meals per week for reimbursement under Child Nutrition Programs. It claims breakfasts, lunches, and snacks Monday through Friday. Therefore, the formula would look like this:

15 meals per week are claimed divided by 28 meals per week served equals 53 percent of all meals served are claimed for reimbursement. This would be the percentage the boarding school would use when completing this form. It would apply the 53 percent to the ***TOTAL*** food and beverage expenditures, as well as to the ***TOTAL*** salaries, ***TOTAL*** inventory, ***TOTAL*** equipment purchases, etc.

1. The amounts listed shall reflect the expenditures for the school year (July 1 - June 30). ***Do not include expenditures from special functions such as banquets or from supper meals.***
   (a) Enter the amounts of food and milk purchased and received for student meals only for the school year. Include the Commodity Distribution Assessment Fee. Refunds from vendors shall be deducted. ***Do not include expenditures for special functions or supper meals.***
   (b) Enter the amounts of food and milk purchased and received for institution employee meals only for the school year. Include the Commodity Distribution Assessment Fee. Refunds from vendors shall be deducted. ***Do not include expenditures for special functions or supper meals.***
   (c) Enter the gross amount paid for salaries to food service workers. Include employee benefits such as health insurance, retirement funds, and matching social security. Only include the employees' time for the preparation/service of meals claimed for reimbursement under Child Nutrition Programs.
   (d) Enter the cost for nonfood items such as paper goods, supplies, equipment repairs (less than $5,00 per repair), equipment rental, and extermination spent for Child Nutrition Program meals only.
   (e) Enter the amount of each piece of equipment with an acquisition cost less than $5,000 ***purchased during the school year***.
   (f) Enter the depreciated amount of each piece of equipment with an acquisition cost of $5,000 or more. Prorate the amount for Child Nutrition only.
   (g) Enter all expenditures that are not an allowable cost for reimbursement purposes (i.e., bank charge of bounced checks, lost commodities, etc.) for Child Nutrition purposes only.
   (h) Total expenditures.
2. (a) Enter the total value of the purchased food and milk for meals claimed under Child Nutrition on the first day of the school year. This amount will be the same figure as the ending inventory for the previous school year.
   (b) Enter the dollar amount recorded in 2a above.
   (c) Add or deduct inventory adjustments. Deduct value of food for Child Nutrition only lost, stolen, or spoiled. Add value of food misplaced and not previously inventoried for Child Nutrition only.
   (d) Total food and milk available equals sum of (a), (b), and (c).
   (e) Deduct ending inventory on hand the last day of the school year. This amount will be the beginning inventory for the next school year for Child Nutrition Programs only.
   (f) Food and milk used equals (d) less (e).
3. (a) Enter the amount of federal reimbursements received from the State Department of Education Child Nutrition Programs.
   (b) Enter the amount of State Match reimbursement received from the State Department of Education Child Nutrition Programs.
   (c) Enter the amount of revenue collected from à la carte sales/adult meals.
   (d) Enter other revenue collected.
   (e) Enter total revenue received.

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

LOW-INCOME STUDENT COUNT REPORT

County/District Code: _____ District Name: _____

1. Site	2. Grade	3. Total		4. Under 5 Years	5. 5 to 17 Years	6. 18 and Over	Totals		
Happy ES (105) Y	EC 06	526	Free: Reduced:	48 0	462 0	0 0	510 0	Edit	Delete
Healthy ES (195) Y	EC 06	500	Free: Reduced:	25 0	100 0	0 0	125 0	Edit	Delete
- Select One - ∨	Low: NA ∨ High: NA ∨		Free: Reduced:					Insert	

INSTRUCTIONS FOR SUBMISSION:

1. Once your October claim is locked, click on the Low-Income Report—On-Site Students Only (enrolled students who have access to a meal) (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, be sure to save.
2. Once the report is ***SAVED*** and the numbers on the report added together match your October claim for reimbursement, you will be able to certify your Low-Income Report.
3. Once the report is certified, print out a copy, sign it, and fax to 405-521-2239.

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

Superintendent's Signature Date

LOW-INCOME REPORT—ON-SITE STUDENTS
INSTRUCTIONS

- **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 separately—not as one. Every accredited school site must be included. Non-accredited sites must not be included.

1. **Site:** SiteName (SiteCode)
2. **Grade (Low to High):** You will enter the lowest grade (Low) and the highest grade (High) that is included at this site).
3. **Total Enrollment Ages 5-17:** Enrollment of ALL students at this site, ages 5-17 as of the month of October.
4. **Site Enrollment Ages 4 and Under:** Enter number of enrolled students, 4 years of age and younger, who are eligible for free and reduced-price meals.
5. **Site Enrollment Ages 5 through 17:** Enter number of enrollment student, 5 to 17 years of age, who are eligible for free and reduced-price meals.
6. **Site Enrollment Ages 18 and Over:** Enter number of enrollment students, 18 years of age and older, who are eligible for free and reduced-price meals.

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. 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. This figure will be calculated by the system.

PROFESSIONAL STANDARDS FOR SCHOOL NUTRITION PROGRAMS

The Healthy, Hunger-Free Kids Act of 2010 requires USDA to create professional standards for state and local school nutrition program personnel. Local school program personnel should be sure to refer to the final rule and consult with the State Agency if they have specific questions.

The goal of the training and hiring standards is to ensure the success of the NSLP and SBP by assisting SFAs in:

- Recruiting, hiring, training, and retaining qualified school nutrition staff.
- Enhancing the image of school nutrition professionals and their influence in the community.
- Building skills and empowering staff to lead and efficiently operate school nutrition programs.

A. Standards for School Nutrition Employees, Directors, Managers, and Staff

Professional standards apply to all school nutrition employees, whether the SFA operates the school nutrition program or contracts with an FSMC. Compliance with the professional standards is included as a part of the AR.

B. Job Categories

Professional standards vary by three job categories: directors, managers, and staff. The definitions are general enough to cover most local school nutrition program employees.

- ***Directors*** plan, administer, implement, monitor, and evaluate all districtwide aspects of school nutrition programs.
- ***Managers*** have direct responsibility for the day-to-day operations at one or more schools.
- ***Staff*** prepare and serve meals, process transactions at point of service, and review the free/reduced-price applications, along with other routine work.

C. Training Standards

- Annual training hours required each year varies by job category and must be job-specific.
- Training is measured in hours and may include shorter time periods.
- Training may be obtained in many ways: in person, online, local meetings, webinars, conferences, etc., many available free or at low cost.
- USDA provides a Training Tracker Tool to help document completed training, if needed.
- The State Agency reviews training documentation during the AR.

Table 1: Summary of Annual Required Minimum Training Hours for School Nutrition Employees

Job Category	Annual Requirements*
Directors	12 hours
Managers	10 hours
Staff	6 hours
Parttime Staff (working less than 20 hours per week)	4 hours
Midyear Hires in All Categories (January 1 or later)	One-half of training requirement for each job category

*Annual requirements apply to the 12 months between July 1 and June 3. If a schools uses a Food Service Management Company (FSMC), both the district and FSMC must designate a Director and both must have 12 hours of Professional Development hours annually.

D. Training Topics by Key Areas

USDA has suggested job-specific training topics that align with four key areas: nutrition, operations, administration, and communications/marketing. See chart below.

Table 2: Training Topics by Key Areas

Key Areas	Training Topics
Nutrition	Menu Planning Nutrition Education General Nutrition
Operations	Food Production Serving Food Cashier and Point of Service Purchasing/Procurement Receiving and Storage Food Safety and Hazard Analysis and Critical Control Point (HACCP)
Administration	Free and Reduced-Price Meal Benefits Program Management Financial Management Human Resources and Staff Training Facilities and Equipment Planning
Communications and Marketing	Communications and Marketing

See the FNS Professional Standards Web site for suggested learning objectives for each training topic:

http://www.fns.usda.gov/school-meals/professional-standards

E. Record-Keeping Requirements

The regulation does not specify the kind of records that must be kept. Records that list the employee name, employer/school, training title, topic/objectives, training source, dates, and total training hours would be appropriate to demonstrate compliance with training requirements. Records must be maintained and made available to the State Agency upon request. They may be kept electronically in a local database, in paper files, or through the USDA Training Tracking Tool. The Oklahoma State Agency allows a 2-year period to complete training, but some training hours must be completed each year. Any excess annual training hours may be carried over to an immediately previous or an immediately subsequent school year. This is intended to help provide flexibility while ensuring that the SFA employees receive a reasonable amount of training each school year. Documentation of professional standards training is now part of the AR, so while it is ideal for individual staff members to keep track of their own training, you must ensure it is available for State Agency review.

F. Hiring Standards for New School Nutrition Program Directors

The professional standards also include minimum hiring criteria for new school nutrition program directors. The hiring standards affect directors hired on or after July 1, 2015. Directors hired prior to July 1, 2015:

- Can remain in their current positions without meeting the hiring standards.
- May fill a new director position for the same LEA enrollment category or smaller without meeting the hiring standards.
- Must meet the hiring standards for the larger LEA enrollment category when applying for a director position within that enrollment category.

Hiring criteria depend on LEA enrollment size. As enrollment increases, program demands and complexity follow. Thus, minimum requirements are higher for LEAs with enrollments of 10,000 or more students than for smaller districts.

Table 3: Minimum Hiring Standards for New School Food Authority (SFA) Nutrition Directors

Local Educational Agency (LEA) Student Enrollment Categories	Category 1 2,499 or Less	Category 2 2,500-9,999	Category 3 10,000 or More
Minimum Education Standards	Bachelor's Degree* in specific/related major** (experience preferred, not required) **OR** Bachelor's Degree* in any major ***and*** state-recognized certificate for school nutrition program directors **OR** Bachelor's Degree* in any major ***and*** **1 year** of revelant school nutrition experience **OR** Associate's Degree* in specific/related major** ***and*** **1 year** of relevant school nutrition experience **OR** High School Diploma (or GED) ***and*** **3 years***** of relevant school nutrition experience	Bachelor's Degree* in specific/related major** (experience preferred, not required) **OR** Bachelor's Degree* in any major ***and*** state-recognized certificate for school nutrition program directors **OR** Bachelor's Degree* in any major ***and*** **2 years** of relevant school nutrition experience **OR** Associate's Degree* in specific/related major** ***and*** **2 years** of relevant school nutrition experience	Bachelor's Degree* in specific/related major** (experience preferred, not required) **OR** Bachelor's Degree* in any major ***and*** state-recognized certificate for school nutrition program directors **OR** Bachelor's Degree* in any major ***and*** **5 years** of relevant school nutrition experience **OR**
Food Safety Training	At least 8 hours within 5 years prior to or within 30 days of start date		

* Or equivalent educational experience; consult your State Agency for more information.

** Specific/related major: Academic major or concentration in food and nutrition, foodservice management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field.

*** For LEA enrollments less than 500, the State Agency may approve the hire of a candidate with a high school diploma (or (GED) and less than the required years of experience, if the best qualified candidate.

G. Allowable Training Methods for Job-Specific Training

- Online courses
- Structured, on-the-job training
- In-service training
- Local school nutrition organization educational events
- State Agency-sponsored training
- Training you conduct for staff
- Meetings sponsored by foodservice partners (vendors and commodity groups), including exhibits (as allowed by your State Agency)
- College courses with job-specific content

A full 60 minutes of training counts as one training hour, but shorter time periods are allowed. For example, four 15-minute in-service training sessions equal one training hour. Not all activities will count toward training as they all must be job-specific.

Any financing of training for Child Nutrition personnel is an allowable use of the school food service account with one exception—Child Nutrition funds ***CANNOT*** be used to meet the standards for hiring new personnel such as completion of a college degree.

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INTRODUCTION

This section contains information on determining eligibility for free and reduced-price meals for the National School Lunch Program (NSLP) (including charter 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). The statutory citations are, respectively, 42 United States Code 1751 et seq. and 42 United States Code 1771 et seq. 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 8 of USDA Eligibility Manual—2017)

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 meal 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 page 8 of USDA Eligibility Manual—2017)

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. Name of determining 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 to the State Agency by October 15. The amendment 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 free and reduced price meal/milk application).
        - 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

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:

b. When known to the LEA, households will be notified of any child's eligibility for free meals if the individual child is Other Source Categorically Eligible because the child is categorized as:
   - Homeless, migrant, or runaway as defined by law.
   - Enrolled in an eligible Head Start or Even Start.
   - For any child not listed on the eligibility notice, the households should contact the LEA or school about any child also eligible under one of these programs or should submit an income application for other children.
   - If households/children receiving benefits under Assistance Programs or other source programs are not notified by the school of their free meal benefits, the parent/guardian should contact his/her school.
   - Households notified of their children's eligibility must contact the LEA or school if they choose to decline the free meal benefits.

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. ***NOTE: Provision school public release is not required to include free/reduced-price IEG.***

4. Copies of the public release must be made available upon request to any interested person.

D. Terms Used in This Section (Reference page 14 of USDA Eligibility Manual—2017)

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 Categorically Eligible 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 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** is a child whose care and placement is the responsibility of an agency that administers a state plan under Part B or E of Title IV of the Social Security Act or a child who is formally placed with a relative or other caretaker household by a court or state child welfare agency. Whether placed by the state child welfare agency or a court, in order for a child to be considered categorically eligible for free meals, the state must retain legal custody of the child. For purposes of eligibility for Child Nutrition Programs, a foster child is considered a member of the foster parents' household if the child is placed through a formal arrangement by a court or state child welfare agency.

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.

10. **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.

11. **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 Part 245.2.

12. **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.

13. **Mixed households** are households that include children designated as Other Source Categorically Eligible as well as children who are not.

14. **Operating days** are the accredited days during which meal service is provided.

15. **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 and the state retains legal custody of the child.

    NOTE: A child's eligibility for free meals under Other Source Categorical Eligibility does not extend to any other child in the household.

16. **Overt identification. (**Reference USDA Memo SP-45-2012 and pages 18-19 of USDA Eligibility Manual—2017)

    a. Defining Overt Identification: Overt identification is any action that may result in a child being recognized as potentially eligible to receive or certified for free or reduced-price school meals. SFAs must assure that a child's eligibility status is not disclosed at any point in the process of providing free or reduced-price meals, including notification of the availability of free or reduced-price benefits, certification and notification of eligibility, provision of meals in the cafeteria, the point of service, providing additional services such as educational services to low-income children, and through the method of payment.
    b. Preventing Overt Identification of Directly Certified Children: SFAs are not required to provide applications to parents when children are eligible for free meals through Direct Certification, but must assure that these children are not overtly identified through the method used to distribute applications. If an SFA distributes applications to individual households, such as by mail (including e-mail) or in individual student packets or online availability, applications do not have to be provided to households in which all children are determined eligible through Direct Certification. If the distribution method is not individualized, all households must be provided applications. (See 7 CFR §245.6[b][10].)
    c. Prohibited Actions: The following actions are prevented by law and regulation:
        - Publicizing or announcing eligible households or children's names
        - Using different mediums of exchange (see Item d on next page)
        - Having separate dining areas, service times, or serving lines
        - Limiting choices of reimbursable meals
        - Requiring that children work for their meals

    (See the Richard B. Russell National School Lunch Act Section 9[b][10], 42 U.S.C. 1758[b][10], and 7 CFR §245.8.)

d. Medium of Exchange Restrictions: Of particular concern is prevention of overt identification in the food service area, especially at the point of service. Any meal cards, tickets, tokens, or other methods to obtain reimbursable meals cannot be coded or colored in a manner that would overtly identify free and reduced-price eligible children. In addition, SFAs must take steps to assure that rosters, computer screens, or other equipment used at the point of service cannot be viewed by anyone not needing the information, especially students. Further, the information on the rosters or screens should be masked or coded to avoid other students discerning any student's eligibility status.

   SFAs are encouraged to use prepayment systems as much as possible to limit exchange of money which can inadvertently indicate a student's eligibility status. SFAs must make reasonable efforts to publicize and encourage use of prepayment options by students and parents. SFAs should provide multiple ways to make prepayments, such as online; multiple locations within the school, especially when students are arriving or changing classes; and reminding parents through e-mail, written notices, or other means when a student's balance is low.

e. Food Service Area Considerations: SFAs are prohibited from having separate dining areas, service times, serving lines, or limiting the choices of reimbursable meals based on a student's eligibility status. In addition, SFAs choosing to sell competitive foods during the meal service are encouraged to ensure the operation of the sale of competitive foods does not inadvertently result in eligible children being identified. Ways to limit overt identification related to the sale of competitive foods include:
   - Limit competitive foods to those also offered as part of reimbursable meals on the reimbursable lunch lines.
   - Offer competitive foods on the same lines as reimbursable meals are offered.
   - Only allow competitive foods to be purchased with a prepaid card.

f. Monitoring: SFAs must avoid any policy or practice that has the effect of overtly identifying eligible children. Where necessary, LEAs should promptly update their policy statements, implementation procedures, and operations to comply with this guidance.

17. **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.

18. **Residential child care institution (RCCI)** is generally any distinct part of a public or nonprofit private 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.

19. **School year** is the period between July 1 and June 30.

20. **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 22-34 of USDA Eligibility Manual—2017)

A. Submission of Free and Reduced-Price Meal Applications by All Households

1. The 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 CNA, nor the regulations and guidance material governing these programs has a requirement that would mandate submission of a free and reduced-price meal application. 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 a free and reduced-price meal application. 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 free and reduced-price meal application. 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 free and reduced-price applications can be found on **pages E-56** through **E-65**.

2. It is the households'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-56** for a prototype application.
NOTE: If an SFA changes the prototype, paper application or online application, 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. Individuals receiving SoonerCare benefits DO NOT automatically qualify for free meal benefits.
   (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:* FDPIR is a federal program that provides USDA Foods (commodities) to low-income households living on Indian reservations and to participating Native American families residing in the State of Oklahoma. An FDPIR number may appear to be any combination of letters and/or numbers. It has no identifiable format. A tribal roll card is not verification of receiving FDPIR benefits.
      * There are no ***mixed households*** under the Assistance Programs. 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***

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.

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***)

   Other Source Categorical Eligibility also applies to migrant, runaway, and homeless children. If you receive an application with the homeless box checked, you will need to contact your homeless liaison to see if the student is on the homeless, migrant, and runaway list. Simply checking this box does not validate a homeless student as free.

   Documentation from Head Start or Even Start may also indicate free eligibility. The Head Start/Event Start authority must list those eligible Head Start/Even Start children and sign off on the form. A sample form is on **page E-68**

   A school official may complete an application on behalf of a child based on household size and income or Other Source Categorical Eligibility status known to the official and notify the household that his/her child has been certified for free or reduced-price benefits. The source of information must be noted on the application. (Refer to **page E-42** in the Eligibility Manual, June 29, 2017.)

4. Income application must contain the following in order to be deemed a completed application: (Refer to **page E-66** of Eligibility Manual, June 29, 2017 for the IEGs.)

   a. The names of all household members, including each child for whom the application is made.
   b. The total income earned by children in the household, if applicable.
   c. The amount of gross income received in the prior month by each adult household member.
   d. 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)
   e. The signature of an adult household member (An electronic signature is acceptable for web-based applications)

D. Foreign Language Translations

1. The application materials and other communications with households concerning eligibility determinations must be in a language that parents and guardians can understand in order to diminish any language barriers to participation for Limited English Proficient (LEP) families. (Title 6 of the Civil Rights Act of 1964) Where households need information in a language other than English, LEAs must make reasonable efforts, considering the number of such households, to provide household letters and application forms to them in the appropriate languages Failure to do so may be discrimination on the basis of national origin and in violation of the Act. (Reference Memo SP-3-7-2016)

2. The FNS Web site ***http://www.fns.usda.gov/school-meals/translated-applications*** has the prototype application and materials translated into a number of languages. LEAs are responsible for ensuring that all applications and other household materials used in the application process are available in a language the LEP household can understand. Additionally, households can be assisted with completing the application process through the use of personnel proficient in foreign languages.

3. LEAs are currently assisting 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.

4. LEAs must have a system in place to identify language needs of families. LEAs can use the information gained through the Home Language Survey conducted during the school enrollment process to identify the language used in households.

5. LEAs and state agencies must:

   - Be familiar with the translated application materials available through FNS. Use the Home Language Survey, USDA's *I Speak* survey, or other surveys to help identify LEP families. Be familiar with languages used in the community and the potential need for materials in those languages.
   - After assessing potential language needs, determine where information or translation services in those languages may be obtained.
   - After identifying LEP households, ensure that the households applying for benefits receive language services.
   - For parents or guardians who are unable to read or have limited literacy, state agencies and LEAs must provide the necessary services so that parents or guardians are assisted with completing the application process. This may entail providing oral interpretation services. Parents should not be expected to rely on family members (especially children) or friends as interpreters as they may not be able to provide quality and accurate interpretations.
   - State agencies and LEAs must have a system in place to assist LEP households through the verification process. Follow up with LEP households that do not respond to the initial verification request.
   - When possible, state agencies and LEAs should also partner with other local resources, such as migrant or refugee assistance agencies.

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 Approval

   a. Before applications are approved for the school year, the SFA may only claim and be reimbursed for free and reduced-price meals or free milk served to:
      - Children from households with approved applications on file from the previous year.
      - New children in an SFA from households with children who were approved for benefits the previous year.
      - ***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.

b. LEAs have flexibility concerning the effective date of certification for ***application approval as well as Direct Certification determination*** for program benefits. Section 9(b)(9)(A) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1758(b)(9)(A), states that a child in a household meeting the income limits ***at the time the application is submitted . . . shall be served a free lunch***. Section 9(b)(9)(B) provides the same authority for reduced-price lunches. ***Therefore, if the LEA chooses, it could establish the date of*** **submission** ***of an application as the effective date of eligibility rather than the date the official approves it.*** This flexibility applies to eligibility determinations made through the application process only and only to complete applications containing all required information at the time of submission. LEAs can use this flexibility when processing household income applications as well as when waiting for documentation of Other Source Categorical Eligibility (e.g., for homeless or migrant children) indicated on a household application.

   LEAs must notify the State Agency as to what date will be used for application approval. This information will be captured on each renewal application. (Reference USDA Memo SP-11-2014)

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, during the same month, a student's benefits are denied on the 31st day and then an application is submitted and approved at the same eligibility as before the 31st day, the SFA would only count that student's eligibility once during that month.
   f. 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.

g. ***Transferring within the same LEA***
If a student transfers from a Provision school to a non-Provision school within the same LEA and the student is not otherwise eligible for free meals, the receiving LEA must provide free meals to the transfer student for up to 30 operating days or until a new eligibility determination is made, whichever comes first.

Transferring between LEAs
If a student transfers from a Provision school to a non-Provision school in a different LEA, the receiving LEA must provide free meals to the transfer student for up to 30 operating days or until a new eligibility determination is made, whichever comes first.

4. Disaster Response (Reference USDA Policy Memo SP-25-2012)

The following students would be eligible for free meals in situations resulting from danger or disruptions due to natural disasters such as hurricanes, tornadoes, and/or floods.

a. Children determined to be homeless under the McKinney-Vendo Homeless Assistance Act.
b. Children in households receiving Disaster Supplemental Nutrition Assistance Program (D-SNAP).
c. Certification by school officials.

PROCESSING APPLICATIONS (Reference pages 50-64 of USDA Eligibility Manual—2017)

A. Application Processing Time Frame

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. Appeal rights must be sent in writing to the household.

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. Appeal rights must be sent in writing to the household.

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 applications, 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 MEP coordinator.
   - Determined a runaway child who is receiving assistance from a program under the Runaway and Homeless Youth Act and 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, 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.

5. Applications must still request that applicants write a ***ZERO*** when there is no income to report but will no longer require a separate indication of no income from the applicant.
   - A household with any member income field left blank is a positive indication that there is no income.
   - When no income is provided for any of the adult household members, the application is still considered complete if it includes a social security number, date, and signature.
   - If local officials have known or available information that household income was reported incorrectly, the application will be verified for cause.
   - Income for all children is consolidated in one income field on the prototype application.

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 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 covert 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 (Refer to pages 38-42 of the 2017 USDA Eligibility Manual)

1. Documentation of free meal eligibility:

   Rather than an approved free and reduced-price meal application, 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. This list comes from the liaison, not Child Nutrition. Child Nutrition just accepts the list at face value unless there is a concern that something is questionable. In this case, Child Nutrition would still move forward with approval but then conduct ***verification for cause***.

   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 free and reduced-price meal application.

   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 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. Student Mobility in Provision Schools

1. ***Transferring within the same LEA***
   If a student transfers from a Provision school to a non-Provision school within the same LEA and the student is not otherwise eligible for free meals, the receiving LEA must provide free meals to the transfer student for up to 30 operating days or until a new eligibility determination is made, whichever comes first.

   Transferring between LEAs
   If a student transfers from a Provision school to a non-Provision school in a different LEA, the receiving LEA must provide free meals to the transfer student for up to 30 operating days or until a new eligibility determination is made, whichever comes first.

I. Notice to Households of Approval/Denial of Benefits

1. All households ***MUST*** be notified of their eligibility status verbally, in writing, or by e-mail.

2. Households ***DENIED*** benefits or approved for benefits through Direct Certification ***MUST*** be given written notification of denial or approval. A copy of the Notice to Households of Approval/Denial of Benefits is found on **page E-66**. The notification ***MUST*** advise the household of:

   a. The reason for 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. Nonpricing SFAs are exempt from being required to notify the household of approval/denial of benefits. However, the Notice of Direct Certification is still required.

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.

   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.

J. Record Keeping of Applications

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.

K. 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 that 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.

L. Computerized Application Approval (Reference page 72 of USDA Eligibility Manual—2017)

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. 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 free and reduced-price meal application 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 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 free and reduced-price meal applications 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.
i. The electronic application system should also include a statement which explains how to obtain a paper application should a household decide it no longer wants to complete an electronic application.

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.

M. 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 free and reduced-price meal application, these rosters are to be confidential and used only by persons directly involved with the CNP. An example of a CNP roster is on **page E-67**.

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.

N. 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. ***No portion of a social security number is required on an application of an emancipated child.***
   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 whose care and placement is the responsibility of an agency that administers a state plan under Part B or E of Title IV of the Social Security Act or a foster child who a court has place with a caretaker household. These provisions only apply to children formally placed in foster care by a state child welfare agency or a court. They do not apply to informal arrangements such as caretaker arrangements or permanent guardianship placements that may exist outside of or as a result of state- or court-based systems. Whether placed by the state child welfare agency or a court, in order for a child to be considered categorically eligible for free meals, the state must retain legal custody of the child. 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.*** (Reference USDA Memo SP-17-2011)
   i. ***Homeless***—An individual who lacks a fixed, regular, and adequate nighttime residence is considered homeless. The LEA must consider the following: Can the student go to routine or consistent (regular) place (fixed) to sleep in a safe and sufficient space (adequate). 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-18** in Section F-2.

***NOTE: The definition of homeless* does not *include students of divorced parents when the student spends part of the time with each parent. Reference Item l for the definition of* joint custody.**

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 a free and reduced-price meal application.

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 Allowance (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; 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

(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 and 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 **page E-25**.

(10) Earned Income Tax Credit: The federal earned income tax credit may be a refund of taxes withheld, a credit toward 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/OPHome/cfr20/416/416-ap01.htm*** for a complete listing.

O. Automatic Eligibility of Unenrolled Children

1. Head Start

a. Children enrolled in state or ***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 SP-40-2013) 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-68** 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-68** 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 Requirements 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 free and reduced-price meal applications. 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. ***NOTE: A preprimary child (example: 3-year-old) cannot be enrolled in the school district unless an IEP or 504 plan is available for that child.*** (Reference FNS Instruction 776-7, Rev. 1, 6/6/88). . . . . .

DIRECT CERTIFICATION (Reference page 65 of USDA Eligibility Manual—2017)

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 a free and reduced-price meal application or a free milk application. ***NOTE: All LEAs MUST participate in Direct Certification.***

1. All students' eligibility status must be recorded in the State Agency Student Information System—the WAVE.

2. The WAVE identifies each student as follows:

01	**Identified through Direct Certification—SNAP only**
02	**Identified as foster child (not subject to verification)—Foster child who was directly certified**
03	**Identified as foster child (categorically eligible)—Foster child who was *NOT* directly certified**
04	**Identified through homeless/migrant/runaway liaison list—Directly certified**
05	**Identified through income-eligible Head Start—Directly certified**
06	**Identified through Even Start**
07	**Identified as residential students in RCCIs**
08	**Identified as nonapplicants approved by local officials**
09	**Identified based on SNAP/TANF/FDPIR case number submitted on an application (categorically eligible)**
10	**Identified based on income/household size information submitted on an application (do not include foster children)**
12	**Identified through Direct Certification—TANF only**
13	**Identified through Direct Certification—FDPIR only**
14	**Identified as homeless/migrant/runaway based on application (not directly certified)**
15	**Identified as directly certified other (do not include these categories: SNAP, TANF, FDPIR, foster, homeless, migrant, runaway, Head Start, Even Start)**
OT	**Identified in some other way other than listed above. OSDE does not ever expect to receive code OT for Lunch Eligibility Determination. This code is reserved for emergency legislative updates or mid-year policy changes and is not valid for any other reason.**
NA	**The student is NOT eligible for free or reduced-price lunch (Does not qualify for free or reduced-price eligibility)**

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 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, even if nonpricing school. Refer to **page E-** for a copy of the Notice of Direct Certification form. If not using the USDA prototype, the SFA must send a copy to the State Agency for approval. 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. The first Direct Certification report should be 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 the Department of Human Services (DHS) data. This report is available the second business day in August, barring any computer issues. DHS Direct Certification information is then updated the first business day of every month for the rest of the year. All students contained in this report are a Direct Certification Match.

   a. Reports
      (1) **Full Report**—This report shows students who are directly certified for free lunch for this entire current school year. It displays students directly certified in the match process conducted by the WAVE and will display data based on the filters you will provide.
      (2) **Full Report Address and Case Number**—This report shows students who are directly certified for free lunch for this entire current school year. 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. If the data is blank or empty, it is because that data was not supplied to the WAVE by DHS. It will display students directly certified in the match process conducted by the WAVE and will display data based on the filters you will provide.
      (3) **Eligible First 30 Days**—This report will show all students, based on the filters provided by the user, who currently only qualify for free lunch for the first 30 days of school. They qualify because they were directly certified last school year but are not presently directly certified for this school year. ***NOTE: A student can drop from this list and move to the Full Report if they qualify for the appropriate services from DHS again.***
      (4) **Eligible First 30 Days Address and Case Number**—This report will show all students, based on the filters you provide, who currently qualify for free lunch for the first 30 days of school (see Eligible First 30 Days description). 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. If the data is blank or empty, it is because that data was not supplied to the WAVE by DHS.
      (5) **CEP Eligibility Report—**From July 1 through August 31, schools will be able to pull their April 1 data from the previous school year.
      (6) **Remaining Records**—This contains all of the records by zip code for which the WAVE was unable to find a direct match. 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.
   b. Filters
      (1) **Select Student Filter**
         (a) All matched students for this report—Provides every student found in the current database who matches the DHS Direct Certification and meets the criteria of the report you select. ***NOTE: This may contain data on students from the previous school year until September 30.***
         (b) All matched students who have attended this school year for this report—Provides every stu-

(c) All matched students without an enrollment for this school year for this report—Provides every student in the WAVE who matches the DHS Direct Certification but who does ***NOT*** yet have an enrollment in the WAVE at your school district at some point during this school year and who meets the criteria of the report you select. This filter is available only until September 30 of each year to make sure all data has time to process into the WAVE from school districts and allows you to identify students who qualify prior to the start of school.

(d) Only currently attending matched students for this report—Provides every student found in the WAVE who matches the DHS Direct Certification data and is shown to be currently attending your school district/site based on enrollment information sent from Student Information System and who meets the criteria of the report you select.

(2) **Match Date Filter**

(a) All Records—Provides every matched record regardless of the data to which it was matched. ***NOTE: The Match Date will update only once during each school year. It will show the first time the student is matched for that particular year.***

(b) Only records matched on this date—Provides every record matched new on the date supplied.

(c) Only records matched on or before the following dates—Provides every record that matched new on or between the dates supplied.

5. RCCIs are now able to upload a list of their enrolled students for the WAVE to conduct the Direct Certification process for them.

6. The WAVE will now generate a report that will show students who have the same address of a student that has been directly certified. The LEA will need to verify the information, and when it is accurate, also directly certify these students.

7. The Data Validation Wizard was used for the first time in 2015. The wizard validates the actual codes being supplied by the school districts.

C. Frequency of Direct Certification

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.
   - 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. SNAP and TANF information from DHS is updated at the first of every month.

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. LEAs may consider the effective date of eligibility for free school meal or milk benefits to be the date of the automated data matching file (or benefit recipient file from another agency) which first identifies the student as eligible for Direct Certification, rather than the date the LEA accesses and processes the automated data matching file into its local point-of-service (POS) system. To be used for this purpose, the data file must have been generated and received by the LEA ***in the current school year***. (Reference USDA Policy Memo SP-51-2014)

4. Under Direct Certification, if one child in the household is directly certified, then all children in that household who 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 Memos 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..

9. Direct Certification: Foster Children

    If the SFA can obtain a list of foster children who are enrolled in its district from the local DHS foster care office, these children can then be counted on the SFA's certification list.

CONFIDENTIALITY/DISCLOSURE OF ELIGIBILITY INFORMATION (Reference page 83 of USDA Eligibility Manual—2017)

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 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-70** 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. Every Student Succeeds Act (ESSA)—Because ESSA is the nation's federal education law, 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 ESSA 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)

    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 names 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. Need to Know Basis

1. 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, as well as to persons directly connected with the Comptroller General Office or law enforcement for an authorized activity.

2. Although a program or person may be authorized 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. State agencies, LEAs, and schools must ensure that data systems, records, and other means of accessing a student's eligibility status are limited to officials directly connected with administration or enforcement of a federal or state program or activity. This includes federal, state, or local program operators responsible for the ongoing operation of the program or activity or responsible for program compliance.

3. Eligibility information cannot be made available to all school officials. For example, access must be limited to a student's teachers who are directly responsible for the administration of a federal education program (e.g., NCLB) or who are providing tutorial or other assistance under such a program. Teachers, guidance counselors, principals, etc., who ***are not*** providing such assistance under the appropriate statutory or regulatory requirements cannot have access. Online data systems must have masking or deidentification capability to prevent unauthorized access to free or reduced-price eligibility status.

C. 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., disclosure to a means-tested federal or state nutrition program, federal education program, Medicaid or SCHIP, law enforcement, the United States Comptroller General for audit purposes, or other child nutrition programs).

   a. The notice of potential disclosure may be in the Letter to Household that accompanies the free and reduced-price meal application 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.

D. Agreements/Memorandum of Understanding

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-70**) 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. In addition, parents or guardians may request release of information to programs. The LEA must obtain written consent signed by a parent or guardian that follows the guidelines below.
   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:
      - Be obtained each school year, and consent forms cannot be extended from one school year to the next. (Reference page 91, USDA Eligibility Manual—2017)
      - 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's household, even though the free and reduced-price meal application 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 free and reduced-price meal application requires the last four digits of the social security number of the adult household member who signs the application.

VERIFICATION OF ELIGIBILITY (Reference page 96 USDA Eligibility Manual—2017)

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 IEGs. 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. 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 3 percent total.

2. Exception From Verification:

   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 and 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.
   g. In LEAs where all schools participate in CEP.

3. Verification Time Line: ***(Verification process must be completed by November 15)*** (Reference USDA Policy Memos 2005-SP-09 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. ***NOTE: SFAs must remove any applications for students who have been directly certified prior to counting the number of approved applications on file as of 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. Any application removed must be replaced with another approved application selected on the same basis.

(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-75** 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 ONE (RANDOM)

1) The lesser of 3 percent or 3,000 of all approved applications as of October 1 selected at random.

OR

ALTERNATE TWO (FOCUSED)

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 IEGs. ***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-77** for a copy of the Confirmation Review of Benefits Notification and Adverse Action form that SFAs must use when notifying households of changes.)

D. Notification of Selection for Verification of Eligibility

1. 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-78** for a copy of Notification of Selection for Verification of Eligibility. The notice ***MUST*** include the following:

   a. The household has been selected for verification.
   b. Use of Information Statement.
   c. 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.
   d. 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)

e. 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.
f. Information ***MUST*** be provided by a date specified by the SFA and that failure to do so will result in termination of benefits.
g. The name and toll-free/collect/local telephone number of a site official who can answer questions and provide assistance.

2. When the SFA uses Direct Certification (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.

E. Verification Documentation

1. **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.

   a. 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.
   b. 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.
   c. 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.***

2. **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.

   a. Collateral contacts include employers, social service agencies, migrant workers' agencies, and religious or civic organizations.
   b. The verifying official should request a collateral contact only in cases when the household has not been able to provide adequate written evidence.

c. 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.
d. All collateral contacts may be written or oral and must be documented, dated, and initialed.
e. 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.

3. **Direct verification** is only to be used during the verification process (Reference USDA Policy Memos SP-08-2005 and SP-29-2005)—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.

   a. SFAs and state agencies may use:
      - The latest available information for one month (no older than 180 days prior to the date of the free and reduced-price application).
      - Information for all months from the month prior to application through the month direct verification is conducted.
   b. 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-81** for a copy of a Direct Verification form.)
   c. If information obtained through direct verification of an application for free and 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.
   d. If information provided by the public agency does not verify eligibility, the LEA must proceed with regular verification activities.

F. 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:

1. **No change in benefit level**—The household's current documentation supports the level of benefits for which the household has been approved.

2. **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 G and H for additional procedures in this case.

3. **Increase in benefits 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.

4. **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.

G. Verification Completion

1. To continue the verification process subsequent to household notification, the LEA must either determine:

   - If the household submitted adequate information to complete its individual verification activity.
   - If follow-up with the household is needed.

2. When the household does comply:

   a. 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.
   b. If the written evidence confirms a higher or lower income and changes the eligibility determination previously made, the verification requirement has been satisfied.
      - If written evidence confirms a higher income and benefits are reduced or terminated, procedures in Item H need to be implemented.
      - If written evidence confirms a lower income and benefits are increased, the household must be notified.
   c. Complete the verification section at the bottom of each free and reduced-price meal application 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.***

3. When the household does not comply:

   a. 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-82** may be used for this purpose. SFAs may contract with a third party to assist in the follow-up process.
   b. 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.
   c. Complete the verification section at the bottom of each free and reduced-price meal application 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.***
   d. 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.

H. 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.)

1. The first day of the advance notice period is the day the notice is sent.

2. The notice ***MUST*** advise the household of the following:

   a. The change in benefits.
   b. The reason(s) for the change.
   c. An appeal ***MUST*** be filed within the ten calendar days' advance notice period to ensure continued benefits while awaiting a hearing and decision.
   d. The instructions on how to appeal.
   e. The household may reapply for benefits at any time during the school year. (Verification documentation must be submitted before approval can be given.)
   f. 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-82**

I. 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 or ten calendar days after the decision of the hearing official.

J. 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.

K. 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.

L. Verification for Cause

1. An SFA has the authority and is obligated to verify all questionable applications (***verification for cause***) at any time. ***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. ***NOTE: Directly certified students cannot be included for verification for cause.***

2. 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.

3. 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.

4. 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)

M. 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.

1. The description must include:
   - A summary of the verification efforts, such as the selection process and the source of information used.
   - The total number of applications on file October 1.
   - The percentage and number of applications verified. (Remember to always round the fraction upward when figuring the number of applications to be verified.)

2. The verifying official's signature on the free and reduced-price meal application must be completed by the SFA to document verification results.

3. SFAs must submit the Verification Summary Report through CARS before the December claim may be submitted.

4. The following is to be maintained on file each year:
   - A copy of the Verification Summary of Applications and the Verification Summary Report submitted to the State Agency.
   - A copy of each free and reduced-price meal application selected for verification.
   - Written evidence submitted by households, including a ***stamped-in*** date and/or the envelope in which the documents were sent to the SFA.
   - Calculation information used in comparing the income documents submitted and the amount of income originally reported by the households.

- A copy of any correspondence to the households concerning verification efforts, including notice of reduction or termination of benefits.
- 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.

N. Implementation of Verification Process

1. 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:

   - **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.
   - **OCTOBER 15**—(Second notice required) Contact households that have not responded and those who presented insufficient written documentation.
   - **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.
   - **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.
   - **NOVEMBER 15**—All verification efforts must be completed.

2. 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.

O. Verification Report: Each SFA is required to complete and certify a Verification Summary Report after November 15. This report must be completed prior to the SFA being able to access its December claim for reimbursement. (Refer to **pages E-83** through **E-86** for a copy of the form.)

QUESTIONS AND ANSWERS ON ELIGIBILITY

Section 1: Getting Started

Q1: When should schools distribute information about the application, and when should schools distribute the household application itself?

A: Schools should send the information letter to households very early in the school year, which begins July 1. Applications should also be distributed on July 1 or soon thereafter. Distributing applications early in the school year ensures households have sufficient time to complete and return the application prior to the first day of school.

Additionally, schools are encouraged to provide families with information about the school meal programs in routine contacts throughout the school year and remind families that applications may be submitted at any time during the school year.

Information letters may not, however, be sent to households before the end of one school year for the subsequent year, nor can the LEA accept and process applications before the federally defined school year. ***NOTE: Year-round schools may distribute the letters in June.***

Q2: May schools require all households to complete and submit an application for free and reduced-price meals?

A: No. Schools may not require households to complete and submit an application. It is in the household's choice to complete and submit an application for meal benefits. However, LEAs must inform households that they may receive meal benefits if they are eligible.

Q3: May schools include IEGs for free school meals, in addition to including the IEGs for reduced-price meals, when sending out the application and any descriptive materials?

A: No. The application and any descriptive materials distributed to households may only contain the income levels for reduced-price school meal eligibility. This requirement is statutory (42.U.S.C. 1758 [b][2][B][i] and [ii]).

Section 2: The Basis of Eligibility

Q1: When foster parents apply for benefits for their nonfoster children, do they include their foster children as household members?

A: Households with foster and nonfoster children may choose to include the foster child as a household member. If the foster child is included as a household member, any personal income earned by the foster child must be included on the household application. 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. The foster child is categorically eligible for free meals regardless of the eligibility of the foster family's nonfoster children.

Q2: If a foster child is adopted, is the foster child still categorically eligible for free meals based on foster status?

A: Once a foster child is adopted, the child is no longer categorically eligible for free meals based on foster status. However, due to year-long eligibility, the free eligibility status of a foster child would not change within the school year, including up to 30 operating days into the subsequent school year. The household that adopted a foster child would need to apply for meal benefits at the start of the subsequent school year to determine if the household is eligible for free or reduced-price meal benefits.

Q3: If family members or friends are temporarily *doubling up* in a home, may the host family count their guests as members of the household?

A: If the temporary household members are part of the same economic unit as the host family, the host family may count their guests as members of the household. In this situation, income for the temporary household members must also be counted. If the temporary household members are not part of the same economic unit as the host family, they are not considered part of the household.

Q4: If one household owns a housing unit and rents living space to another household, must the household receiving the rental fee report the rental fee as income?

A: Yes. Income includes all money received, including money from rental properties or rooms. If a household receives and keeps rental income from another household, it must be counted as income.

Q5: Is the housing allowance (Basic Allowance for Housing, or BAH) received by military service personnel counted as income when making an eligibility determination for free or reduced-price meals?

A: Yes. Income is defined as all cash received on a recurring basis, which would include BAH. In-kind benefits, however, are not cash payments. Therefore, in-kind benefits (such as ***provided*** housing) are not considered income for the purposes of determining free and reduced-price eligibility. For more information, see: *Exclusion of the Housing Allowance for Military Households in Privatized Housing—Reauthorization 2004: Implementation Memo CN 1,* **https://www.fns.usda.gov/exclusion-housing-allowance-military-households-privatized-housing-reauthorization-2004**.

Q6: If a household member receives a cash subsidy for health insurance from an employer, must the household report the subsidy on the application for school meals?

A: Yes. All household members must report gross income, which includes cash subsidies for insurance payments.

Q7: A child is not employed full-time or part-time, but occasionally babysits for a neighbor in the evening and on weekends. Must the household report the child's earnings from babysitting on its income application?

A: No. Infrequent earnings such as income from occasional babysitting or mowing lawns is not counted as income and should not be listed on the application.

Q8: Are children in households receiving tribal TANF benefits categorically eligible for free school meals?

A: Yes. Children in households receiving tribal TANF benefits under Title IV of the Social Security Act are categorically eligible for free school meals and can be determined eligible through Direct Certification as long as the tribal TANF program standards are comparable to or more stringent than NSLP standards.

Q9: How should an LEA certify children from a federally declared disaster area who have temporarily moved into the school district?

A: Typically, these children are determined homeless by the school district's homeless liaison or are receiving Disaster SNAP (D-SNAP, special disaster benefits), and they must be certified for free meals and/or milk. LEAs should contact their State Agency for more information.

Section 3: Establishing Eligibility

Q1: If an LEA uses a computer system to generate determinations, must the determining official sign or initial each application?

A: The LEA (not the computer system) is ultimately responsible for determining eligibility for free or reduced-price meals. The LEA must ensure its computer system meets all requirements and performs all functions as outlined in this guidance with a high degree of accuracy. The determining official may sign or initial and date a separate sheet of paper that could then be attached to a batch of applications. Alternatively, the official may make a note to the electronic file. The computer system should be able to capture the original date of the approval and the basis for the determination (i.e., household size and income) and update the status of applications to account for transfers, withdrawals, terminations, and any other changes.

Q2: May an FSMC assist with the processing of applications, along with other management responsibilities?

A: While the LEA is ultimately responsible for ensuring all Program requirements are met, an employee of the FSMC may act as an agent for the LEA in various aspects of the application, certification, and verification processes. The employee must comply with all requirements for these processes, including limited disclosure of individual eligibility information. For more information, see *Section 5: Confidentiality and Disclosure.*

Q3: What notification is recommended when a eligibility determination is made?

A: Households must be notified of their eligibility for benefits. LEAs may notify households of their children's eligibility by letter, via e-mail, over the telephone, or by using an automated notification system. If an application is denied, however, the household must be notified of the denial in writing through the postal service or an e-mail sent to the parent or guardian's e-mail address.

Q4: May a household determined to be eligible for free meals at the start of the school year choose to submit a new application later in the school year?

A: Yes. While households are not required to report changes in their circumstances, a household may choose to submit a new application during the school year. The new application would supersede the original application. In this case, the LEA must explain to the household that the household is not required to report the change due to the year-long duration of eligibility. The change will only go into effect if the household requests the change in writing. If benefits are voluntarily decreased, the LEA must send a notice of adverse action.

Q5: What should a school do if a household eligible for free meals wishes to pay at the reduced price?

A: The school should respect the household's wishes and allow the household to pay the reduced-price charge. The household's application should correctly reflect the child's eligibility status but should include a note that the family has elected to pay the reduced-price charge. Meals served to such a child must be claimed at the reduced-price reimbursement rate, since the school received the reduced-price payment from the household.

Section 4: School Meal Application

Q1: At the local level, applications sometimes request a birth date or other information not required by statute or regulation. Should LEAs mark applications missing such information as complete?

A: Yes. Since the additional information described above is not required by statute or regulation for a student's certification of eligibility for free or reduced-price school meals, an application (whether paper or electronic) must be considered complete even if the additional information is not provided.

Q2: May a Web-based application system ask for a student identification number or student birth date?

A: A Web-based application system may ask for a student identification number or student birth date if the LEA notifies households that the two data fields are not required by the NSLP, SBP, or SMP. The LEA also must ensure a paper-based application is available to households that do not wish to provide the additional information. This notification should be included on the Web-based portal. The disclaimer should indicate the availability of a paper-based application and provide a contact number for further assistance.

Q3: Is the application considered complete if the racial/ethnic data collection question is not completed?

A: Yes. The household is not required to complete the racial/ethnic data question. Failure to provide this information must not affect a child's eligibility for benefits. If the applicant fails to provide this information, school officials should follow the guidance included in *FNS Instruction 113-1: Civil Rights Compliance and Enforcement—Nutrition Programs and Activities,* http://www.fns.usda.gov/sites/default/files/113-1.pdf, to collect this data.

Section 5: Confidentiality and Disclosure

Q1: What does disclosure mean as it relates to children's eligibility status?

A: Disclosure means revealing or using individual children's program eligibility information 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, microfiches, electronic communication, or any other means. It includes eligibility information obtained through the application or through Direct Certification.

Q2: What eligibility information may an LEA disclose to a means-tested nutrition program?

A: Without household consent, the LEA may only disclose a child's name and eligibility status. Disclosure of other information, such as parent or guardian names and addresses, requires household notification and consent.

Q3: For the purposes of disclosure, who are persons *directly connected* to the administration of state Medicaid and CHIP?

A: Persons *directly connected* with the administration of state Medicaid or CHIP are state employees and persons authorized under federal and state Medicaid and CHIP requirements to process applications or to make eligibility determinations. LEA officials should check with their state Medicaid or CHIP coordinator to determine the persons or entities authorized to enroll children in Medicaid or CHIP.

Q4: How long should LEA officials wait for a response from a parent or guardian before releasing information to Medicaid or CHIP?

A: LEAs should provide parents with adequate time to respond. LEAs are encouraged to include a notification on the statement sent to households informing them they should respond by a specified date if they do not want their information disclosed to Medicaid or CHIP.

Q5: Is each LEA required to enter into a separate Memorandum of Understanding for disclosing information to Medicaid/CHIP?

A: Yes, if the LEA and State Agency agree to disclose children's eligibility information to Medicaid/CHIP, each LEA must be given the opportunity to decline providing information to Medicaid/CHIP.

Q6: May children's eligibility information be shared with the school guidance counselor?

A: Yes, but only with household consent. Free and reduced-price eligibility status may not be shared with guidance counselors without household consent. An LEA or school could send a letter to all households informing them of other school-based programs available to households that qualify for free or reduced-priced meals. Interested households could then contact the guidance office if they are interested in pursing any of these benefits and to complete a consent form.

Q7: If an LEA contracts with a third party server to store electronic school meal applications, do confidentiality and disclosure requirements still apply?

A: Yes. Confidentiality and disclosure requirements surrounding the school meal applications apply regardless of the application type. The information must be protected and only viewed and/or released according to the guidelines. LEAs contracting with a third party must have an agreement in place that clearly delineates FNS requirements for confidentiality.

Section 6: Verification

Q1: Is the LEA required to provide a no-cost telephone option, even if no households live outside the local calling area?

A: Yes. The LEA is not required to have a toll-free number, but parents and guardians must be able to call collect (7 CFR 245.6a[f][5]). This helps to ensure parents and guardians can contact the LEA during the LEA's operating hours if they work outside the local calling area.

Q2: What if the LEA is using other agency records to verify applications and the agency does not respond before the November 15 deadline?

A: The LEA should document its attempt to contact the appropriate agency in advance of the November 15 deadline. This would demonstrate good faith and would be a valid reason for the State Agency to extend the deadline.

Q3: A household voluntarily provides pay stubs that conflict with the income information on the household's application. According to the application, the household is eligible for free meals but according to the pay stubs, it appears the household is not eligible. What should the determining official do?

A: Under these circumstances, the 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, giving the household an opportunity to resolve the discrepancy during the 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 which action is appropriate. Regardless of the action taken, the inconsistency must be resolved expeditiously.

Q4: How is overtime income counted for the purposes of verification?

A: The LEA official should work with the household to determine whether overtime during the verification month is representative of overtime worked in other months. If the overtime is a rare or sporadic source of income, the household's income should be calculated on the regular monthly income without the overtime.

Q5: If a household is paid weekly and submits a pay stub for a week, must the LEA request pay stubs for a whole month?

A: If the weekly pay stub is representative of the household's regular weekly income, one pay stub is sufficient.

Q6: What if an application 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 a school district before the information can be verified, verification cannot be completed. To meet minimum verification requirements, a new application must be selected.

FREQUENTLY ASKED QUESTIONS ABOUT
FREE AND REDUCED-PRICE SCHOOL MEALS

Dear Parent/Guardian:

Children need healthy meals to learn. **(Name of School/School District)** 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. This packet includes an application for free or reduced-price meal benefits and a set of detailed instructions. Below are some common questions and answers to help you with the application process.

1. WHO CAN GET FREE OR REDUCED-PRICE MEALS?
   - All children in households receiving benefits from **(Supplemental Nutrition Assistance Program [SNAP])**, **(Food Distribution Program on Indian Reservations [FDPIR]**, or **(Temporary Assistance for Needy Families [TANF])** are eligible for free meals.
   - Foster children who are under the legal responsibility of a foster care agency or court are eligible for free meals.
   - Children participating in their school's Head Start program are eligible for free meals.
   - Children who meet the definition of homeless, runaway, or migrant are eligible for free meals.
   - Children may receive free or reduced-price meals if your household's income is within the limits on the federal Income-Eligibility Guidelines (IEGs). Your children may qualify for free or reduced-price meals if your household income falls at or below the limits on this chart.

FEDERAL ELIGIBILITY INCOME CHART FOR SCHOOL YEAR 2020					
Household Size	**Annual**	**Monthly**	**Twice Per Month**	**Every Two Weeks**	**Weekly**
1	23,107	1,926	963	889	445
2	31,284	2,607	1,304	1,204	602
3	39,461	3,289	1,645	1,518	759
4	47,638	3,970	1,985	1,833	917
5	55,815	4,652	2,326	2,147	1,074
6	63,992	5,333	2,667	2,462	1,231
7	72,169	6,015	3,008	2,776	1,388
8	80,346	6,696	3,348	3,091	1,546
For each additional person:	8,177	682	341	315	158

2. HOW DO I KNOW IF MY CHILDREN QUALIFY AS HOMELESS, MIGRANT, OR RUNAWAY? Do the members of your household lack a permanent address? Are you staying together in a shelter, hotel, or other temporary housing arrangement? Does your family relocate on a seasonal basis? Are any children living with you who have chosen to leave their prior family or household? If you believe children in your household meet these descriptions and have not been told your children will get free meals, please call or e-mail **(school, homeless liaison,** or **migrant coordinator)**.

3. DO I NEED TO FILL OUT AN APPLICATION FOR EACH CHILD? No. *Use one Free and Reduced-Price School Meals Application 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)**.

4. SHOULD I FILL OUT AN APPLICATION IF I RECEIVED A LETTER THIS SCHOOL YEAR SAYING MY CHILDREN ARE ALREADY APPROVED FOR FREE MEALS? No, but please read the letter you got carefully and follow the instructions. If any children in your household were missing from your eligibility notification, contact **(Name, Address, Phone Number, E-Mail)** immediately.

5. CAN I APPLY ONLINE? Yes! You are encouraged to complete an online application instead of a paper application if you are able. The online application has the same requirements and will ask you for the same information as the paper application. Visit **(Web site)** to begin or to learn more about the online application process. Contact **(Name, Address, Phone Number, E-Mail)** if you have any questions about the online application.

6. MY CHILD'S APPLICATION WAS APPROVED LAST YEAR. DO I NEED TO FILL OUT A NEW ONE? Yes. Your child's application is only good for that school year and for the first few days of this school year, through (***date***). You must send in a new application unless the school told you that your child is eligible for the new school year. If you do not send in a new application that is approved by the school or you have not been notified that your child is eligible for free meals, your child will be charged the full price for meals.

7. I GET WIC. CAN MY CHILDREN GET FREE MEALS? Children in households participating in WIC ***MAY*** be eligible for free or reduced-price meals. Please send in an application.

8. WILL THE INFORMATION I GIVE BE CHECKED? Yes. We may also ask you to send written proof of the household income you report.

9. 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 and reduced-price meals if the household income drops below the income limit.

10. 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)**.

11. MAY I APPLY IF SOMEONE IN MY HOUSEHOLD IS NOT A UNITED STATES (U.S.) CITIZEN? Yes. You, your children, or other household members do not have to be U.S. citizens to apply for free or reduced-price meals.

12. 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 made $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.

13. WHAT IF SOME HOUSEHOLD MEMBERS HAVE NO INCOME TO REPORT? Household members may not receive some types of income we ask you to report on the application or may not receive income at all. Whenever this happens, please write a ***0*** in the field. However, if any income fields are left empty or blank, those will ***ALSO*** be counted as zeroes. Please be careful when leaving income fields blank, as we will assume you ***MEANT*** to do so.

14. WE ARE IN THE MILITARY. DO WE REPORT OUR INCOME DIFFERENTLY? Your basic pay and cash bonuses must be reported as income. If you get any cash value allowances for off-base housing, food, or clothing, it must also be included as income. However, if your housing is part of the Military Housing Privatization Initiative, do not include your housing allowance as income. Any additional combat pay resulting from deployment is also excluded from income.

15. WHAT IF THERE IS NOT ENOUGH SPACE ON THE APPLICATION FOR MY FAMILY? List any additional household members on a separate piece of paper, and attach it to your application. Contact **(Name, Address, Phone Number, E-Mail)** to receive a second application.

16. 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 **1-866-411-1877**.

If you have other questions or need help, call **(Phone Number)**.

Sincerely,

(Signature)

HOW TO APPLY FOR FREE AND REDUCED-PRICE SCHOOL MEALS

Please use these instructions to help you fill out the application for free or reduced-price school meals. You only need to submit ***ONE*** application per household, even if your children attend more than one school in **(School District)**. The application must be filled out completely to certify your children for free or reduced-price school meals.

Please follow these instructions in order! Each step of the instructions is the same as the steps on your application. If at any time you are not sure what to do next, please contact **(School/School District Contact Here—Phone and E-Mail Preferred)**.

PLEASE USE A PEN (NOT A PENCIL) WHEN FILLING OUT THE APPLICATION, AND DO YOUR BEST TO PRINT CLEARLY.

STEP 1: LIST ALL HOUSEHOLD MEMBERS WHO ARE INFANTS, CHILDREN, AND STUDENTS UP TO AND INCLUDING GRADE 12

Tell us how many infants, children, and school students live in your household. They do ***NOT*** have to be related to you to be a part of your household.

> **Who should I list here?**
>
> When filling out this section, please include ***ALL*** members in your household who are:
> - Children aged 18 or under ***AND*** are supported with the household's income.
> - In your care under a foster arrangement or qualify as homeless, migrant, or runaway youth.
> - Students attending **(School/School System Here)**, ***regardless of age***.

A. ***List each child's name.*** For each child, print his/her first name, middle initial, and last name. Use one line of the application for each child. If there are more children present than lines on the application, attach a second piece of paper with all required information for the additional children.

B. ***Is the child a student at (Name of School/School System Here)?*** Mark *Yes* or *No* under the column titled *Student* to tell us which children attend **(Name of School/School District Here)**.

C. ***Do you have any foster children?*** If any children listed are foster children, mark the *Foster Child* box next to the child's name. If you are ***ONLY*** applying for foster children, after completing STEP 1, skip to STEP 4 of the application and these instructions. If you are applying for both foster and nonfoster children, go to STEP 3. **Foster children who live with you may count as members of your household and should be listed on your application.**

D. ***Are any children homeless, migrant, or runaway?*** If you believe any child listed in this section may meet this description, please mark the *Homeless, Migrant, Runaway* box next to the child's name and **complete all steps of the application.**

STEP 2: DO ANY HOUSEHOLD MEMBERS (INCLUDING YOU) CURRENTLY PARTICIPATE IN ONE OR MORE OF THE FOLLOWING ASSISTANCE PROGRAMS: SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP), TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF), OR FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS (FDPIR)?
If *Yes*, record the proper case number (only one per household) in the box. Skip to STEP 4.

If anyone in your household participates in the assistance programs, your children are ***ELIGIBLE*** for free school meals.

If NO ONE in your household participates in any of the above programs:
- Skip to STEP 3 on these instructions and STEP 3 on your application.
- Leave STEP 2 blank.

How do I report my income?

- Use the charts titled *Sources of Income for Adults* and *Sources of Income for Children* printed on the back side of the application form to determine if your household has income to report.
- Report all amounts in GROSS INCOME ONLY. Report all income in whole dollars. Do not include cents.
  - — Gross income is the total income received before taxes.
  - — Many people think of income as the amount they *take home* and not the total *gross* amount. Make sure that the income you report on this application has ***NOT*** been reduced to pay for taxes, insurance premiums, or any other amounts taken from your pay.
- Write a *0* in any fields where there is no income to report. Any income fields left empty or blank will also be counted as a zero. If you write *0* or leave any fields blank, you are certifying (promising) that there is no income to report. If local officials suspect that your household income was reported incorrectly, your application will be investigated.
- Mark how often each type of income is received using the check boxes to the right of each field.

A. ***Report all income earned or received by children.*** Refer to the chart titled *Sources of Income for Children* in these instructions, and report the combined gross income for ***ALL*** children listed in STEP 1 in your household in the box marked *Total Child Income*. Only count foster children's income if you are applying for them together with the rest of your household.

What is Child Income?

Child income is money received from outside your household that is paid ***DIRECTLY*** to your children. Many households do not have any child income. Use the chart below to determine if your household has child income to report.

Sources of Income for Children

Sources of Child Income	Example(s)
• Earnings from work	• A child has a regular full- or part-time job where he/she earns a salary or wages
• Social Security — Disability payments — Survivor's benefits	• A child is blind or disabled and receives social security benefits • A parent is disabled, retired, or deceased, and his/her child receives social security benefits
• Income from persons ***OUTSIDE*** the household	• A friend or extended family member ***REGULARLY*** gives a child spending money
• Income from any other source	• A child receives income from a private pension fund, annuity, or trust

FOR EACH ADULT HOUSEHOLD MEMBER:

Who should I list here?

When filling out this section, please include ***ALL ADULT*** members in your household who are:

- Living with you and share income and expenses, *even if not related and even if they do not receive income of their own.*

Do ***NOT*** include people who:

- Live with you but are not supported by your household's income ***AND*** do not contribute income to your household.
- Infants and children and students already listed in STEP 1.

How do I fill in the income amount and source?

FOR EACH TYPE OF INCOME:

- Use the charts in this section to determine if your household has income to report.
- Report all amounts in **gross income *ONLY***. Report all income in whole dollars. Do not include cents.
  - — Gross income is the total income received before taxes or deductions.
  - — Many people think of income as the amount they *take home* and not the total *gross* amount. Make sure that the income you report on this application has ***NOT*** been reduced to pay for taxes, insurance premiums, or any other amounts taken from your pay.

FOR EACH ADULT HOUSEHOLD MEMBER: continued

- Write a ***0*** in any fields where there is no income to report. Any income fields left empty or blank will be counted as zeroes. If you write ***0*** or leave any fields blank, you are certifying (promising) that there is no income to report. If local officials have known or available information that your household income was reported incorrectly, your application will be verified for cause.
- Mark how often each type of income is received using the check boxes to the right of each field.

B. ***List adult household members' names.*** Print the name of each household member in the boxes marked *Names of Adult Household Members (First and Last)*. **Do not list any household members you listed in STEP 1.** If a child listed in STEP 1 has income, follow the instructions in STEP 3, Part A.

C. ***Report earnings from work.*** Refer to the chart titled *Sources of Income for Adults* in these instructions, and report all income from work in the *Earnings From Work* field on the application. This is usually the money received from working at jobs. If you are a self-employed business or farm owner, you will report your net income. This is calculated by subtracting the total operating expenses of your business from its gross receipts or revenues.

D. ***Report income from public assistance/child support/alimony.*** Refer to the chart titled *Sources of Income for Adults* in these instructions, and report all income that applies in the *Public Assistance/Child Support/Alimony* field on the application. Do not report the value of any cash value public assistance benefits ***NOT*** listed on the chart. If income is received from child support or alimony, only ***court-ordered*** payments should be reported here. Informal regular payments should be reported as *Other* income in the next part.

E. ***Report income from pensions/retirement/all other income.*** Refer to the chart titled *Sources of Income for Adults* in these instructions, and report all income that applies in the *Pensions/Retirement/All Other Income* field on the application.

F. ***Report total household size.*** Enter the total number of household members in the field *Total Household Members (Children and Adults)*. This number ***MUST*** be equal to the number of household members listed in STEP 1 and STEP 3. If there are any members of your household that you have not listed on the application, go back and add them. It is very important to list all household members, as the size of your household affects your eligibility for free or reduced-price meals.

G. ***Provide the last four digits of your social security number.*** The household's primary wage earner or another adult household member must enter the last four digits of his/her social security number in the space provided. **You are eligible to apply for benefits even if you do not have a social security number.** If no adult household member has a social security number, leave this space blank and mark the box to the right labeled *Check if no SSN*.

Sources of Income for Adults

Earnings From Work	Public Assistance/Alimony/Child Support	Pensions/Retirement/All Other Income
• Salary, wages, cash bonuses • ***NET*** income from self-employment (farm or business) **If you are in the U.S. Military:** • Basic pay and cash bonuses (***do NOT include combat pay, FSSA, or privatized housing allowances)*** • Allowances for off-base housing, food, and clothing	• Unemployment benefits • Worker's compensation • Supplemental Security Income (SSI) • Cash assistance from state or local government • Alimony payments • Child support payments • Veteran's benefits • Strike benefits	• Social Security (including railroad retirement and black lung benefits) • Private pensions or disability benefits • Regular income from trusts or estates • Annuities • Investment income • Earned interest • Rental income • ***REGULAR*** cash payments from outside household

STEP 4: CONTACT INFORMATION AND ADULT SIGNATURE

All applications must be signed by an adult member of the household. By signing the application, that household member is promising that all information has been truthfully and completely reported. **Before completing this section, please also make sure you have read the privacy and civil rights statements on the application.**

A. ***Provide your contact information.*** Write your current address in the fields provided if this information is available. **If you have no permanent address, this does not make your children ineligible for free or reduced-price school meals.** Sharing a phone number, e-mail address, or both is optional, but helps us reach you quickly if we need to contact you.

B. ***Print and sign your name.*** Print your name in the box *Printed Name of Adult Completing the Form.* Sign your name in the box *Signature of Adult Completing the Form*.

C. ***Today's date.*** In the space provided, write today's date.

D. ***Share children's racial and ethnic identities (optional).*** On the back of the application, we ask you to share information about your children's race and ethnicity. **This field is optional and does not affect your children's eligibility for free or reduced-price school meals.**

2019-2020 Application for Free and Reduced-Price School Meals

Complete one application per household. Please use a pen (not a pencil).

Apply online at _____

E-62 Oklahoma State Department of Education Eligibility Documentation Section July 2019

STEP 1 List ALL household members who are infants, children, and students, up to and including Grade 12 (if more spaces are required for additional names, attach another sheet of paper)

Definition of Household Member—Anyone who is living with you and shares income and expenses, even if not related.

Children in foster care and children who meet the definition of homeless, migrant, or runaway are eligible for free meals. Read *How to Apply for Free and Reduced-Price School Meals* for more information.

Child's First Name	M I	Child's Last Name	School Name	Grade	Birth Date	Student? Yes	Student? No	Check all that apply: Foster Child	Check all that apply: Homeless, Migrant, Runaway
						☐	☐	☐	☐
						☐	☐	☐	☐
						☐	☐	☐	☐
						☐	☐	☐	☐
						☐	☐	☐	☐

STEP 2 Do any household members (including you) currently participate in one or more of the following assistance programs: SNAP, TANF, or FDPIR?

If ***No***, go to *STEP 3*. If ***Yes***, write a case number here, then go to *STEP 4*. (***Do not complete STEP 3***.)

Case Number: _____

Write only one case number in this space.

STEP 3 Report income for *ALL* household members (Skip this step if you answered *YES* to STEP 2)

Are you unsure what income to include here?

Flip the page, and review the charts titled *Sources of Income* for more information.

The *Sources of Income for Children* chart will help you with the Child Income section.

The *Sources of Income for Adults* chart will help you with the All Adult House Members section.

A. **Child Income**

Sometimes children in the household earn or receive income. Please include the TOTAL income received by all children in the household listed in STEP 1 here.

Child Income	How Often: Weekly	Bi-weekly	2x Month	Monthly
$ _____	☐	☐	☐	☐

B. **All Adult Household Members (Including Yourself)**

List all household members not listed in STEP 1 (including yourself), even if they do not receive income. For each household member listed, if he/she does receive income, report gross income (before taxes) for each source in whole dollars (no cents) only. If they do not receive income from any source, write ***0***. If you enter ***0*** or leave any fields blank, you are certifying (promising) that there is no income to report.

Names of Adult Household Members (First and Last)	Earnings From Work	How Often: Weekly	Bi-weekly	2x Month	Monthly	Public Assistance/ Child Support/ Alimony	How Often: Weekly	Bi-weekly	2x Month	Monthly	Pensions/Retirement/All Other Income	How Often: Weekly	Bi-weekly	2x Month	Monthly
	$	☐	☐	☐	☐	$	☐	☐	☐	☐	$	☐	☐	☐	☐
	$	☐	☐	☐	☐	$	☐	☐	☐	☐	$	☐	☐	☐	☐
	$	☐	☐	☐	☐	$	☐	☐	☐	☐	$	☐	☐	☐	☐
	$	☐	☐	☐	☐	$	☐	☐	☐	☐	$	☐	☐	☐	☐
	$	☐	☐	☐	☐	$	☐	☐	☐	☐	$	☐	☐	☐	☐

Total Household Members (Children and Adults) ☐☐

Last Four Digits of Social Security Number (SSN) of Primary Wage Earner or Other Adult Household Member: X X X X X ☐☐☐☐

Check if No SSN ☐

STEP 4: Contact information and adult signature

Mail Completed Form to: ***Insert Your School District Mailing Address Here***

I certify (promise) that all information on this application is true and that all income is reported. I understand that this information is given in connection with the receipt of federal funds and that school officials may verify (check) the information. I am aware that if I purposely give false information, my children may lose meal benefits and I may be prosecuted under applicable state and federal laws.

Street Address (if available) _____ Apt # _____ City _____ State _____ Zip Code _____ Daytime Phone and E-Mail (Optional) _____

Printed Name of Adult Signing the Form _____

Signature of Adult Completing the Form _____

Today's Date _____

INSTRUCTIONS Sources of Income

Sources of Child Income

Sources of Child Income	Example(s)
• Earnings from work	• A child has a regular full- or part-time job where he/she earns a salary or wages
• Social Security —Disability payments —Survivor's benefits	• A child is blind or disabled and receives social security benefits • A parent is disabled, retired, or deceased, and his/her child receives social security benefits
• Income from persons ***OUTSIDE*** the household	• A friend or extended family member ***REGULARLY*** gives a child spending money
• Income from any other source	• A child receives income from a private pension fund, annuity, or trust

Sources of Income for Adults

Earnings From Work	Public Assistance/Alimony/Child Support	Pensions/Retirement/All Other Income
• Salary, wages, cash bonuses • ***NET*** income from self-employment (farm or business) **If you are in the U.S. Military:** • Basic pay and cash bonuses (***do NOT include combat pay, FSSA, or privatized housing allowances)*** • Allowances for off-base housing, food, and clothing	• Unemployment benefits • Worker's compensation • Supplemental Security Income (SSI) • Cash assistance from state or local government • Alimony payments • Child support payments • Veteran's benefits • Strike benefits	• Social Security (including railroad retirement and black lung benefits) • Private pensions or disability benefits • Regular income from trusts or estates • Annuities • Investment income • Earned interest • Rental income • ***REGULAR*** cash payments from outside household

OPTIONAL Children's Racial and Ethnic Identities

We are required to ask for information about your children's race and ethnicity. This information is important and helps to make sure we are fully serving our community. Responding to this section is optional and does not affect your children's eligibility for free or reduced-price meals.

Ethnicity (Check One): ☐ Hispanic or Latino ☐ Not Hispanic or Latino

Race (Check One or More): ☐ American Indian or Alaskan Native ☐ Asian ☐ Black or African American ☐ Native Hawaiian or Other Pacific Islander ☐ White

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) Program, 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 civil rights law and United States Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its agencies, office, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language [ASL]) should contact the agency (state or local) where they applied for benefits. Individuals who are deaf, hard of hearing, or have speech disabilities may contact USDA through the Federal Relay Service at 800-877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the ***USDA Program Discrimination Complaint Form*** (AD-3027) found online at: <http://www.ascr.usda.gov/complaint_filing_cust.html> and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call 866-632-9992. Submit your completed form or letter to USDA by:

1. Mail: U. S. Department of Agriculture
   Office of the Assistant Secretary for Civil Rights
   1400 Independence Avenue, SW
   Washington, D.C. 20250-9410
2. Fax: 202-690-7442
3. E-Mail: program.intake@usda.gov

This institution is an equal opportunity provider.

Do not fill out For School Use Only

Annual Income Conversion: Weekly x 52, Every 2 Weeks x 26, Twice a Month x 24, Monthly x 12

Total Income	How Often?				Household Size	Categorical Eligibility	Eligibility:		
	Annually	Bi-Weekly	2 x Month	Monthly		☐	Free	Reduced	Denied

Determining Official's Signature	Date	Confirming Official's Signature	Date	Verifying Official's Signature	Date

SHARING INFORMATION WITH MEDICAID/SOONERCARE

Dear Parent/Guardian:

If your children get free or reduced-price school meals, they ***MAY*** also be able to get free or low-cost health insurance through Medicaid or Sooner Care. Children with health insurance are more likely to get regular health care and are less likely to miss school because of sickness.

Because health insurance is so important to children's well-being, ***the law allows us to tell Medicaid and Sooner Care that your children are eligible for free or reduced-price school meals unless you tell us not to***. Medicaid and Sooner Care only use the information to identify children who may be eligible for their programs. Program officials may contact you to offer to enroll your children. Filling out the Application for Free and Reduced-Price School Meals does not automatically enroll your children in health insurance.

If you do not want us to share your information with Medicaid or Sooner Care, fill out the form below and send in. (Sending in this form will not change whether your children get free or reduced-price school meals.)

☐ ***No! I DO NOT*** want information from my Application for Free and Reduced-Price School Meals shared with Medicaid or Sooner Care.

If you checked ***No***, fill out the form below to ensure that your information is ***NOT*** shared for the child(ren) listed below:

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 your child's school.

INCOME-ELIGIBILITY GUIDELINES FOR SCHOOL YEAR 2020
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	16,237	1,354	677	625	313
2	21,983	1,832	916	846	423
3	27,729	2,311	1,156	1,067	534
4	33,475	2,790	1,395	1,288	644
5	39,221	3,269	1,635	1,509	755
6	44,967	3,748	1,874	1,730	865
7	50,713	4,227	2,114	1,951	976
8	56,459	4,705	2,353	2,172	1,086
For each additional family member, add:	5,746	479	240	221	111

ELIGIBILITY SCALE FOR REDUCED-PRICE MEALS 185 Percent of Poverty Level					
Household Size	**Income**				
	Annual	**Monthly**	**Twice Per Month**	**Every Two Weeks**	**Weekly**
1	23,107	1,926	963	889	445
2	31,284	2,607	1,304	1,204	602
3	39,461	3,289	1,645	1,518	759
4	47,638	3,970	1,985	1,833	917
5	55,815	4,652	2,326	2,147	1,074
6	63,992	5,333	2,667	2,462	1,231
7	72,169	6,015	3,008	2,776	1,388
8	80,346	6,696	3,348	3,091	1,546
For each additional family member, add:	8,177	682	341	315	158

NOTICE TO HOUSEHOLDS OF APPROVAL/DENIAL OF BENEFITS

Dear Parent/Guardian:

You applied for free or reduced-price meals for the following children:

_____ _____ _____

_____ _____ _____

_____ _____ _____

☐ 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) _____

E-Mail: _____

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 civil rights law and United States Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its agencies, office, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language [ASL]) should contact the agency (state or local) where they applied for benefits. Individuals who are deaf, hard of hearing, or have speech disabilities may contact USDA through the Federal Relay Service at 800-877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the ***USDA Program Discrimination Complaint Form*** (AD-3027) found online at: ***http://www.ascr.usda.gov/complaint_filing_cust.html*** and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call 866-632-9992. Submit your completed form or letter to USDA by:

1. Mail: U. S. Department of Agriculture
   Office of the Assistant Secretary for Civil Rights
   1400 Independence Avenue, SW
   Washington, D.C. 20250-9410

2. Fax: 202-690-7442

3. E-Mail: program.intake@usda.gov

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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.					

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

ATTACHMENT G
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 attends 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: _____

In accordance with federal civil rights law and United States Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its agencies, office, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language [ASL]) should contact the agency (state or local) where they applied for benefits. Individuals who are deaf, hard of hearing, or have speech disabilities may contact USDA through the Federal Relay Service at 800-877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the ***USDA Program Discrimination Complaint Form*** (AD-3027) found online at: ***http://www.ascr.usda.gov/complaint_filing_cust.html*** and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call 866-632-9992. Submit your completed form or letter to USDA by:

1. Mail: U. S. Department of Agriculture
   Office of the Assistant Secretary for Civil Rights
   1400 Independence Avenue, SW
   Washington, D.C. 20250-9410

2. Fax: 202-690-7442

3. E-Mail: program.intake@usda.gov

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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 Every Student Success Act (ESSA)	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 prior parental consent is obtained	Must obtain prior parental consent
Local health programs	***NO*** eligibility information unless prior parental consent is obtained	Must obtain prior 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

SFA may use the form on the next page for parents to complete for release of eligibility information that requires parental approval.

SHARING INFORMATION WITH OTHER PROGRAMS

Dear Parent/Guardian:

To save you time and effort, the information you gave on your Free and Reduced-Price School Meals Application 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 Free and Reduced-Price School Meals Application with **(Name of Program Specific to Your School)**.

☐ Yes! I ***DO*** want school officials to share information from my Free and Reduced-Price School Meals Application with **(Name of Program Specific to Your School)**.

☐ Yes! I ***DO*** want school officials to share information from my Free and Reduced-Price School Meals Application 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 children 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 can call **(Name)** at **(Phone)** or e-mail at **(E-Mail Address)**.

Return this form to: **(Address)** by **(Date)**.

DISCLOSURE OF FREE AND REDUCED-PRICE INFORMATION AGREEMENT

I. PURPOSE AND SCOPE

_____ (Insert Name of LEA) and _____ (Insert Name of Receiving Agency) acknowledge and agree that children's free and 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 _____ (Insert Name of LEA Agency) to the _____ (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 _____ (Insert Name of LEA) and the _____ (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

_____ (Insert Name of LEA) will:

- 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.

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 civil rights law and United States Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its agencies, office, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language [ASL]) should contact the agency (state or local) where they applied for benefits. Individuals who are deaf, hard of hearing, or have speech disabilities may contact USDA through the Federal Relay Service at 800-877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the ***USDA Program Discrimination Complaint Form*** (AD-3027) found online at: ***http://www.ascr.usda.gov/complaint_filing_cust.html*** and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call 866-632-9992. Submit your completed form or letter to USDA by:

1. Mail: U. S. Department of Agriculture
   Office of the Assistant Secretary for Civil Rights
   1400 Independence Avenue, SW
   Washington, D.C. 20250-9410

2. Fax: 202-690-7442

3. E-Mail: program.intake@usda.gov

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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)*** by ***(Date)***, or your child(ren) will stop getting free or reduced-price meals.

School: _____ Date: _____

Dear _____ :

We are checking your Free and Reduced-Price School Meals Application. 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, RUNAWAY, OR HEAD START CHILD, PLEASE CONTACT ***(School, Homeless Liaison; Runaway, Migrant, or Head Start 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:*** ***(Address)***

   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 ***(Telephone Number)***. The call is free. ***(Toll Free or Reverse Charge Explanation)*** You may also e-mail us at ***(E-Mail Address)***.

Sincerely,

(Signature)

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 civil rights law and United States Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its agencies, office, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language [ASL]) should contact the agency (state or local) where they applied for benefits. Individuals who are deaf, hard of hearing, or have speech disabilities may contact USDA through the Federal Relay Service at 800-877-8339. Additionally, program information may be made available in languages other than English.

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1. Mail: U. S. Department of Agriculture
   Office of the Assistant Secretary for Civil Rights
   1400 Independence Avenue, SW
   Washington, D.C. 20250-9410

2. Fax: 202-690-7442

3. E-Mail: program.intake@usda.gov

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DIRECT CERTIFICATION/VERIFICATION FORM

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 _____

_____
Printed Name

_____
Signature Date

_____
Address

_____
Telephone Number

Name of District Requesting This Information: _____

Enclosures

To ensure better accuracy, consider e-mailing the front page of the Application for Free and Reduced-Price Meals as well as this form.

DIRECT CERTIFICATION/VERIFICATION FORM—SNAP, TANF, FDPIR, OR OTHER SOURCE CATEGORICAL ELIGIBILITY PROGRAM RECIPIENTS

CHILD'S NAME (Last Name, First Name)	DATE OF BIRTH	SNAP, TANF, OR FDPIR NUMBER Applicable for Other Source Categorical Eligible Programs	CURRENT PARTICIPATION IN SNAP, TANF, FDPIR, OR OTHER SOURCE CATEGORICAL ELIGIBLE PROGRAMS	
			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, migrant, or Head Start.
  - ___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)***, or ***(E-Mail)***.

Sincerely,
(Signature)

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 civil rights law and United States Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its agencies, office, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language [ASL]) should contact the agency (state or local) where they applied for benefits. Individuals who are deaf, hard of hearing, or have speech disabilities may contact USDA through the Federal Relay Service at 800-877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the ***USDA Program Discrimination Complaint Form*** (AD-3027) found online at: ***http://www.ascr.usda.gov/complaint_filing_cust.html*** and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call 866-632-9992. Submit your completed form or letter to USDA by:

1. Mail: U. S. Department of Agriculture
   Office of the Assistant Secretary for Civil Rights
   1400 Independence Avenue, SW
   Washington, D.C. 20250-9410
2. Fax: 202-690-7442
3. E-Mail: program.intake@usda.gov

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EXAMPLE OF VERIFICATION SUMMARY REPORT

Section 1	Total Schools, Residential Child Care Institutions (RCCIs), and Enrolled Students	***All SFAs must report Section 1***	A. Number of Schools *OR* Institutions	B. Number of Students
		1-1: Total schools *(Do not include RCCIs):*	24	14,269
		1-2: Total RCCIs *(Do not include schools counted in 1-1):*	0	0
		1-2a: RCCIs with day students *(Report ONLY day students in 1-2ab):*	0	0
		1-2b: RCCIs with NO day students:	0	0
Section 2	SFAs With Schools Operating Alternate Provisions	***ONLY SFAs with alternate provisions must report Section 2***	A. Number of Schools *AND* Institutions	B. Number of Students
		2-1: Operating Provision 2/3 in a BASE year for NSLP and SBP:	0	0
		2-2: Operating Provision 2/3 in a NONBASE year for NSLP and SBP:	0	0
		2-2a: Provision 2/3 students reported as FREE in a NONBASE year:	0	0
		2-2b: Provision 2/3 students reported as REDUCED-PRICE in a NONBASE year:	0	0
		2-3: Operating the Community Eligibility option:	1	494
		2-4: Operating other alternatives for NSLP and SBP:		
		2-5: Operating an alternate provision for only SBP or only NSLP:	0	0

Section 3	Students Approved as FREE Eligible, NOT Subject to Verification	***ALL SFAs must report Section 3 or check Box 3-1 if applicable*** 3-1: ☐ Check the box only if all schools and/or RCCIs in the SFA were not required to perform Direct Certification with SNAP (i.e., ***NONBASE*** year Provision 2/3 for all schools)	B. Number of FREE Students
		3-2: Students directly certified through Supplemental Nutrition Assistance Program (SNAP): *Do not include students certified with SNAP through the letter method.*	4530
		3-3: Students directly certified through other programs: *Include those directly certified through Temporary Assistance for Needy Families (TANF), Food Distribution on Indian Reservations (FDPIR), or Medicaid (if applicable); those documented as homeless, migrant, runaway, foster, Head Start, Pre-K Even Start, or nonapplicant but approved by local officials.* ***DO NOT*** *include SNAP students already reported in 3-2.*	43
		3-4: Students certified categorically FREE eligible through SNAP letter method: *Include students certified for free meals through the family providing a letter from the SNAP agency.*	0

Section 4	Students Approved as FREE or REDUCED-PRICE Eligible Through a Household Application	***All SFAs collecting applications must report Section 4***	A. Number of Applications	B. Number of Students
		4-1: Approved as categorically FREE eligible: *Based on those providing documentation (e.g., a case number for SNAP, TANF, FDPIR on an application)*	232	431
		4-2: Approved as FREE eligible: *Based on household size and income information*	907	1851
		4-3: Approved as REDUCED-PRICE eligible: *Based on household size and income information*	681	1396

T-1 Total FREE Eligible Students Reported:	6855	T-2 Total REDUCED-PRICE Eligible Students Reported:	1396

Section 5

ALL SFAs must report Section 5 or check Box 5-1 if applicable

5-1: ☐ Check the box if ALL schools and/or RCCIs are exempt from verification *(see instructions for list of exemptions)*. If 5-1 is checked, no further reporting in Section 5 is required.

5-2: Was verification performed and completed?	5-3: Type of verification process used:
☑ Yes, completed by November 15 ☐ Yes, completed after November 15 ☐ No, verification was NOT performed or the process was not completed	1. ☑ Standard (lesser of 3 percent or 3,000 error-prone) 2. ☐ Alternate one (lesser of 3 percent or 3,000 of all randomly selected applications 3. ☐ Alternate two (lesser of 1 percent or 1,000 error-prone applications PLUS lesser of one-half of 1 percent or 500 applications with SNAP/TANF/FDPIR case numbers

If 1 or 3 is checked in 5-3, report 5-4. If 2 is checked in 5-3, enter ***NA*** in 5-4.	5-4: Total ERROR-PRONE applications: *Report all applications as of October 1 considered error-prone*	**170**	5-5: Number of applications selected for verification sample:	**55**

*****All SFAs must report 5-7, or check Box 5-6 if applicable*****	**A. Number of Applications**	**B. Number of Students**
5-6: ☑ Check the box if direct verification was not conducted in the SFA (i.e., not one of the schools and/or RCCIs in the SFA performed direct verification). If 5-6 is checked, skip 5-7.		
Report if FREE and/or REDUCED-PRICE eligibility is confirmed through direct verification with SNAP/TANF/FDPIR/MEDICAID as of November 15 — 5-7: Confirmed through direct verification:	**0**	**0**

5-8: Results of Verification by Original Benefit Type

For each original benefit type (A, B, and C), report the number of applications and students as of November 15 for each result category (1, 2, 3, and 4). Do NOT include students and applications already reported in 5-7A or 5-7B.

A. FREE—Categorically Eligible *Certified as FREE based on SNAP/TANF/ FDPIR documentation (e.g., case number) on application*			**B. FREE—Income** *Certified as FREE based on income/ household size application*			**C. REDUCED-PRICE—Income** *Certified as REDUCED-PRICE based on income/household size application*		
Result Category	**a. Applications**	**b. Students**	**Result Category**	**a. Applications**	**b. Students**	**Result Category**	**a. Applications**	**b. Students**
1. Responded, NO CHANGE:	**0**	**0**	1. Responded, NO CHANGE:	**5**	**7**	1. Responded, NO CHANGE:	**8**	**13**
2. Responded, Changed to REDUCED-PRICE:	**0**	**0**	2. Responded, Changed to REDUCED-PRICE:	**8**	**12**	2. Responded, Changed to REDUCED-PRICE:	**0**	**0**
3. Responded, Changed to PAID:	**0**	**0**	3. Responded, Changed to PAID:	**2**	**3**	3. Responded, Changed to PAID:	**4**	**7**
4. NOT Responded, Changed to PAID:	**0**	**0**	4. NOT Responded, Changed to PAID:	**22**	**33**	4. NOT Responded, Changed to PAID:	**6**	**9**

VC-1: Total questionable applications verified for cause (Enter *NA* if not applicable): Report the number of applications as of November 15 verified for cause IN ADDITION to the verification witnesses.	**NA**

Additional Instructions for Verification Summary Report

For additional guidance on verification requirements and procedures, refer to the Eligibility Manual (**http://www.fns.usda/gov/cnd/guidance/EliMan.pdf)**. Enter the State Agency name, SFA name, SFA ID, SFA city, SFA zip code for each SFA with schools and/or RCCIs operating the NSLP and/or SBP. Select if the SFA overall is a public or a private/nonprofit entity, and enter the school year for which the report is completed. Include schools and/or RCCIs and the enrolled students ***only once*** if operating both NSLP and SBP.

Section 1

All SFAs with schools or RCCIs operating the NSLP and/or SBP must complete this section regardless if all schools are exempt from verification. Report schools or institutions operating the NSLP and/or SBP and students with access to the NSLP and/or SBP as of the last operating day in October.

***1-1A & B*:** TOTAL number of schools (not including RCCIs) operating the NSLP and/or SBP and the TOTAL number of enrolled students with access to the NSLP and/or SBP.

***1-2A &B*:** TOTAL number of RCCIs operating the NSLP and/or SBP and the TOTAL number of enrolled students with access to the NSLP and/or SBP in RCCIs.

***1-2aA &1-2aB*:** Of the RCCIs reported in 1-2A, enter the number of RCCIs with DAY students and ONLY the DAY students with access to the NSLP and/or SBP in RCCIs (day students are those students NOT institutionalized and eligibility is determined individually by application or direct certification as applicable).

***1-2bA & 1-2bB*:** Of the RCCIs reported in 1-2A, enter the number of RCCIs with NO day students and the TOTAL number of institutionalized students.

Note: The sum of the students reported in 1-2aB and 1-2bB will NOT equal the total in 1-2B.

Section 2

All SFAs with some or all schools and/or RCCIs operating under an alternative provision must complete this section. For RCCIs operating an alternate provision, include both day and residential students. Report students with access to the NSLP and/or SBP **as of the last operating day in October**. 2-1 through 2-4 should be reported only if the school operates alternate provisions for BOTH programs, resulting in no collection of applications for the school. Schools operating Provision 2/3 for only one program and collecting household applications for the other program should report applicable provision data in 2-5.

***2-1A & B*:** BASE year is when certification procedures are conducted.

2-2A &B*:** NONBASE year is when ***NO certification procedures are conducted.

***2-2aB & 2-2bB*:** Multiply the most recent base year FREE percentage by the enrollment reported in 2-2B to determine 2-2aB. Multiply the base year REDUCED-PRICE percentage by the enrollment reported in 2-2B to determine 2-2bB.

***2-3A & B*:** Number of schools operating the Community Eligibility Option and the number of enrolled students in the schools with access to the NSLP and/or SBP.

***2-4A &B*:** Other alternatives include Provision 1 and universal meal service through census data or socioeconomic surveys.

***2-5A & B*:** Enter the number of schools and/or RCCIs and students enrolled operating an alternate provision for **ONLY SBP** or **ONLY NSLP**. Include schools/RCCIs operating in both a base year and nonbase year.

Section 3

All SFAs must complete this section. If all schools and/or RCCIs in the SFA were not required to perform Direct Certification with SNAP, then check Box 3-1. Direct Certification is the process by which the student is certified eligible based on documentation received directly from the applicable program (e.g., SNAP or TANF agency). This process eliminates the need for the household to submit an application. Report students approved FREE eligible as of the last operating day in October.

3-2B*:** Include students ***directly certified with SNAP. If a student is directly certified with SNAP as well as with another program (e.g., TANF/eligible homeless), include the student in ***THIS*** SNAP count (3-2B). Also include in this count any student in the SFA deemed eligible based on extended categorical eligibility via an eligible student in the primary household who has been directly certified with SNAP. ***DO NOT*** include SNAP letter method certifications in this SNAP count; report these in 3-4B below. (SNAP letter method certifications are when the family submits a letter from the SNAP agency to document receipt of SNAP benefits. This is no longer considered to be Direct Certification.)

3-3B*:** Include students directly certified through programs other than SNAP. Include students in the SFA deemed eligible due to extended categorical eligibility via an eligible student in the primary household directly certified with TANF or FDPIR. ***DO NOT include SNAP students already reported in 3-2 or to be reported in 3-4 as certified categorically through SNAP letter method.

***3-4B*:** Include ONLY students certified as categorically FREE eligible based on a letter submitted by family from the SNAP agency. Include students in the SFA deemed eligible due to extended categorical eligibility via an eligible student in the primary household certified as FREE categorically eligible with the letter method with SNAP.

Section 4

All SFAs with schools and/or RCCIs collecting individual household applications must report this section, including schools and/or RCCIs in a Provision 2/3 base year. Report number of applications (A) approved as of ***October 1***. Report number of students (B) ***as of the last operating day in October***.

4-1A & B*:** Number of applications approved FREE eligible based on documentation submitted on an application (i.e., case number for SNAP, TANF, or FDPIR on an application) on file as of October 1 and the number of students as of the last operating day in October approved FREE eligible based on documentation submitted on an application (i.e., case number for SNAP, TANF, or FDPIR on an application). ***Include students in the SFA deemed eligible due to extended categorical eligibility via an eligible student in the primary household categorically FREE eligible with SNAP, TANF, or FDPIR.

***4-2A & B*:** Number of applications approved FREE eligible based on income information submitted by the household on file as of October 1 and the number of students as of the last operating day in October approved FREE eligible based on income information submitted by the household.

***4-3A & B*:** Number of applications approved REDUCED-PRICE eligible based on income information submitted by the household on file as of October 1 and the number of students as of the last operating day in October approved REDUCED-PRICE eligible based on income information submitted by the household.

T-1: Enter the total number of students reported as FREE eligible. (3-2B) + (3-3B) + (3-4B) +(4-1B) + (4-2B) + (2-2aB, if applicable)

T-2: Enter the total number of students reported as REDUCED-PRICE eligible: (4-3B) + (2-2bB, if applicable)

Section 5

If ***ALL*** schools and/or RCCIs in the SFA are exempt from verification activities, check Box 5-1 and no further reporting is required in Section 5. Verification activities are ***NOT*** required for:

- Schools/RCCIs in which ***ALL*** children have been certified under direct certification procedures, including children ***DOCUMENTED*** as eligible foster, migrant, runaway, or homeless children.
- RCCIs which do not have day students.
- Schools electing the Community Eligibility Option.
- Schools/RCCIs in which FNS has approved universal meal service through census data or using socioeconomic surveys; e.g., special cash assistance claims based on economic statistics regarding per capita income (Puerto Rico and the Virgin Islands).
- Schools participating only in the Special Milk Program.
- Schools in which 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).
- All schools are Provision 2/3 schools in a nonbase year.
- Schools which do not have any free or reduced-price eligible students.
- Other FNS-determined exemptions on a case-by-case basis.

***5-2*:** Indicate whether verification was performed and completed by the deadline of November 15. If verification was completed after the deadline, report the remainder of Section 5 was applicable.

***5-3*:** If verification was completed, check the type of verification process used to comply with the requirements of 7 CFR 245.6a. Please note the qualification requirements in 7 CFR 245.6a(d) must be met to use the two alternate sample sizes.

- *Standard*: Verify 3% or 3,000 of approved applications, whichever is less, selected from error-prone applications on file as of October 1. If there are not enough error-prone applications, LEAs must select at random additional applications to complete sample size.
- *Alternate one*: Verify 3% or 3,000, whichever is less, of all randomly selected approved applications on file as of October 1.
- *Alternate two*: Verify the lesser of 1% or 1,000 approved applications as of October 1 selected from error-prone applications ***PLUS*** the lesser of one-half of 1% or 500 applications approved as of October 1 that provided a case number in lieu of income.

***5-4*:** Error-prone applications are household applications approved as of October 1 indicating monthly income within $100 of the monthly limit or annual income within $1,200 of the annual limit of the applicable income-eligibility guidelines.

***5-5*:** Enter the total number of applications initially selected for the verification process as indicated in 5-3.

***5-6*:** Check if direct verification was not conducted in the SFA (not one school in the SFA conducted direct verification). Direct verification is using records from public agencies to verify income and/or Program participation.

***5-7A & B*:** Only report applications and students if FREE and/or REDUCED-PRICE eligibility is confirmed through direct verification.

***5-8*:** For the purposes of this report, verification is complete:

- For households whose eligibility does not change as of the date of the confirmation of eligibility by a reviewing official.
- For households which do not appeal a change in eligibility as of the first operating day following the last date for filing an appeal in response to a notice of change of eligibility.
- For households which appeal a change in eligibility as of the first operating day following a decision by the hearing official.

Responded: The household provided sufficient documentation. This includes verbal or written notification that the household declines benefits.

NOT Responded: The household did not provide sufficient documentation or the household did not provide a response.

***A1, B1, and C1*:** Number of applications with no change and the number of students on these applications.

***A2 and B2*:** Number of applications changed to REDUCED-PRICE based on sufficient documentation provided by the household and the number of students on the applications.

***C2*:** Number of applications changed to FREE based on sufficient documentation provided by the household and the number of students on the applications.

***A3, B3, and C3*:** Number of applications for which the eligibility was changed to PAID based on sufficient documentation by the household and the number of students on the applications.

***A4, B4, and C4*:** Number of applications for which the eligibility was changed to PAID because documentation necessary to complete the verification process was NOT provided and the number of students on the applications.

The number of applications reported in 5-8 should include both the results of verification from verification process and the results from any applications verified for cause reported in VC-1.

VC-1: If applicable in at least one school and/or RCCI, report all applications verified for cause outside of the verification process (7 CFR 245.6a) as of November 15. Applications verified for cause are NOT considered part of the required sample size. Include the results of verification for cause by original benefit type in the appropriate category in 5-8.

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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 for Bid (IFB), 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 2 CFR 200.318[a]) 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.

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. Soliciting Bids From Commercial Distributors for End Products/Commodity Processing/Diverted Commodities (Reference USDA Policy Memo FD-119-2012)

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. DoD Purchases

USDA has clarified how SFAs may use funds provided under Sections 4 and 11* or 19 of the National School Lunch Act (NSLA), 42 U.S.C. 1751, to purchase fresh fruits and vegetables from DoD Fresh Fruit and Vegetable Program (DoD Fresh) vendors.

SFAs may not contract with individual vendors noncompetitively to purchase products using Sections 4 and 11 or FFVP funds, even if the same vendors already provide the SFA with product through DoD Fresh using Section 6 funds. Rather, SFAs must meet the competition requirements in 2 CFR 200.319(a). These regulations require SFAs to conduct either an informal or formal procurement, depending on whether the estimated value of the purchase is above or below the most restrictive applicable small purchase threshold (federal, state, or local). In conducting the procurement, it is permissible for SFAs to include vendors who provide services through DoD Fresh when soliciting bids. After evaluating all bids, if the SFA determines that the DoD Fresh vendor's bid is the winning submission, the SFA must directly contract with the vendor as it would any other commercial procurement. It is not permissible for SFAs to place orders through DoD's FFAVORS system for any purchases, either formally or informally, to be paid with Sections 4 and 11 or FFVP funds. SFAs that are currently using FFAVORS for purchases paid for with Sections 4 and 11 or FFVP funds will no longer be able to do so. (Reference USDA Memo SP-25-2014)

* Section 4 funds are the SFA's reimbursements for the paid meals and Section 11 funds are the SFA's reimbursements for the free and reduced-price meals.

4. 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

5. 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.

PROCUREMENT STANDARDS (Reference 2 CFR 200.318)

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 must 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 of 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 offerers, specifications, and any addenda.

   e. Dated list of potential contractors/vendors who were mailed or who picked up RFBs/IFBs.

   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 offerers.

   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 must have protest procedures (refer to **page P-58** 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:

    a. Violations of federal law or regulations and the standards of 2 CFR 200.319(a) (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. 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 2 CFR 200.319(a) 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.

    a. The SFA must have written procedures for procurement transactions. These procedures must ensure that all solicitations:

        (1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a ***brand name or equivalent*** description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated.

        (2) Identify all requirements which the offerers must fulfill and all other factors to be used in evaluating bids or proposals.

            (a) The SFA must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the nonfederal entity must not preclude potential bidders from qualifying during the solicitation period

METHODS OF PROCUREMENT

Informal Methods:

A. **Micropurchasing**—The purchase of products and services (similar or dissimilar purchased once as a single, collective unit) whose aggregate costs do not exceed $10,000.

1. Price comparisons are not required for micropurchases as long as the SFA considers the price to be reasonable. SFAs must maintain documentation of the reason they chose a particular vendor.

2. Program operators ***may not always purchase from only one source***; rather, purchases must regularly be made using available qualified sources to the extent practicable.

3. If the aggregate cost of these items (that is, the total bill) does not exceed the micropurchase threshold, this transaction qualifies as a micropurchase under 2 CFR Part 200.320(a).

B. **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 $250,000. (2 CFR 200.320[b])

1. When small purchase procedures are used, the following stipulations and terms must be considered:

   a. The SFA can set a lower threshold than $250,000. ***NOTE: If the SFA has a lower threshold, it must follow that amount.***

   b. Price quotes shall be obtained from an adequate number of qualified sources. USDA defines an adequate number as two.

   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 two 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 $250,000 or less.

f. Equipment acquisitions of $5,000 or more per item: State agencies are required by 2 CFR §200 to grant prior approval for any piece of equipment purchased. USDA Memo SP-39-2016 allows state agencies to grant blanket approval for items commonly used in kitchens. Items listed below, in any form, costing $5,000 or more and used for the sole purpose of CNP, have blanket approval from the State Agency.

- Floor mixers
- Griddle
- Freezer
- Braising pan/ tilting skillet
- Steam table
- Buffalo chopper/ vertical cutter
- Vent hoods
- Milk boxes
- Oven—convection or conventional
- Steamer
- Warming/cooling table
- Combination oven/steamer
- Food slicer
- Serving lines
- Hot water tank
- Proofer
- Steam kettle
- Refrigerated salad bars
- Range/stove
- Refrigerator/cooler (walk-in or reach-in)
- Gas range
- Dish machine
- Transport carts
- Booster for dish washer
- Warming cart
- Grease traps
- Kiosk or mobile food carts
- Refrigerated display cases

NOTE: SFAs cannot arbitrarily divide purchases to fall below simplified acquisition threshold to avoid formal procurement methods.

Formal Methods:

C. When a formal procurement method is required, the following ***competitive sealed bid*** or an ***Invitation for Bid (IFB)*** or a ***Competitive Proposal*** in the form of a ***Request for Proposal (RFP)*** procedures will apply.

- An announcement of an IFB or an RFP will be placed in the *newspaper/media, IPS Web site, other Internet source* to publicize the intent of the school food authority (SFA) to purchase needed items. The advertisement for bids/proposals or legal notice will be run for *length of time*.

- An advertisement is required for all purchases over the districts small purchase threshold of *actual amount of the SFA's small purchase threshold*. The announcement *advertisement or legal notice* will contain a:

  * General description of items to be purchased.
  * Deadline for submission of questions and the date written responses will be provided, including addenda to bid specifications, terms, and conditions as needed.
  * Date of prebid meeting, if provided, and if attendance is a requirement for bid award.
  * Deadline for submission of sealed bids or proposals.
  * Address of location where complete specifications and bid forms may be obtained.

- In an IFB or RFP, each vendor will be given an opportunity to bid on the same specifications.

- The developer of written specifications or descriptions for procurements will be ***PROHIBITED*** from submitting bids or proposals for such products or services.

- The IFB or RFP will clearly define the purchase conditions. The following list includes requirements, not exclusive, to be addressed in the procurement document.

  * Contract period
  * SFA is responsible for all contracts awarded (statement)
  * Date, time, and location of bid opening
  * How vendor is to be informed of bid acceptance or rejection
  * Delivery schedule
  * Set forth requirements (terms and conditions) which bidder must fulfill in order for bid to be evaluated
  * Benefits to which the SFA will be entitled if the contractor cannot or will not perform as required
  * Statement assuring positive efforts will be made to involve small, minority, and women-owned businesses
  * Statement regarding the return of purchase incentives, discounts, rebates, and credits to the SFA's nonprofit Child Nutrition (CN) account * Contract provisions as required in Appendix II for 2 CFR Part 200, formerly 7 CFR Part 3016.36(i)
  * Contract provisions as required in 7 CFR Part 210.16(a)(f) for all cost reimbursement contracts
  * Contract provisions as required in 7 CFR Part 210.16(a)(1-10) for food service management company (FSMC) contracts
  * Procuring instrument to be used are purchase orders from firm fixed prices after formal bidding
  * Price adjustment clause (escalation/de-escalation) based on appropriate standard or cost index (Consumer Price Index [CPI] or other as stated in terms and conditions for pricing and price adjustments)
  * Method of evaluation and type of contract to be awarded
  * Method of award announcement and effective date (if intent to award is required by state or local procurement requirements)
  * Specific bid protest procedures, including contact information of person and address and the date by which a written protest must be received
  * Provision requiring access by duly authorized representatives of the SFA, the State Department of Education (the *State Agency*), United States Department of Agriculture (USDA), or Comptroller General to any books, documents, papers, and records of the contractor which are directly pertinent to all negotiated contracts
  * Method of shipment or delivery upon contract award
  * Provision requiring contractor to maintain all required records for ***THREE*** years after final payment ~~and all other pending matters (audits) are closed for all neg~~otiated contracts
  * Description of process for enabling vendors to receive or pick up orders upon contract award
  * Provision requiring the contractor to recognize mandatory standards/policies related to energy efficiency contained in the State Energy Plan issued in compliance with the Energy Policy and Conservation Act (PL 94-165)
  * Signed statement of noncollusion
  * Signed Debarment/Suspension Certificate or statement included in contract or copy of Excluded Parties List System (EPLS)

* Provision requiring *Buy American* as outlined in 7 CFR Part 210.21(d); specific instructions for prior approval of all of nondomestic product(s)

- Specifications and estimated quantities of products and services prepared by SFA and provided to potential contractors desiring to submit bids/proposals for the products or services requested.

- If any potential vendor is in doubt as to the true meaning of specifications or purchase conditions, interpretation will be provided in writing to all potential bidders by *Title of Person/Position* and date specified.

- The *Title of Person/Position* will be responsible for securing all bids or proposals.

- The *Title of Person/Position* will be responsible to ensure all SFA procurements are conducted in compliance with applicable federal, state, and local procurement regulations.

- The following criteria will be used in awarding contracts as a result of bids/proposals:

  i. *Price*
  ii. _____ (Ex: quality, delivery, service)
  iii. _____

In awarding a competitive negotiation (RFP), a set of award criterion in the form of a weighted evaluation sheet will be provided to each bidder in the initial bid document materials. Price alone is not the sole basis for award, but remains the primary consideration when awarding a contract. Following evaluation and negotiations, a firm fixed price or cost reimbursable contract is awarded.

- The contracts will be awarded to the responsible bidder/proposer whose bid or proposal is responsive to the invitation and is most advantageous to the SFA, price, and other factors considered. Any and all bids or proposals may be rejected in accordance with law.

- *Title of Person/Position* is required to sign on the bid tabulation of competitive sealed bids or the evaluation criterion score sheet of competitive proposals signifying a review and approval of the selections.

- *Title of Person/Position* reviewing the procurement system to ensure compliance with applicable laws.

- *Title of Person/Position* responsible for documentation the actual product specified is received.

- Anytime an accepted item is not available, the *Title of Person/Position* will select the acceptable alternate. The contractor must inform *Title of Person/Position Time/By When* a product is not available. In the event a nondomestic agricultural product is to be provided to the SFA, the contractor must obtain, in advance, the written approval of the product. The *Title of Person/Position* must comply with the *Buy American* provision.

- Full documentation as to the reason an accepted item was unavailable, and to the procedure used in determining acceptable alternates, will be available for audit and review. The person responsible for this documentation is *Title of Person/Position*.

- The *Title of Person/Position* responsible for maintaining all procurement documentation.

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 (2 CFR 200.320[r]):

   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.

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, IFBs, 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 $250,000 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 $250,000 threshold, specifies a *brand name* product.

4. The proposed award is more than the $250,000 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 $250,000 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 $150,000 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* must 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 (2 CFR 200.326)

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).

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).

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).

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. 3701-3708), 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. Rights to Inventions Made Under a Contract or Agreement. If the federal award meets the definition of *funding agreement* under 37 CFR §401.2(a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that *funding agreement*, the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, *Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts, and Cooperative Agreements* and any implementing regulations issued by the awarding agency.

H. Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide Excluded Parties List System in the System for Award Management (SAM) in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (2 CFR Part 1986 Comp, p 189) and 12689 (3 CFR Part 1989 Comp, p 235) *Debarment and Suspension*. The Excluded Parties List System in SAM contains the names of parties debarred, suspended, or otherwise excluded by agencies as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

I. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award of $100,000 or more must file the required certification. Each tier certifies to the tier above that it will not and has not used federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with nonfederal funds that takes place in connection with obtaining any federal award,. Such disclosures are forwarded from tier to tier up to the nonfederal award.

J. Notice of State Agency requirements and regulations pertaining to reporting.

K. 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.

L. State Agency requirements and regulations pertaining to copyrights and rights in data.

M. 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.

N. Retention of all required records for three years after the SFA makes final payments and all other pending matters are closed.

O. 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 $150,000).

P. 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.

Q. Cost Reimbursable Contracts (Cost Plus Fee)—Required Provisions 200.323 (Reference USDA Policy Memos SP-01-2011 and SP-23-2013)

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.

Type of Contracts Advantages and Disadvantages Summary	
Type of Contract	**Advantages and Disadvantages**
Fixed Price and Fixed Fee Price	Protects against escalating costs
	Provides a stated price
	No upward or downward adjustment for the duration of the contract, including all renewal periods
	Firm prices and do not change
	Price will generally be higher
	Provides maximum incentives for vendor efficiency
	Least administrative burden on the contracting parties
	Competitive sealed solicitations (i.e., IFB) must result in a fixed price contract
	May contain an economic price adjustment tied to an appropriate index
Cost Reimbursable	Reimburses the vendor for costs under the contract
	Does not provide for any other payment
	Allowable costs will be paid from the nonprofit school nutrition account to the vendor net of all discounts, rebates, and other applicable credits accruing to or received by the vendor
	Requires vendors to provide sufficient information to permit the SFA to identify allowable and unallowable costs and the amount of all such discounts, rebates, and credits on invoices and bills presented for payment to the SFA; vendor required to identify those costs
	Use when uncertainties involved in a contract's performance will not allow costs to be estimated with enough accuracy to use fixed contract pricing
	Frequently occur in the SNP as cost plus fixed fee contracts
	Must require the return of rebates, discounts, and other applicable credits
	Must include provisions
	SFA can only pay allowable costs
	Documentation of these costs and discounts, rebates, and other applicable credits will be required to be available for review by the SFA, State Agency, or Food and Nutrition Service (FNS)
	Failure to comply with program regulations could require a district to utilize General Funds to cover some or all of the costs of the contract

Types of Contracts Advantages and Disadvantages continued	
Type of Contract	**Advantages and Disadvantages**
Cost Plus Fixed Fee	Provides for the reimbursement of allowable costs plus the payment of a fixed fee to the vendor
	Use when market conditions are such vendors are unwilling to commit to a fixed price for an extended period
	Provides for upward and downward revision of the stated contract price upon the occurrence of specified occurrence of specified contingencies (i.e., cost indexes of labor or material)
	Must be specifically identified
	Fees are clearly defined in the contract and incidentals, such as promotion allowances, cash discounts, label allowances, rebates, applicable credits, and freight rates
	Fees discussed and agreed upon before signing the contract
	Clearly state that price adjustments should reflect both increases and decreases (e.g., fuel prices drastically increase price goes up and when fuel prices decrease price goes down)
	RFPs can result in either a fixed price or cost reimbursable contract
	Vendor provides supporting documentation for auditing purposes upon request from the SFA staff
	Cost must be adequately documented for the vendor to receive reimbursement
	Includes fees that are fixed, documented, and cannot fluctuate based on volume
	Fixed fee component of the cost plus fixed fee contract does not represent the costs associated with the item and/or service being purchased. The fixed fee component of the cost plus fixed fee represents the vendor's related costs (i.e., storage and distribution, delivery of the products, and the vendor's profit for performing the services).
	Provisions for changes to the fixed fee component must be identified in both the solicitation and the contract
	Provides the vendor with only minimum incentives to control costs
	Work required presents too great a risk to vendor

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 procedures 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-57** through **P-63**. Also, an example of a procurement checklist can be found on **pages P-21** and **P-22**.

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. Placing unreasonable requirements on firms.

5. Allowing a potential contractor to evaluate bids or proposals submitted by competitors.

6. Delegating bid/proposal acceptance or recommendation for acceptance to a potential contractor competing on the procurement.

7. Allowing a potential contractor access to sealed bid information before the bids are publicly opened.

8. Disclosing the content of proposal offers submitted by others to a potential supplier prior to the supplier submitting an offer.

9. Negotiating under the formal advertising method (sealed bid) of procurement.

10. Accepting nonresponsive bids or offers.

11. 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-23**.

SFA PROCUREMENT CHECKLIST

Use this checklist when preparing solicitation documents, conducting informal and formal procurements, evaluating bids and proposals and executing contracts that involve the use of School Nutrition Funds. (This checklist may or may not be applicable to all purchasing processes.)

Procurement Plan	_____ Written procurement plan _____ Authorized purchaser(s) specified _____ Detailed procurement methods to be used (quotes, IFB, RFP, micropurchasing, noncompetitive negotiation), including detailed procedures for each purchasing method _____ Award method clearly described (i.e., line item, bottom line) _____ Advertisement procedures _____ Vendor notification notified of award/nonaward of contract _____ Code of ethics/conflict of interest policy _____ Other state/local requirements
Procurement Procedures	_____ Letter of invitation _____ Intent of procurement activity _____ Contract time period _____ Bid/proposal/quote submission procedures (i.e., sealed bid, written specifications) _____ Prebid/proposal meeting date/time/location (if applicable) _____ Bid opening date/time/location; proposal opening procedures _____ Contact information _____ Civil Rights statement _____ Other state/local requirements
Terms and Conditions	_____ Certification regarding disclosure of lobbying ($100,000+) _____ Debarment/suspension certification form ($25,000+) _____ Noncollusion statement _____ Assurance of ethical practices _____ Escalation/de-escalation clause _____ Price determination statement (fixed, fixed with firm price for delivery, etc.) _____ Contract extension or *roll-over* clause if warranted _____ *Buy American* statement and instructions _____ Bid/proposal protest procedures _____ Remedy for nonperformance/termination of contract _____ HUB statement to involve minority business where possible _____ *Equal Employment Opportunity* compliance statement _____ Energy Policy and Conservation Act statement _____ Clean Air/Water Act statement _____ Civil Rights Act statement _____ Return of discounts, credits, and rebates to SFA statement _____ Record retention and record access requirements (records maintained for three years from final payment of contract and/or renewal; all base solicitations must be maintained for three years after the final payment on the contract)

Terms and Conditions continued	_____ Method of shipment/delivery requirements _____ Method of payment invoices, statements, etc. _____ Purchase instrument to be used and how vendor will receive purchase orders _____ Bid certification form _____ Specifications that are sufficiently detailed to get what is needed but not so specific as to restrict competition _____ Product specifications (approved brand and/or equivalent) _____ Quantity _____ Quality _____ Packaging _____ Pricing (unit and extended) _____ Procedures for documenting/preapproving any substitutions and/or deviations _____ Other state/local requirements
Documentation and Records	_____ All IFBs/RFPs/RFQs with appropriate documentation and signatures of authorized purchasers maintained on the original solicitations _____ Comparison charts to document procurement decisions and contract awards _____ Record of public bid openings and/or proposal openings if proposals will be publicly opened _____ Copies of contract award/nonaward letters _____ Copies of advertisements for solicitation of goods/services _____ Determination/document action of correct procurement method used _____ Evaluation of escalation/de-escalation clause _____ Evaluation of contract extension/amendment (roll-over clause) _____ Evaluation/documentation of contract renegotiations/changes to original contract at the timelines and under the same conditions specified in the original solicitation document _____ Evaluation of return of discounts, credits, and rebates (as applicable), and detailed procedure indicating how/when the discounts, rebates, and credits would be assigned to the SFA by the contractor _____ Evaluation of whether procurement methods/activities are consistent with the SFA's approved written procurement plan where/how all documents pertaining to the solicitation and contract/contract amendments will be maintained _____ Noncompetitive purchases (sole source, emergency, etc.) are approximately documented and have received approval from state agency or governing board prior to award, including purchases through means of *piggybacking* onto another SFA's solicitation document _____ Invoices/payments for items purchased with school nutrition funds _____ Documentation of any contractor performance or breach of contract from vendors _____ Other state/local requirements

CODE OF CONDUCT

The following conduct will be expected of all persons who are engaged in the awarding and administration of contracts supported by the School Food and Nutrition Program Funds. These written standards of conduct include:

1. No employee, officer, or agent of the (*SFA*) shall participate in the 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:

   a. The employee, officer, or agent
   b. Any member of the immediate family
   c. His or her partner
   d. An organization which employs or is about to employ one of the above
   e. A less-than-arm's-length transaction—this is one party's ability to control or influence the other party to the transaction. A less-than-arm's length transaction occurs:

      - When a transaction is conducted between related parties, meaning that the integrity of the transaction could be compromised.
      - When one party to the transaction is able to control or influence the actions of the other party.

      Examples could include:

      — Hiring the CEO's brother as a janitor
      — Purchasing goods or services from a business owned by an officer, employee, or relative of the institution/sponsor's entity
      — Agreement for computer maintenance between a business and person(s) who are related to the institution/sponsor's employees or board members

2. The (*SFA*) employees, officers, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subagreements.

3. The purchase during the school day of any food or service from a contractor for individual use is prohibited.

4. No item, food, or beverage purchased with nonprofit school food service funds will be removed from the school premises by school personnel.

5. Penalties for violation of the standards of code of conduct of the (*SFA*) School Child Nutrition Program (CNP) should be:

   a. Reprimand by Board of Education

b. Dismissal by Board of Education

c. Any legal action necessary

6. ***Protest procedures are required.*** SFAs will have protest procedures (refer to **page P-55** 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 protester 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:

   a. Violations of federal law or regulations and the standard of 2 CFR 200.318(c)(1) (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

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 NSLP and 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 processed and 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. (Reference SP-38-2017)

Implementing the Buy American provision. SFAs are reminded that for all procurement transactions for food when funds are used from the nonprofit food service account, whether directly by an SFA or on its behalf, procurement transactions must comply with the Buy American provision. Implementation of the Buy American provision should be done by: including Buy American in documented procurement procedures, State Agency prototype documents, and all procurement solicitations and contracts, including domestic requirements in bid specifications; contract monitoring; and verifying cost and availability of domestic and nondomestic foods using data in the USDA Agricultural Marketing Service's (AMS) weekly market report at ***https://marketnews.usda.gov/mnp/fv-report-config-step1?type=termPrice***.

The Buy American provision supports local and small business. Using food products from local sources supports local farmers and provides healthy choices for children in the school meal programs while supporting the local economy. Requiring compliance with the Buy American provision also supports SFAs working with local or small, minority, and women-owned businesses as required by federal regulations (see 2 CFR 200.321). FNS also encourages purchasing food products from local and regional sources when expanding farm to school efforts.

Limited exceptions to the Buy American provision. There are limited exceptions to the Buy American provision which allow for the purchase of foods not meeting the *domestic* standard as described above (i.e., nondomestic) in circumstances when use of domestic foods is truly not practicable. These exceptions, as determined by the SFA, are:

- The product is not produced or manufactured in the United States in sufficient and reasonably available quantities of a satisfactory quality

OR

- Competitive bids reveal the costs of a U.S. product are significantly higher than the nondomestic product.

It should be noted that FNS has not defined a dollar amount or percentage triggering an exception requiring consideration of alternatives. Before utilizing an exception, alternatives to purchasing nondomestic food products should be considered. For example, SFAs should ask:

- Are there other domestic sources for this product?
- Is there a domestic product that could be easily substituted if the nondomestic product is less expensive (e.g., substitute domestic pears for nondomestic apples)?
- Am I soliciting bids for this product at the best time of year? If I contracted earlier or later in the season, would prices and/or availability change?
- Am I using third-party verification, such as through USDA AMS, to determine the cost and availability of domestic and nondomestic foods?

If an SFA is using one of the above exceptions, there is no requirement to request a waiver from the State Agency or FNS in order to purchase a nondomestic product. SFAs must, however, keep documentation justifying their use of exceptions.

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 offerers 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 SP-18-2011, SP-03-2013, and SP-01-2016.)

NONKICKBACK AFFIDAVIT

Located on **page P-48** 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 200.326[1])

A. Lobbying certification must be obtained for procurement contracts of more than $100,000. Any vendor whose contract award is for more than $100,000 must complete a Certification Regarding Lobbying form located on **page P-50**. 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-52**. SFAs must submit this completed form to the State Agency. A vendor would submit its completed form to the SFA.

DEBARMENT OR SUSPENSION

A. An SFA is prohibited from contracting with an individual or company that has been debarred or suspended in accordance with 2 CFR §180, as adopted and modified by USDA regulations at 2 CFR §417. 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 <**https://www.SAM.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-53**.

BEVERAGES AND SNACK AGREEMENTS (Reference USDA Policy Memo SP-09-1999)

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 $150,000 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.

CHART OF PROCEDURES

EXAMPLE

The _____ SFA will purchase the following category of products and services as per the stated contract period using the identified procurement method. Duration and frequency

Category	Procurement Method	Evaluation Used	Contract Award Type	Contract Duration/ Frequency
Frozen Foods (*Meats, Fruits, Vegetables)* Canned Foods *(same as above)* Bakery, Pasta, and Miscellaneous, Manual—All-Purpose Cleaning Supplies, Paper and Plastic Supplies	Sealed	Market Basket	Fixed Price	Biannual (August 1 - January 31; February 1 - June 15)
Fresh Fruits and Vegetables	Small Purchase	Bottom Line	Cost Reimbursable Plus Fixed Price	Biannual, same as above
Dish Machine Chemicals	Small Purchase	Bottom Line	Fixed Price With Price Adjustment	August 1 - June 15
Small Wares	Micro Purchase	Bottom Line	Fixed Price	May/Annual
Capital Equipment	Formal	Bottom Line	Fixed Price	May/Annual
Fresh Bread	Small Purchase	Bottom Line	Fixed Price	Annual by SY
Milk and Dairy	Formal	Bottom Line	Fixed Price With Price Adjustment	Annual by SY
Products			Price Adjustment	
Pest Control	Small Purchase	Bottom Line	Fixed Price	Annual July 1 - June 30
Emergency	Noncompetitive and Small Purchase	Bottom Line	Fixed Price	As Needed

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

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, unit price, and CN label.

See **pages P-35** through **P-38** for examples of specifications.

CREATING A SOLICITATION DOCUMENT

A. Solicitation Document—A cover letter (solicitation announcement) should be included when specifications are sent to vendors. The solicitation document 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

15. *Buy American*

16. Geographic preference, if applicable

B. Bid Awards/Price Quote Selection

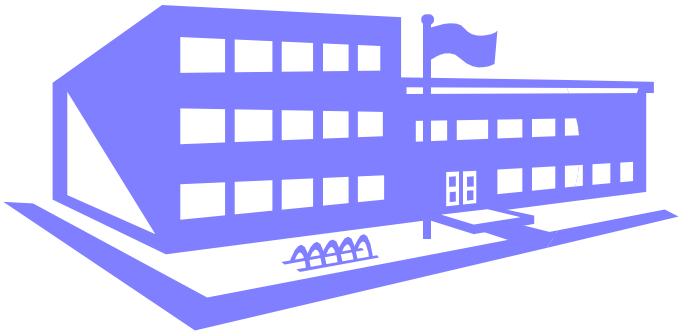
1. Awarding line item—Bid is awarded by each product separately to the lowest bidder.

2. Awarding bottom line—Bidder with lowest price receives award based on ***TOTAL*** price when all items are combined.

3. Awarding prime vendor—When 80 percent or more of food is purchased from one source.

Solicitation Types and Advantages and Disadvantages

Type of Solicitation	Advantages	Disadvantages
Line Item Bid	• Best price for an individual item	• Many supplier • Need to remember what products are purchased from each supplier • Vendor may only be awarded one item • May not be able to meet distributor minimums for deliveries • May limit the number of responding vendors • May actually cost you more in the long run
Market Basket/Product Groupings Solicitation	• Allows more vendors • Volumes for the entire lot tend to be large so pricing is strong • Limits the total number of suppliers to a manageable level • Provides opportunity to purchase specialty items	• Some suppliers may not be able to supply all the items in a lot • Some lots may not be a large enough volume to warrant sufficient competition
Prime Vendor (All or Nothing)	• District only deals with one supplier • Orders are placed, delivered, and invoiced with one supplier	• Some items may cost more since they are mixed together with the calculations for all products • May limit the number of responding vendors • May limit the availability of specific brands



MODINE PUBLIC SCHOOLS
1234 MODINE AVENUE
MODINE, OKLAHOMA 00000

EXAMPLE OF A SOLICITATION ANNOUNCEMENT

July 6, 20__

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, 20__***, to ***December 17, 20__***. All bidders wishing to respond to this bid period must do so by ***2 p.m.***, ***July 31, 20__***, 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, 20__, 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.

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 this 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.

SPECIFICATIONS Page 1 of 4

Item Description	Product Specification	Pack Size	Bid Unit	Est Quantity	Unit Price	Comments
Fruits/Vegetables Apples, canned	Manufacturer brand label, water-packed Private label, texture regular	6/10	Case			
Applesauce, canned	Private label, texture regular	6/10	Case			
Fruit for salads, canned	Private label, fruit juice medium	6/10	Case			
Fruit cocktail, canned	Private label, light syrup	6/10	Case			
Peaches, canned		6/10	Case			
Pears, canned	Private label, standard, Bartlett, halves, 50/60 count, light syrup	6/10	Case			
Pineapple, canned	Distributor's choice label, standard medium slices, light syrup	6/10	Case			
Pineapple, canned	Distributor's choice label, standard, crushed, solid pack in juice	6/10	Case			
Pumpkin, solid-pack	Manufacturer brand label, good flavor, aroma, color, and texture	6/10	Case			
Beans, green canned	Distributor's choice label, Blue Lake variety #3 or #4 size cut, low sodium	6/10	Case			
Peas, black-eyed, dry, canned	Cooked with seasoning, brand like Allen's, low sodium	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	Private label standard, carrots to be diced, packing medium to be low sodium	6/10	Case			
Potatoes, French-fried, frozen	Oven-ready, private label 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	6/10	Case			
Tomatoes, canned	Private label, peeled, diced, low sodium	6/10	Case			
Vegetables blends, frozen	Stew vegetables, mixture contains potatoes, carrots, celery, onion, predominance to be order listed, low sodium	12/2 lb	Case			
Grains Muffins, frozen	Whole grain-rich 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 whole grain-rich semolina and durum wheat flour, 10 lb only	10-lb box	Pound			
Pasta: egg noodles	Whole grain-rich, flat ribbon shape, medium width, made from enriched semolina durum flour	10-lb box	Pound			
Waffle, frozen	Waffle, frozen, regular, plain, round, whole grain-rich 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, lower sodium	6/5 lb	Case			
Chicken nuggets, breaded, frozen	Boneless chicken breast patty nugget, whole grain-rich 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, shrink wrap, maximum 20#, equivalent brands, A7656, 4530	Pounds per case	Case			
Sausage patties	Raw, frozen, whole-hog sausage, 1 1/2 oz each	1/2 pkg	Pound			
Turkey, breast, frozen	Boneless, ready-to-cook, from natural whole muscle, maximum, CN label, low sodium 6% basting solution added, from U.S. Grade A, young turkey, 7-15 lb	4/case	Pound			

EXAMPLE ONLY

SPECIFICATIONS

Item Description	Product Specification	Pack Size	Bid Unit	Est Quantity	Unit Price	Comments

EXAMPLE
INFORMAL PROCUREMENT LOG
(Purchases Costing Less Than $150,000)

The Informal Procurement Log can be used to document all bids received as a result of the schools' solicitation for purchasing products/services costing less than $150,000. A school will need to ***solicit at least three bids*** in order to achieve competition and to satisfy federal procurement requirements. Schools will need to document the bids and all other pertinent information discussed with the bidders. Schools must make certain that all bidders receive the same product specifications. ***All procurement records must be kept for at least three years from the date the last invoice is paid.***

Supplier Name:		Supplier A: Bob's Company			Supplier B: Mary's Company			Supplier C: Pat's Company		
Items to Be Purchased: • Product specifications • Delivery frequency: One time delivery • Bid will be honored for: Two weeks (Number of Day(s)/Week(s)/Month(s) (School will state time period)	***Quantity Estimated to Be Purchased***	***Unit Price***	***Extended Price (Quantity X Unit Price)***	****BS (X)***	***Unit Price***	***Extended Price (Quantity X Unit Price)***	****BS (X)***	***Unit Price***	***Extended Price (Quantity X Unit Price)***	****BS (X)***
1. Product name and specification: Applesauce 6/10 cans	30	15.75	472.50	☐	16.50	495.00	☐	15.00	450.00	☐
2. Product name and specification: Pineapple 6/10 cans	10	16.25	162.50	☐	17.50	175.00	☐	18.00	180.00	☐
3. Product name and specification: Cranberry sauce 6/10 cans	5	25.25	126.25	☐	21.75	108.75	☐	23.50	117.50	☐
4. Product name and specification: Peaches, freestone (halves) 6/10 cans	30	22.25	667.50	☐	21.50	645.00	☐	22.75	682.50	☐
	Total	$1428.75			$1423.75			$1430.00		
*Bidder Selected (BS)				☐			√			☐

* Bidder Selected (BS); school can award all items to one bidder (lowest total price) or award purchase on a line-item basis (lowest line-item price). Schools needs to tell the bidders which option it will use for awarding the purchase when it is asking for pricing. School can state that either option may be used by the school to award the purchase.

Method of Contact: Phone, fax, e-mail, or in person	Fax	Phone	In Person
Name of Person Providing Bid	Bob	Mary	Pat
Date Contacted	July 11, XXXX, faxed in bid—bid sheets attached	July 12, XXXX, price given per phone—confirmed in writing and attached	July 13, XXXX, visited store & obtained prices—price sheet attached
Additional Notes	Bob said their fresh fruit and vegetables are more competitively priced than canned goods	Best overall pricing; Mary stated that they will have a clearance special going on in October	Pat said their delivery costs have gone up recently, but that in November they will have a new distributory

Signature of person completing this form: *Sam Anderson* Date: July 18, XXXX

Name of Bidder Selected: Mary's

Bidder Selected Was Notified on: July 19, XXXX (If notification was in writing, attach document to the procurement log)

Method of Notification: E-Mail (E-mail/fax/mail/in person/phone)

INFORMAL PROCUREMENT LOG
(Purchases Costing Less Than $150,000)

Supplier Name:										
Items to Be Purchased: • Product specifications • Delivery frequency: _____ • Bid will be honored for: _____ (Number of Day(s)/Week(s)/Month(s) (School will state time period)	***Quantity Estimated to Be Purchased***	***Unit Price***	***Extended Price (Quantity X Unit Price)***	****BS (X)***	***Unit Price***	***Extended Price (Quantity X Unit Price)***	****BS (X)***	***Unit Price***	***Extended Price (Quantity X Unit Price)***	****BS (X)***
1. Product name and specification:										
2. Product name and specification:										
3. Product name and specification:										
4. Product name and specification:										
	Total		$			$			$	
*Bidder Selected (BS)										
* Bidder Selected (BS); school can award all items to one bidder (lowest total price) or award purchase on a line-item basis (lowest line-item price). Schools needs to tell the bidders which option it will use for awarding the purchase when it is asking for pricing. School can state that either option may be used by the school to award the purchase.										
Method of Contact: Phone, fax, e-mail, or in person										
Name of Person Providing Bid										
Date Contacted										
Additional Notes										

Signature of person completing this form:	**Date:**

Name of Bidder Selected: _____

Bidder Selected Was Notified on: _____ (If notification was in writing, attach document to the procurement log)

Method of Notification: _____ (E-mail/fax/mail/in person/phone)

ESCALATION/DE-ESCALATION CLAUSE

A. SFAs need to contemplate not only the need for including an economic price adjustment clause (an escalator/de-escalator 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/de-escalation clause be tied to the *Consumer Price Index, Southwest Region* and be stated as such in the RFP/Contract. SFAs may then check the Web site at <http:www.bls.gov/regions/southwest/cpi-summary> 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 should 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 . 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/Contract.

H. 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.

I. 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 405-521-2289 (Theresa Johnson) or at ***www.dcs.ok.gov***.

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. If an SFA is interested in Farm to School, contact Cheri Long at 405-522-6768 or <**cheri.long@ag.ok.gov**>. (Reference USDA Policy Memo SP-30-2008, SP-06-2015, and SP-07-2016)

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. Contact a few farmers within the area 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 $150,000.

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.

6. Forward Contract:

   A forward contract is generally understood to involve a contract between two parties to buy or sell products at a specified time in the future at a price agreed upon today. Entering into a forward contract with local producers in advance of the season may pose risk as farmers may experience crop loss due to outside elements such as weather or infestation. An SFA/institution/sponsor is the steward of the nonprofit school food service account and must ensure that all costs are reasonable, necessary, and allocable. Thus, careful consideration must be given to such contracts and the potential risk weighed against the benefit. Additionally, the entity needs to ensure that the farmer is capable of providing substitutions that are meaningful in the event of crop failure and to incorporate language into the contract affording meaningful substitutions or a return on the original financial investment. (Reference USDA Memo SP-03-2013)

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: _____

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

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.

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

Title

Date

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

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:**	2. **Status of Federal Action:**	3. **Report Type:**
☐ a. Contract ☐ b. Grant ☐ c. Cooperative Agreement ☐ d. Loan ☐ e. Loan Guarantee ☐ f. Loan Insurance	☐ a. Bid/Offer/Application ☐ b. Initial Award ☐ c. Postaward	☐ a. Initial Filing ☐ b. Material Change **For Material Change Only:** Year _____ Quarter _____ Date of Last Report _____

4. **Name and Address of Reporting Entity:**	5. **If Reporting Entity in No. 4 Is Subawardee, Enter Name and Address of Prime:**
☐ Prime ☐ Subawardee Tier _____, if known: Congressional District, if known: _____	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 12. **Form of Payment:** *(check all that apply)* a. Cash Nature _____ b. In-kind (specify) Value _____	13. **Type of Payment:** *(check all that apply)* ☐ a. Retainer ☐ b. One-Time Fee ☐ c. Commission ☐ d. Contingency Fee ☐ e. Deferred ☐ f. Other: *(specify)* _____

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 Confirmation 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 place 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 $150,000 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; 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 2 CFR, §180, as adopted and modified by USDA regulation at 2 CFR §417, Responsibilities of Participants Regarding Transactions.

(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, offerer, 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)

Procurement Plan Prototype

This document is a sample and is not intended to be all inclusive. CN Programs are ultimately responsible to ensure that the plan complies with all Federal Regulations, State Procurement Code and Regulations and local procurement policies.

_____
Name of SFA/Sponsor

PROCUREMENT PLAN
CHILD NUTRITION PROGRAMS

This procurement plan will be implemented on _____ from that date forward until amended. All procurements must adhere to free and open competition. Source documentation must be available to determine open competition, the reasonableness, the allow ability, and the allocation of costs.

Chairman, Board of Education Date

Superintendent of Schools Date

(Name of SFA/Sponsor)

SECTION I - PROCUREMENT PLAN GENERAL REQUIREMENTS

The (Name of SFA/Sponsor) plan for procuring items for use in the Child Nutrition Program is as follows:

1. The procurement plan provides for free and open competition, transparency in transactions, comparability, and documentation of all procurement activities.

2. The following **Code of Conduct** will be expected of all persons who are engaged in the awarding and administration of contracts supported by Child Nutrition reimbursement funds. These written standards of conduct include:

   a. No employee, officer, or agent shall purchase or establish a contract 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:
      i. The employee, officer, or agent;
      ii. Any member of the immediate family;
      iii. His or her partner;
      iv. An organization which employs or is about to employ one of the above.

   b. Employees, officers, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements.
   c. The purchase during the school day of any food or service from a contractor for individual use is prohibited.
   d. No item, food, or beverage purchased with nonprofit school food service funds will be removed from the school premises by school personnel.
   e. Penalties for violation of the standards of code of conduct of the (SFA) School Child Nutrition Program (CNP) should be:
      i. Reprimand by Board of Education
      ii. Dismissal by Board of Education
      iii. Any legal action necessary

3. Regardless of procurement method, the following factors will be determined regarding the allowable costs:
   a. Be necessary and reasonable for proper and efficient administration of the program(s)
   b. Be allocable to federal awards applicable to the administration of the programs(s)
   c. Be authorized and not prohibited under state and local laws

4. Purchasing will be conducted at the most restrictive procurement threshold:

	Federal Procurement Thresholds	SFA/Sponsor Procurement Thresholds (enter)
Micro-purchasing	Less than $10,000	
Equipment	Over $5,000	
Small/Informal	Less than $250,000	
Formal	Greater than $250,000 ;or any Food Service Management Contract	

5. All staff conducting purchasing will be trained on the procurement procedures.

6. All purchasing records will be maintained no less than the current year plus 3 additional years.

7. **Buy American Provision**
   Section 104(d) amended Section 12(n) of the National School Lunch Act (NSLA) (42 U.S.1760) to require SFAs participating in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) in the United States ***to purchase for those programs, to the maximum extent practicable, domestic United States Department of Agriculture (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, including Guam, American Samoa, the Virgin Islands, Puerto Rico, and the Northern Mariana Islands, 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. (SD-24-2016)

8. **Geographical 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.

9. **Protest procedures** are required. SFAs will have protest procedures 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 Memo2006-SNP-06)

   a. Violations of federal law or regulations and the standard of 2 CFR §200 (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.

10. The district will maintain a ***CHART OF PROCEDURES*** indicating how all items are procured, and how often they are procured.

11. **Beverage and Snack Agreements** (Reference usda policy memo 99-SP-09)

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 $250,000 or less, price or rate quotations must be obtained from an adequate number of qualified sources. 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 SFA on a prorated basis.

a. 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.
b. 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.

c. 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. The primary effect of this provision is to prevent contract limitations on the sale of fluid milk in competition with other beverages.

12. 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:
   a. Placing qualified small and minority businesses and women's business enterprises on solicitation lists.
   a. Assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources.
   b. 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.
   c. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses and women's business enterprises.
   d. Using the services and assistance of the Small Business Administration (SBA) and the Minority Business Development Agency of the Department of Commerce.
   e. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed above.

Certifications

1. **Nonkickback Affidavit -** 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.

2. **Lobbying Certification** (Reference 200.326[1])
   a. Lobbying certification must be obtained for procurement contracts of more than $100,000. Any vendor whose contract award is for more than $100,000 must complete a Certification Regarding Lobbying form located on **page P-55**. 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.. SFAs must submit this completed form to the State Agency. A vendor would submit its completed form to the SFA.

3. **Debarment And Suspension.** An sfa is prohibited from contracting with an individual or company that has been debarred or suspended in accordance with 2 CFR §180, as adopted and modified by usda regulations at 2 CFR §417. 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. (formal contracts)

4. **Contract Work Hours and Safety Standards Act** (40 U.S.C. 3701-3708). Where applicable, ***all contracts*** awarded by the nonfederal entity in excess of $2,500 that involve the employment of mechanics or laborers must include a provision for compliance with 70 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market or contracts for transportation or transmission of intelligence.

5. **Equal Opportunity and Discrimination**. The vendor certifies it is an Equal Opportunity Employer, a provider of services and/or assistance, and is in compliance with the 1964 Civil Rights Act, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, as amended, and Executive Orders 11246 and 11375. The vendor assures compliance with the Americans With Disabilities Act of 1990 (Public Law 101-336), all amendments to, and all requirements imposed by the regulations issued pursuant**. (FORMAL CONTRACTS OF $10,000 OR MORE)**

6. Contracts in excess of $150,000 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). 23. 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).

SECTION II – PURCHASING EQUIPMENT

Name and Title of those responsible for Purchasing Equipment:** ***(list the names and titles of all those who are responsible for purchasing equipment at the district.)

If the amount of purchases for equipment is greater than $5,000, the following procedure will be used.

1. Written specifications will be prepared and provided to vendors.

2. Each vendor will be contacted and given an opportunity to provide a price quote on the same specifications. A minimum of two vendors shall be contacted.

3. The price quotes will receive appropriate confidentiality before award.

4. If using USDA funding for the purchase, the SFA/Sponsor will seek prior approval from Oklahoma Child Nutrition Programs

unless the equipment is placed on the Equipment Pre-Approval list located in the Child Nutrition Manual.

5. Quotes will be awarded by the person(s) listed in Section III. Quotes awarded will be to the lowest and best quote based upon quality, service availability, price, and/or _____.

6. The person(s) listed in Section III will be responsible for documentation of records to show selection of vendor, reasons for selection, names of all vendors contacted, price quotes from each vendor, and ***written specifications.***

7. The person(s) listed in Section III will be responsible for documentation that the actual product specified is received.

Equipment means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or $5,000. See also §200.12 Capital assets, 200.20 Computing devices, 200.48 General purpose equipment, 200.58 Information technology systems, 200.89 Special purpose equipment, and 200.94 Supplies.

SECTION III – MICRO PURCHASING

If the amount of purchases for items is less than $10,000 *or less than the districts micropurchasing threshold*, the following procedure will be used.

Select one:
☐ Purchases below $10,000
☐ Purchases below $_____ *(District threshold if it is below $10,000, must use most restrictive)*

1. Purchases will not be separated into 2 or more purchases to meet or be below the $10,000 threshold.

2. The price quotes will not be required. Competition is not required.

3. When practicable, micro-purchases will be distributed equitably among qualified suppliers.

4. The (Title of Person) will be responsible for documentation of purchase.
   Note: Federal threshold of $2,000 is applicable in the case of acquisitions for construction subject to the Davis-Bacon Act

SECTION IV – SMALL PROCUREMENT

Name and Title of those responsible for Small Purchase Procedures:** ***(list the names and titles of all those who are responsible for Small Purchase at the district.)

If the amount of purchases for items less than $250,000 *or the SFA/Sponsor's small purchase threshold*, Small Purchase Procedures must be followed. Quotes documented from an adequate number of qualified sources will be required.

Select one:
☐ Purchases below $250,000
☐ Purchases below _____ *(District threshold if it is below $250,000, must use most restrictive)*

Small Purchase procedures will be applied on ***the basis of a:***
_____ District-wide
_____ Each Individual Site
_____ State Contract
_____ Food-Buying Group/Co-op (specify):_____
_____ Combination of above (specify):_____

1. Written specifications will be prepared and given to a minimum of two vendors.

2. The person(s) stated in Section IV will be responsible for contacting potential vendors when price quotes are needed.

3. Quotes will be awarded by person(s) stated in Section IV. Quotes awarded will be to the lowest and best quote based upon quality, service availability, price, etc.

4. The person(s) stated in Section IV will be responsible for documentation of records to show selection of vendor, reasons for selection, names of all vendors contacted, price quotes from each vendor, and ***written specifications.***

5. The person(s) stated in Section IV will be responsible for documentation that the actual product specified is received.

6. Any time an accepted item is not available, the person stated in Section IV will select the acceptable alternate. Full documentation will be made available as to the selection of the acceptable item. Substituted items will not be made at the vendor's discretion.

SECTION V – FORMAL PROCUREMENT

Name and Title of those responsible for Formal Procurement Procedures:** ***(list the names and titles of all those who are responsible for Formal Procurement at the district.)

Select one or more as applicable:
☐ Purchases over $250,000
☐ Purchases over $_____ (*District threshold if it is above $250,000, must use most restrictive*)
☐ Food Service Management Contracts at any total cost (*does not include vended meal agreements)*
☐ N/A, no purchases over $250,000 or Food Service Management Contracts

Formal bid procedures will be applied on ***the basis of a:***
_____ District-wide
_____ Each Individual Site
_____ State Contract
_____ Food-Buying Group/Co-op (specify):_____
_____ Combination of above (specify): _____

1. If the amount of purchases is above the district's threshold, or a Food Service Management Contract, formal procurement procedures will be used as required by 2 CFR Part 200.318-326.

   a. When a formal procurement method is required, the following ***COMPETITIVE SEALED BID or an Invitation for Bid (IFB) or COMPETITIVE PROPOSAL in the form of a Request for Proposal (RFP)*** procedures will apply: (It is highly suggested by USDA to allow 45 days for IFB & 60 days for RFP from the time the information is given to vendors until the time of bid opening. It should not be any less than 30 days)

   b. An announcement of an **Invitation for Bid (IFB) or a Request for Proposal (RFP)** will be placed in the (Newspaper/media, IPS Website, other internet source) to publicize the intent to purchase needed items. The advertisement for bids/proposals or legal notice will be run for (Length of Time).

   c. An advertisement is required for all formal procurement (IFB/RFP)
      - A general description of items to be purchased.
      - The deadline for submission of questions and the date written responses will be provided including an addenda to bid specifications, terms and conditions as needed.
      - A date of pre-bid meeting, if applicable, and if attendance is a requirement for bid award.
      - A deadline for submission of sealed bids or proposals, and address of location where complete specifications and bid forms may be obtained.

   d. The developer of written specifications or descriptions for procurements will be ***prohibited*** from submitting bids or proposals for such products or services.

   e. The IFB or RFP will clearly define the purchase conditions. The following list includes requirements, not exclusive, to be addressed in the procurement document:
      - Contract period.
      - SFA/Sponsor is responsible for all contracts awarded (statement).

- Date, time, and location of bid opening.
- How a vendor will be informed of bid acceptance or rejection.
- The terms and conditions which bidder must fulfill.
- Statement assuring efforts will be made to involve minority and small business.
- Statement regarding Cause for Termination.
- Forms and statements identified in the ***Formal Procurement Checklist .***
- Statement regarding the return of purchase incentives, discounts, rebates, and credits to the non-profit Child Nutrition account, if applicable in a cost reimbursable contract.

f. Specifications and estimated quantities of products and services prepared by SFA/Sponsor and provided to potential contractors desiring to submit bids/proposals for the products or services requested.

g. If any potential vendor ask questions regarding the specifications or purchase conditions, interpretation will be provided in writing to all potential bidders by the person(s) stated in Section V and date specified.

h. The person(s) stated in Section V will be responsible for securing all bids or proposals.

i. The person(s) stated in Section V will be responsible to ensure all SFA/Sponsor procurements are conducted in compliance with applicable Federal, State, and local procurement regulations.

Request for Proposals

In awarding a competitive negotiation (RFP) a set of award criteria in the form of a weighted evaluation sheet will be provided to each bidder in the initial bid document materials. **Price** alone is not the sole basis for award, but remains the **primary** consideration when awarding a contract.

Evaluation Criteria the district can use to award an RFP.
(Price must be given the highest points and award must equal 100 points. If not interested, the district can leave line of award blank.)

Weight	Criteria
_____ (points)	Price
_____ (points)	Service Capability Plan
_____ (points)	Quality
_____ (points)	Experience, References
_____ (points)	Business Practices, Financial Condition/Stability
_____ (points)	Accounting and Reporting System
_____ (points)	_____
_____ (points)	_____
_____ (points)	_____
100 points	TOTAL

SECTION VI - NON-COMPETITIVE NEGOTIATION

Name and Title of those responsible for Non-Competitive Negotiations: ***(list the names and titles of all those who are responsible for non-competitive Negotiations at the district.)***

If items are available **only** from a single source ***when the award of a contract is not feasible under small purchase, sealed bid or competitive negotiation***, **NON-COMPETITIVE NEGOTIATION** procedures will be used:

1. Written Specifications will be prepared and provided to the vendor.

2. The person(s) stated in Section VI will be responsible for the documentation of records to fully explain the decision to use the noncompetitive negotiation. The records will be available for audit and review.

3. The person(s) stated in Section VI will be responsible for reviewing the procedures to be certain all requirements for using single source or noncompetitive negotiation are met.

4. Non-competitive negotiations shall be used for one-time purchases of a new food item in order to determine food acceptance by students and for samples for testing purposes. A record of non-competitive negotiation purchase shall be maintained by the (SFA/Sponsor Official). The record of non-competitive purchases shall include, at a minimum, the following:
    - item name
    - dollar amount
    - vendor
    - reason for non-competitive procurement

** **Due to the rural location of the district, it is feasible the school will only receive one responsible and responsive response.**

SECTION VII – EMERGENCY PURCHASING

1. If it is necessary to make a one-time emergency procurement to continue service or obtain goods, the purchase shall be made, and a log of all such purchases shall be maintained by the district. The following emergency procedures shall be followed. All emergency procurements shall be approved by the (Name and Title of person). At a minimum, the following emergency procurement procedures shall be documented:
    - item name
    - dollar amount
    - vendor
    - reason for emergency

2. If the emergency purchasing need requires a contract, all books, records and other documents relative to the award of the contract must be retained for three (3) years after final payment. Specifically the SFA/Sponsor shall maintain, at a minimum, the following documents:
    - Written rationale for award cost or price;
    - A copy of the original solicitation;
    - The bidding and negotiation history and working papers;
    - The basis for contractor selection;
    - Approval from the State agency to support a lack of competition when competitive bids or offers are not obtained;
    - The terms and conditions of the contract;
    - Any changes to the contract and negotiation history;
    - Billing and payment records;
    - A history of any contractor claims;
    - A history of any contractor breaches

INFORMAL PROCUREMENT LOG

TO BE USED FOR PURCHASES OF$250,000 OR LESS

Check the box next to the supplier that you choose. If chosen supplier does not provide the lowest overall price, explain decision on attached sheet. Document contact with 2 or more vendors.

Items to be purchased and specifications: _____

	Date & Method of Contact	Bid Price	Negotiated Price	Notes
Supplier #1				
Supplier #2				
Supplier #3				

FORMAL PROCUREMENT CHECKLIST

Terms and information regarding Formal Procurement are listed on pages 3-5 and 8-10 of the Procurement Plan

FORMAL PROCUREMENT REQUIREMENTS

___ **Newspaper Advertisement** (all formal bids) newspaper advertised: _____

___ **Solicitation sent to a minimum of 2 vendors** Vendor 1: _____

Vendor 2: _____ Vendor 3: _____

___ **Evaluation criteria for RFP.** An RFP is awarded based on overall scoring. The evaluation scoring should be given with the solicitation. **PRICE** must be given the most points. Other items scored on can be – Experience/references, Diversity in products and/or services, Quality of products, Cost & Performance Bonds, Personnel Management, Business Practices, Accounting and Reporting systems, and Service Capability plan are examples of how an RFP can be evaluated. **(IFB/Sealed Bids are awarded lowest price only. No other factors can determine the award)**

FORMS & CLAUSES

___ **Buy American information** (All Food & Milk contracts)

___ **USDA Equal Opportunity information** (contracts $10,000 or more)

___ **Termination for Cause information** (contracts $10,000 or more)

___ **Clean Water Act provision** (contracts $150,000 or more)

___ **Contract work Hours and Safety Standards Act** (contracts $2,500 or more)

___ **Nonkickback Affidavit** (Purchase orders over $25,000)

___ **Davis-Bacon information** (Construction contracts $2,000 or more)

___ **Debarment & Suspension form** (all contracts)

___ **Byrd Anti-Lobbying form** (contracts $100,000 or more)

GROUP BUYING SERVICE (GBS)

A group buying service is a commonly used term to refer to an organization that buys in larger quantities on behalf of other entities. A GBS may call itself many different names and may be referred to as a purchasing cooperative, purchasing consortium, group-buying/purchasing organization, etc. A GBS can be for-profit or not-for-profit. It is vital that all procurement transactions be conducted in a manner providing free and open competition. This principle fully applies to purchases made through any GBS.

1. Districts belonging to a cooperative purchasing group generally realize:
   a. A reduction in a district's administration time in procuring products.
   b. A higher quality of products to be purchased.
   c. The opportunity for a wider range of products.

2. Advantages of cooperative purchasing groups:
   a. Increased purchasing power
   b. New menu items
   c. Labor reduction
   d. Direct to manufacturer purchasing
   e. Increased volume and volume discounts
   f. Networking opportunities
   g. Procurement decisions by governing board and advisory group
   h. Increase in expertise and resources

3. Disadvantages of cooperative purchasing group:
   a. Consensus among members
   b. Deliveries
   c. Minimum cases
   d. Storage
   e. Administrative fee/membership fee

4. Forming a cooperative purchasing group:
   a. Conduct a member-user survey
   b. Analyze the financial needs of the group
   c. Conduct a meeting with potential members
   d. Develop business plan
   e. Develop acceptable contractual agreements
   f. Prepare solicitation according to federal procurement regulations

Questions and Answers

Ql. What types of agreements has FNS identified to facilitate procurement by Program operators and how are they defined?

A. The various purchasing agreements that have been identified to facilitate procurement by Program operators are classified into three groups:

1. Child Nutrition Program (CNP) Program operator-only and/or CNP State agency cooperatives,
2. Agents, and
3. Third-Party entities (e.g., state-run cooperative agreements, inter-agency agreements, non-Program operators such as public, private, and non-profit entities, group purchasing organizations, group buying organizations, third-party vendors).

1. CNP Program operator-only and/or CNP State agency cooperative agreement. This is an agreement formed solely between CNP Program operators and may include CNP State agency cooperatives formed to increase purchasing power. This agreement is not a method of procurement, rather an agreement to competitively procure goods and services. Such agreements may include a fixed fee to cover overhead or administrative costs as specified in the cooperative agreement.

2. Agent. An agent is a person or business authorized to act on a client's behalf. An agency may be necessary for procuring goods or services when/if the client does not have the necessary technical understanding of the equipment, service, food or other food service supplies to be purchased; or lacks time or expertise to conduct a proper procurement. A procurement agent represents a special fiduciary relationship of trust between itself and its client. In other words, the agent must be contractually required to conduct all competitive procurement methods with its client's interests solely in mind. An agent's services in excess of the micro-purchase threshold currently set at $3,500 must be competitively procured in accordance with Federal procurement methods outlined in 2 CFR 200.320.

3. Third-Party entities. Third-Party entities include State procurement agency agreements, inter-agency agreements, group purchasing organizations, group buying organizations, and third-party vendors.

i. State procurement agency agreements: This is an inter-governmental agreement with the State which may include public, private, and non-profit entities. This procurement service is not part of the CNP State agency as the services are conducted for State facility needs using State procurement standards and the State allows local educational agencies (LEAs), school food authorities (SFAs), and other CNP operators to purchase from the State's contracted sources. When competitive procurement methods are conducted by the Program operator, this agreement may be one source of prices when using small purchase procedures, sealed bids or competitive proposals, as applicable.

ii. Inter-agency agreements: This is an agreement which may include public, private, and non-profit entities formed to procure goods and services together. An example is an educational hub whose purpose is to purchase goods and services for LEAs. When competitive procurement methods are conducted by the Program operator, this agreement may be one source of prices when using small purchase procedures, sealed bids or competitive proposals, as applicable.

iii. Group Purchasing Organizations, Buying Organizations, and Third-Party Vendors. Collectively referred to here as GPOs, these often include CNP and non-Program operators such as public and private schools, hospitals, universities, law enforcement, public works, etc. who join a third-party company or service provider. GPOs could be private for-profit or nonprofit entities. A GPO is typically structured in a way that may include a membership fee paid by member users, who are then granted access to the GPO price list of products and services. When competitive procurement methods are conducted by the Program operator, GPO price lists may be one source of prices when using small purchase procedures, sealed bids or competitive proposals, as applicable.

Q2. WHAT COMPETITIVE PROCESS MUST BE CONDUCTED BY PROGRAM OPERATORS TO BE COMPLIANT WITH FEDERAL PROCUREMENT REGULATIONS WHEN PURCHASING GOODS AND SERVICES FROM EACH OF THESE AGREEMENT TYPES?

Although the competitive process conducted by Program operators may vary according to the agreement type utilized, all competitive procurements must be in accordance with 2 CFR Part 200.318-.326 and all other applicable government-wide and FNS regulations and guidance.

With all procurements, if a Program operator later determines additional goods and services are needed but not included or available from the sources already procured, the Program operator may purchase items using the micro-purchase method, if applicable, or conduct a separate procurement using the applicable procurement methods in 2 CFR 200.320(a-d) and maintain records detailing the history of the procurement as required in 2 CFR 200.31**S(i).**

The procurement process to follow when procuring goods and services within the above agreement types is identified as follow:

CNP Program operator-only and/or State agency cooperative agreement. A cooperative that is comprised solely of Program operators and/or the CNP State agency may procure as a group and must do so in compliance with the procurement standards that apply to the individual Program operator (7 CFR 210.21 and 2 CFR 200.318-.326). This includes complying with all State and local procurement standards, if more restrictive, and publishing solicitations and contracts with all terms, conditions, required contract provisions, as applicable, and clearly identifies all product descriptions, specifications, and estimated quantities required. For SFAs, the Buy American and cost-reimbursable provisions in 7 CFR 210.2l(d) and (f) are required. Further, each Program operator is responsible for monitoring contractor performance to ensure compliance with all contract provisions. Written agreements delineating roles and responsibilities are encouraged.

Examples of such cooperatives include:

Program Operator-only Cooperative: A group of Program operators agreeing to cooperatively procure together to take advantage of volume pricing for products or services procured in one contract. Under Program operator-only cooperative agreements, the group of Program operators, as defined in the scope of the solicitation, cannot materially change from the original group who plan to purchase together. Forecasting activities conducted prior to the formation of this cooperative should include actual and potential members of the cooperative and the solicitation should clearly define the expected level of members in the scope.

Educational Service Centers: May be composed of several school districts in a region (of a State) in order to provide shared educational services, including cooperative purchasing in some cases, to the school districts of that region. They may exist under State statute and/or receive funding from the State legislature and membership may be automatic for those public schools in the region. Again, such Program operator-only cooperatives must follow, at a minimum, Federal procurement regulations when procuring goods and services for its members.

CNP State agency cooperative agreements: It is rare, but a few CNP State agencies conduct procurement procedures on behalf of Program operators. In such cases, Program operators may purchase from the CNP State agency's procured sources without further competition as long as the State agency procures on behalf of Program operators following procurement standards in Program regulations and 2 CFR 200.318-.326. State agencies must clearly define the scope of Program operators represented in the cooperative. (See QS below for additional information.) Also, if Program operators determine additional goods and services are needed but were not procured by the

cooperative or are not available from the procured source, the Program operator must conduct separate competitive procurement procedures using the applicable procurement methods in 2 CFR 200.320(a-d).

State agencies with oversight of CNPs have additional considerations as they must ensure SFAs include the Buy American provision in 7 CFR 210.21(d) in all solicitations and contracts for food and must ensure the contract provisions in 7 CFR 210.21(f) are included in cost- reimbursable contracts. The solicitation and contract must also outline how the allocable portion of each discount, rebate and or credit will be returned and/or disclosed to each participating SFA. The solicitation and contract must also outline how each proportionate value pass-through method for crediting the value of USDA foods will be returned and/or disclosed to each participating SFA.

1. Agent. When an agent is needed to procure goods and services on behalf of the Program operator, the Program operator must first determine if the agent fee is within the micro-purchase threshold or if a competitive procurement method must be conducted for the services of the agent. If a solicitation is required, the scope of duties and responsibilities must be clearly defined as well as how prices/costs for services are to be quoted for evaluating agents' bids/responses for contract award. Some agents often charge fees to vendors who pass such fees on to the Program operator. Fees must be fixed based on a purchase unit, volume or cost (fees cannot be a percentage of cost). Agents cannot be considered if they do not openly provide the full price per purchase unit for their service. Paying a fee does not constitute a solicitation or contract with an agent. Program operators must include language that details "when procuring goods or services for their client, agents must follow procedures consistent with 2 CFR Part 200.318-.326 and applicable program regulations" which includes State and local procurement requirements if more restrictive. Published solicitations and contracts must include all terms, conditions, required contract provisions, as applicable, and all products descriptions, specifications, and estimated quantities required. For SFAs, the Buy American and cost-reimbursable provisions in 7 CFR 210.21(d) & (t) are required. Further, each Program operator is responsible for monitoring contractor performance to ensure compliance with all contract provisions.

The procurement agent must confirm in its response to the solicitation that it will represent the client and will have the client's best interests exclusively in mind when preparing solicitations for publication on the client's behalf. The agent may not have any conflict of interest, real or apparent. For example, the agent may not use pre-existing contractual relationships in lieu of conducting a competitive procurement on behalf of the Program operator.

In order to ensure free and open competition, the procurement agent must:

- Work closely with the client to understand the client's needs,
- Develop solicitations on the client's behalf consistent with 2 CFR Part 200.318-.326 and applicable Program regulations as required for the Program operators as noted above,
- Award contracts only to responsible contractors whose bid/offer is lowest/most advantageous to the Program with price as the primary factor,
- Award fixed-price or cost-reimbursable contracts, as specified by the Program operator, or State agency, as applicable, and,
- Monitor the ensuing contract on behalf of the Program operator as required in 2 CFR 200.31S(b), if specified in the original solicitation and resulting contract.

Please note that an agent publishing a solicitation on behalf of a client may not respond to such solicitation, as such would constitute an unfair advantage and be in violation of Federal procurement requirements as found in 2 CFR 200.319(a).

2. Third-Party entities. As noted above, Program operators must also follow procurement procedures consistent with 2 CFR Part 200.318-.326 and applicable program regulations when procuring under agreements with third-party entities. Additionally, agreements that include a fee to cover overhead or administrative costs must be specified therein. Other parties outside of these arrangements may be added to properly procured contracts that meet all applicable Program regulations when included in the original solicitation; see QS for further information on adding parties to an existing contract.

i. State procurement agency agreements:
The Program operator may consider a non-CNP State agency's procurement as one source for procurement. For example, if the purchase is under $3,500, the Program operator may purchase directly from the State's procured sources as long as the prices are reasonable and the Program operator equitably distributes all procurements among all qualified suppliers available. If the procurement is less than the Federal Simplified Acquisition Threshold (SAT), (currently set at $150,000), or State or local threshold; whichever is most restrictive, the Program operator may obtain a price or rate quotation from the State's procured sources, among other qualified sources available. For procurements over the SAT, a Program operator must first conduct a cost analysis (2 CFR 200.323(a)) then develop a solicitation (sealed bid or competitive proposal) and may use vendors and prices from the State's contract as one source. Remember, it is not the State procurement agency agreement that is the competitive procurement; rather, this agreement gives the Program operator further options of sources to utilize to ensure full and open competition.

ii. Inter-agency agreements:
Program operators purchasing through an inter-agency agreement includes entering into the inter-agency agreement to competitively procure common goods and services, then developing and publishing solicitations through sealed bids/competitive proposals. These solicitations must include procurement procedures consistent with 2 CFR Part 200.318-.326 and include the terms, conditions, required contract provisions, as applicable, and all products, descriptions, specifications, and estimated quantities for their Child Nutrition Programs. For SFAs, the Buy American and cost reimbursable provisions in 7 CFR 210.2l(d) & (t) are required. Further, each Program operator is responsible for monitoring contractor performance to ensure compliance with all contract provisions. An example of an inter-agency agreement is an educational hub whose purpose is to competitively procure goods and services for LEAs.

iii. Group Purchasing Organizations, Buying Organizations, and Third-Party Vendors. The business model of a GPO may include a variety of services of which facilitating procurement for members/member agencies and procuring products and services from an external source such as an affiliated or unaffiliated full-line distributor are included. Membership involves paying a fee in addition to the price of products and services purchased. However, paying a fee does not constitute compliance with the competitive procurement process that Program operators are required to conduct when procuring products and services. A Program operator may pay a membership fee to multiple GPOs and when using micro or small purchase procedures may consider the price for products from GPOs as one source among an adequate number of qualified sources. For the procurement of good and services greater than the Federal SAT or State or local thresholds that may be more restrictive, Program operators must publish sealed bids or competitive proposals to which GPOs may respond provided the GPO has not drafted such solicitations. Likewise, responses to bids/proposals must be evaluated by the Program operator to determine the lowest responsible and responsive bidder/offeror with price as the primary factor. Purchasing goods and services from a GPO without conducting a compliant procurement process is limited to the micro purchase threshold. Under the micro-purchase threshold, transactions are below $10,00, prices would be reasonable, and purchases would be equitably distributed among qualified suppliers.

Q3. IS THERE AN ADVANTAGE TO SOLICITING PRICES FROM QUALIFIED SOURCES VERSUS USING A PROCUREMENT AGENT?

The services of an agent may be beneficial in places where qualified sources are limited or when the Program operator lacks the time or expertise to evaluate needs, write specifications, draft solicitations, evaluate and award contracts, and obtain competitive prices using compliant procurement methods. As noted above, agents may not respond to solicitations drafted on behalf of the Program operator as this would be a conflict of interest and a violation of Federal regulations.

Program operators are encouraged to consider their procurement procedures and to determine if the use of a procurement agent is the best approach when considering the availability of qualified sources, time, expertise, and the agent's fee(s).

Q4. WHAT PROCUREMENT METHODS MUST PROGRAM OPERATORS USE TO

ACHIEVE FULL AND OPEN COMPETITION WHEN PROCURING SERVICES THROUGH PROGRAM OPERATOR-ONLY COOPERATIVES, AGENTS, OR OTHER THIRD-PARTY ENTITIES?

When procuring services through CNP Program operator-only and/or State agency cooperative agreements, agents, or when purchasing under all other third-party entities, Program operators must use the procurement methods found in 2 CFR 200.320 which are

(a,) micro purchases; (b) small purchase procedures; and (c) sealed bids/competitive proposals. These methods are detailed in SP 02-2016; CACFP 02-2016; SFSP 02-2016: Questions and Answers on the Transition to and Implementation of 2 CFR Part 200 dated October 30, 2015.

Program operators using the micro-purchase method to pay for membership fees to various third-party purchasing entities must still then conduct a competitive procurement using the parties' prices as one source.

QS. WHEN ADDING PARTIES TO AN EXISTING CONTRACT, WHAT CONSIDERATIONS MUST BE INCLUDED IN SOLICITATIONS AND CONTRACTS TO ALLOW THIS PRACTICE?

When adding parties to either a fixed-price or cost-reimbursable contract, known colloquially as "piggybacking,"the contract must have been procured in compliance with 2 CFR Part 200.318-.326 and applicable program regulations. Contracted parties considering additional parties must include a provision allowing "piggybacking" in their contracts in order to avoid creating a material change. If such a provision is not included in the contract and a material change is determined, a new competitive procurement is required.

For a contract containing such provisions, language should be included specifying applicable limitations of the extension (e.g., dollar value or the number of additional parties that may be added). Such contracts should be thoroughly reviewed by members to ensure they meet their needs and conform to all applicable program requirements. For further guidance on "piggybacking" refer to memo SP 02-2016; CACFP 02-2016; SFSP 02-2016.

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 accountability for the operation of the CNP under its administration. Under no circumstances shall the FSMC write the actual contract RFP or set up the evaluation criteria for the bid award. The SA prototype RFP must be used. No other FSMC contract will be accepted. Paying the FSMC from CNP funds is prohibited until the contract is approved by the SA and signed by the SFA and FSMC representatives. (Reference USDA Regulation §210.16 and SP- 40-2016)

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

1. An SFA desiring to contract its food service ***MUST*** contact the State Agency at 405-521-3327 to obtain a copy of the SA prototype RFP/Contract. The SA prototype ***MUST*** be used. The prototype RFP/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/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/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 proposals are solicited to the time that they are due.

   b. Advertising methods—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 offerers. A list of these companies begins on **page P-82**.

   Any amendments or changes to the RFP as well as any questions and answers resulting from written offerer inquiries or from a preproposal meeting must be approved by the State Agency and be submitted to all prospective offerers. 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. Preproposal meeting—It is recommended that the SFA conduct a preproposal meeting. It should be held approximately two weeks after the RFP is issued, but prior to the date proposals/offers are due. There are two important reasons for holding a preproposal meeting:

- **Provide information**—To provide information concerning contract performance requirements that may be helpful in the preparation of proposals.
- **Answer questions**—To answer any questions prospective offerers may have regarding the solicitation.

4. Proposal Openings and Evaluations

It is imperative that proposal openings and evaluations be conducted fairly. Inconsistent actions by the individuals responsible for this component of the FSMC procurement can result in proposal 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. The proposal opening requires a sign-in sheet to document the persons present at the opening.

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 offerer'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. Offerers 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 offerers 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 offerers. As with RFP openings, the name of each offerer and the evaluation score must be recorded. Offerers 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 offerers whose proposals receive scores above the prescribed cut-off. The negotiators should inform all offerers 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 offerer. However, if after negotiations, two or more offerers are still under consideration, the SFA must make a final selection using an unbiased method; e.g., the offerers are asked to submit a best and final price. The offerers should be informed of the situation and the method the SFA will use to select the successful offerer. The award should be made to the responsible offerer whose proposal is most advantageous to the SFA, price and other factors considered.

The SFA should provide written notification to the successful offerer which clearly states that, while the offerer has been successful, the proposed contract is subject to review by the State Agency. This notice should also inform the successful offerer 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 offerer. Unsuccessful offerers 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 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 proposal request, must be used in determining the lowest offerer.

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 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 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 SA RFP/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 SA 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 for SFAs Guidance, page 15)

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 only be delegated to an FSMC if specified in the contract. 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. 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. 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.

10. The SFA shall establish an advisory board composed of parents, teachers, and students to assist in menu planning

11. The FSMC shall adhere to the 21–day cycle menu that was included in the RFP for the first 21 days of meal service. Changes thereafter may be made with the approval of the SFA. (Reference 7 CFR 210.16[b])

12. 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.

13. 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.

14. 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.

15. Either party may cancel for cause with 60-day notification.

16. A provision must allow the USDA Foods 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). Donated Foods are considered ***RECEIVED*** when they arrive at the school kitchen, SFA, or FSMC storage facility in either raw form or processed end products. 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) 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.

17. The contract must contain certification regarding debarment or suspension from participating in federal contracts, grants, or awards. The lobbying certification must also be included.

18. The FSMC and the SFA will comply with all appropriate federal and state labor laws.

19. Contracts, other than small purchases under $250,000, 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.

20. 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.

21. Contracts in excess of $150,000 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).

22. Contracts in excess of $150,000 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).

23. 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).

24. 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.

25. 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. 3701-3708) 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.

26. The basis for renewing the contract, including price/fee increase or decrease provisions, if any, must be stated in the contract and the RFP 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.

27. 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.

28. It is recommended 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. (Reference SP-24-2016 and SP-38-2017)

29. 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 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 and contract.

30. 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.

31. 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.

32. 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.

33. 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.

34. 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.

35. Lobbying Certification.

36. Suspension and Debarment.

37. Noncollusion (not required, but recommended).

38. Meal equivalency rate.

39. Food specifications.

40. 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.

41. Basis for fee increase, salary increase, and bonuses.

    The RFP/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 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/Contract must specify which index

42. When an RFP is used, weighted evaluation factors must be developed by the SFA. (Reference 7 CFR 210.16)

43. Procurement procedures to be followed.

44. Initial 21-day menu cycle.

45. Duration of contract.

46. The FSMC must break down each invoice as described on page C-34:

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. 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 SP-25-1998)

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.

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 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, a major shift in responsibilities for SFA/FSMC staff, a change in the menu-planning option not reflected in the original RFP, 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

Lisa R Bell
7137 Stoney Lonesome Road
Williamson, New York 14589
Phone: 585-754-8253
Lisabell50@gmail.com
www:cottoncandyclipartandgifts.com

Canteen of Central New Mexico, Inc.
4809 Hawkins, NE
Albuquerque, New Mexico 87109-4324
Phone: 505-344-3481

Chartwells School Dining Services
Attention: Joan Y Thorne
11626 Eastpark Lane
Frisco, Texas 75034
Cell Phone: 214-471-0206
Phone: 469-252-1708
E-Mail: joan.thorne@compass-usa.com

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
Phone: 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

Gourmet Gorilla
Contact: Jason Weedon, CEO
1074 W Taylor St, Box 126
Chicago, Illinois 60607
E-Mail: jason@gorillakids.com
Mobile Number: 877-219-3663
Web site: www.gourmetgorilla.com

Gourmet Solutions
Contact: Courtney Flories
101 East Park Blvd., #467
Plano, Texas 75074
Office Phone: 918-639-5798

Keith & Associates
Sandra Keith
6212 East 98th Street
Tulsa, Oklahoma 74137
Phone: 918- 298-3917 or 918- 639-5783

Keystone Food Service
Brett Feeback
P. O. Box 429
Stillwater, Oklahoma 74076
brettfeeback@gmail.com<mailto:brettfeeback@gmail.com>
Phone: 405-550-2006

Opaa! Food Management, Inc.
Greg Frost, VP, Regional Development
100 Chesterfield Business Parkway, Suite 310
Chesterfield, Missouri 63005
Phone: 816-210-9359
Fax Number: 636-812-0100
E-Mail: gfrost@opaafood.com

PriDe Performance Consulting, LLC
Priscilla Riedel-Cohen, MS, RD, LD, SNS
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
Jennifer Strong
4334 NW Expressway, Suite 248
Oklahoma City, Oklahoma 73116
Phone: 405- 843-7799
Fax: 405-843-8128

Southwest Foodservice Excellence, LLC
Emily Forte', Director of Business Operations
2028 East Ben White Blvd, Suite 240 #29066
Austin, Texas 78741
Phone: 214-244-1984 (Cell)
Fax: 512-861-2385
E-Mail: emily.forte@sfellc.org
Web site: www.sfellc.org

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
Dan Wolff.
5570 Smetana Drive
Minnetonka, Minnesota 55343-9022
Phone: 952-358-1723
Fax: 952-945-0444
E-mail: b.taher@taher.com (Bruce Taher, CEO and President)
E-mail: d.wolff@taher.com

The Nutrition Group
c/o Lyle Kerrick/Pam Harney
580 Wendel Road, Suite 100
Irwin, Pennsylvania 15642
Phone: 1-888-272-8106
www.thenutritiongroup.biz
E-mail: lkerrick@thenutritiongroup.biz
E-mail: pharney@thenutritiongroup.biz

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

PROCUREMENT QUESTIONS AND ANSWERS

Question 1: If all our schools are equipped with a specific brand of coolers for which we maintain a supply of replacement parts and for which our maintenance staff is trained to repair, would we be able to request a specific brand, make, and model as a replacement?

Answer: Yes, with the approval of the State Agency (SA). Generally, restricting the procurement to a brand name or specific product is not permitted (2 CFR 200.319[a][6][c][1]). However, situations do arise when a school food authority (SFA) has a compelling need, such as compatibility with current equipment, to purchase a brand-specific item. In this example, when supporting a request for permission to conduct a procurement for a specific brand of cooler, at a minimum, the SFA would need to document all of the following: the other available brands of coolers are not compatible with the SFA's current equipment, replacement part inventory, and maintenance staff's expertise. The SA can impose additional requirements prior to approving a brand name procurement.

If approved, the SFA would still need to maximize competition in the brand-specific procurement. In the situation presented, there may be more than one equipment distributor carrying the specific product. When an adequate number of equipment distributors did exist, the SA would approve the SFA to conduct a sealed bid procurement to acquire the replacement cooler. In conducting this procurement, the SFA needs to be alert to situations where suppliers are affiliated or associated which could result in collaboration or restrict competition. On the other hand, if only one supplier is available nationally, the SA can authorize the SFA to conduct a noncompetitive negotiation with that one supplier if noncompetitive negotiation is allowed under applicable state and local laws.

Question 2: Is the situation described in Question 1 a sole source procurement?

Answer: No, although a situation exists in which a specific make and model is needed, this is not a sole source procurement. In the Child Nutrition Programs (CNP), a sole source procurement occurs ***ONLY*** when the goods or services are available from only one manufacturer through only one distributor or supplier. While the specific cooler described in Question 1 is only available from one manufacturer, it is highly unlikely that there will be only one national distributor of that cooler.

Question 3: What is the difference between a noncompetitive negotiation and a sole source procurement since both involve negotiating with a potential supplier?

Answer: Noncompetitive negotiation is a procurement method used to compensate for the lack of competition, while sole source describes a condition of the procurement environment.

As stated in the answer to Question 2, a sole source situation occurs when the goods or services are only available from one manufacturer through only one supplier. In a true sole source situation, conducting a traditional solicitation (sealed bid, competitive negotiation, or small purchase) is a meaningless act because the element of competition will not exist. When faced with an actual sole source situation, an SFA must first obtain State Agency approval and then go directly to the one source of supply to negotiate terms, conditions, and prices.

Often, a sole source situation is confused with a lack of competition, which occurs when an SFA receives an inadequate number of responses to its solicitation. This lack of competition may result from overly restrictive

Noncompetitive negotiations are restricted to specific situations and may only be used when: (1) There is inadequate competition in a formal competition; (2) A public emergency exists; or (3) The awarding agency provides prior approval. Regardless of the circumstance, due to the absence of full and open competition, a contract cannot be awarded unless negotiations are actually conducted with one or more potential contractors. Negotiations must include both price and terms, using the same procedures that would be followed for competitive proposals.

Question 4: Can a distributor who carries multiple brands of pizza bid and receive an SFA's pizza contract if the distributor wrote the SFA's pizza specification?

Answer: No. 2 CFR 200.319(d) prohibits an SFA from entering into a contract with a potential contractor who develops or drafts specifications, requirements, statements of work, invitations to bid (IFBs), requests for proposal (RFPs), contract terms and conditions, or other documents for use in conducting a procurement. Regardless of the number of pizza products available through the distributor, if a distributor wrote the specification used in the SFA's pizza bid, the distributor is not eligible for the award.

However, if the distributor simply provided information to the SFA about all or only one of its pizza products and the SFA wrote its own pizza product specifications, the distributor would still be eligible to compete for the procurement. 2 CFR 200.319(d) is not concerned with potential contractors who simply provide information, but rather with those individuals and firms that are actually writing specifications, evaluation criteria, and other contract terms and conditions.

SFAs must have sufficient information to develop well-written specifications and procurement solicitations. SFAs can obtain adequate and pertinent information through a variety of sources, including trade shows, market research, conferences, and discussions with manufacturers and suppliers. Using all of these resources allows the SFA to develop a well-written solicitation that promotes full and open competition, which in turn leads to competitive responses and the best products and services at the best price.

Question 5: What are the *other documents* referenced in this phrase from 2 CFR 200.319(a): *In order to ensure objective contractor performance and eliminate unfair competitive advantage . . . a person who develops or drafts specifications, requirements, statements of work, invitations to bid, requests for proposal, contract terms, and conditions or other documents for use by a grantee or subgrantee in conducting a procurement under the USDA entitlement programs . . . shall be excluded from competing for such procurements*?

Answer: *Other documents* refers to any documents that are used in any aspect of a procurement. This can include, but is not limited to, evaluation criteria, ranking criteria, bidder responsibilities, bidder requirements, SFA procurement practices, contract terms and conditions, payment terms, and SFA contract administration procedures. It is important to remember that procurement is not limited to the solicitation process, but includes all of the elements of the process from the initial determination that goods or services are needed through the retention of records following the expiration of the contract.

Question 6: Often SFAs will share bid specifications and other documents. What steps should an SFA take to make sure that these documents were not drafted by a potential contractor?

Answer: An SFA that uses another SFA's solicitation or contract documents should always ask as to the origin of the information so that it does not unintentionally violate the provisions of 2 CFR 200.319(a). The SFA should pursue its inquiry until the original author of the documents is identified

Question 7: Are Farm to School efforts exempt from the prohibition on using in-state or local geographic preferences?

Answer: No. 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 school lunch and breakfast programs to purchase locally produced foods to the maximum extent practicable.

However, in review of the Committee Notes to the 2002 Farm Bill, page 124 (note 53), although encouraging the purchase of locally produced product, Section 4303 does not allow for geographic preferences, *It is not the intent to create a geographical preference for purchases of locally produced foods or purchases made with grant funds*. The notes continue by stating, *The Managers want to make clear that SFAs are still required to follow federal procurement rules calling for free and open competition and limit local product purchases to those are practicable*.

Therefore, although SFAs participating in the NSLP and SBP are encouraged to purchase locally produced foods to the maximum extent practicable, this provision does not permit SFAs to use in-state or local geographical preferences. SFAs should always remember that all purchases must be made competitively, consistent with federal and state procurement laws and regulations.

Question 8: Does USDA's efforts to promote Farm to School mean schools do not have to follow procurement rules?

Answer: No. Although the Farm to School initiative was developed to encourage schools to purchase fresh fruits and vegetables from small, local farmers and growers, SFAs must make all purchases in accordance with all departmental procurement regulations and applicable state and local laws and statutes. However, this does not preclude SFAs from identifying potential local farmers or providing these farmers with its procurement solicitations. Further, an SFA can inform its local farmers of its interest in particular fresh fruits and vegetables so that the local farmers may plan future crop plantings accordingly. It is important to note that Farm to School purchases are often less than the applicable small purchase threshold. In these cases, SFAs are able to use these relatively simple, informal procedures to obtain these desirable products.

Finally, all produce purchases made through the Department of Defense meet USDA procurement regulatory requirements and SFAs may pursue Farm to School goals through coordination with the designated Department of Defense Produce Buying Office.

Question 9: Our SA requires that we use a mandated prototype contract when contracting with a food service management company (FSMC). The FSMC we selected has returned our state prototype contract with a couple of adjustments that it says will help us save money. Can I allow them to do so?

Answer: Since the prototype contract was developed and its use is mandated by the SA, only the SA can decide whether it will permit changes to that document.

Question 10: With the price of rising fuel costs, my distributor asked me to include a price adjustment in our current contract to help him recover some of his costs associated with these increases. I can see his argument. Can I give him an increase?

Answer: Price changes are permitted only when the SFA included terms for these price changes in its solicitation and contract documents. When the SFA agrees that a price adjustment factor is appropriate but did not include the adjustment factor in its procurement documents, the SFA needs to conduct a new procurement that includes the adjustment factor.

Question 11: My contract with a distributor is a fixed-price for the products for the entire term (12 months) of the contract with a fixed fee for delivery and service expressed as a percentage of the product fixed price as. Is this a *cost plus percentage of cost* contract?

Answer: No. The contract described above is a fixed-price for goods with a service fee expressed as a percentage of the fixed cost. In an actual cost plus percentage of cost contract, the percentage markup is added to the cost of the product, which is not fixed but changes over the term of the contract. This is the type of cost plus percentage of cost contract that is prohibited by 2 CFR 200.323(c). An example of a prohibited cost plus percentage of cost contract provision would be: *The distributor will be paid the cost of goods plus 10 percent of these costs*. In this type of pricing structure, the distributor is rewarded for increased costs and therefore has no incentive to provide the SFA with the best pricing available.

In the contract described in the question, the contractor will received a fixed price for the product and a distribution fee based upon the percentage of the fixed product cost. Since the price of the goods does not change for the contract period, the distribution fee in effect will remain the same and therefore it is also fixed. The distributor only increases its revenue based upon the actions of the SFA (i.e., increased purchase volume) and not through its own actions (i.e., the purchase of higher-priced product).

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Cafeteria Managers' Section

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THE MANAGEMENT OF CHILD NUTRITION PROGRAMS

School meals impact children every day throughout the United States. Millions of children are affected by hunger and food insecurity. At the same time, childhood obesity is still a concern. While childhood obesity remains a global public health challenge, many communities around the world are showing signs of progress and demonstrating innovation in halting and reversing the childhood obesity epidemic. We know that most children have access to food outside of the school meal environment; however, it is our responsibility as cafeteria managers to ensure that while they are in school, we offer children well-balanced meals. The United States Department of Agriculture (USDA) Breakfast and Lunch Meal Patterns are consistent with the 2015 Dietary Guidelines for Americans and MyPlate messages. 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.

2015 DIETARY GUIDELINES FOR AMERICANS

Key Recommendations

Consume a healthy eating pattern that accounts for all foods and beverages within an appropriate caloric level.

A healthy eating pattern includes:

- A variety of vegetables from all of the subgroups—dark green, red and orange, legumes (beans and peas), starchy, and other
- Fruits, especially whole fruits
- Grains, at least half of which are whole grains
- Fat-free or lowfat dairy, including milk, yogurt, cheese, and/or fortified soy beverages
- A variety of protein foods, including seafood, lean meats and poultry, eggs, legumes (beans and peas), and nuts, seeds, and soy products
- Oils

A healthy eating pattern limits:

- Saturated fats and *trans* fats, added sugars, and sodium

Key recommendations that are quantitative are provided for several components of the diet that should be limited. These componnents are of particular public concern in the United States, and the specified limits can help individuals achieve healthy eating patterns within caloric limits:

- Consume less than 10 percent of calories per day from added sugars[1]
- Consume less than 10 percent of calories per day from saturated fats[2]
- Consume less than 2300 milligrams (mg) per day of sodium[3]

NOTES

[1] The recommendation to limit the intake of calories from added sugars to less than 10 percent per day is a target based on food pattern modeling and national data on intakes of calories from added sugars that demonstrate the public health need to limit calories from added sugars to meet food group and nutrient needs within caloric limits. The limit on calories from added sugars is not a Tolerable Upper Intake Level (UL) set by the Institute of Medicine (IOM). For most caloric levels, there are not enough calories available after meeting food group needs to consume 10 percent of calories from added sugars and 10 percent of calories from saturated fats and still stay within caloric limits.

[2] The recommendation to limit intake of calories from saturated fats to less than 10 percent per day is a target based on evidence that replacing saturated fats with unsaturated fats is associated with reduced risk of cardiovascular disease. The limit on calories from saturated fat is not a UL set by the IOM. For most caloric levels, there are not enough calories available after meeting food group needs to consume 10 percent of calories from added sugars and 10 percent of calories from saturated fats and still stay within caloric limits.

[3] The recommendation to limit intake of sodium to less than 2300 mg per day is the UL for individuals aged 14 years and older set by the IOM. The recommendations for children younger than 14 years of age are the IOM age- and sex-appropriate.

TOP 10 THINGS YOU NEED TO KNOW ABOUT THE 2015-2020 DIETARY GUIDELINES FOR AMERICANS

The Dietary Guidelines provide a clear path to help Americans eat healthfully, informed by a critical and transparent review of the scientific evidence on nutrition

1. A lifetime of healthy eating helps to prevent chronic diseases like obesity, heart disease, high blood pressure, and Type 2 diabetes.
2. Healthy eating is one of the most powerful tools we have to reduce the onset of disease. The Dietary Guidelines' recommendations can help you make informed choices about eating for you and your family.
3. The path to improving health through nutrition is to follow a healthy eating pattern that is right for you. Eating patterns are the combination of foods and drinks you eat over time. A healthy eating pattern is adaptable to a person's taste preferences, traditions, culture, and budget.
4. A healthy eating pattern includes:
   - A variety of vegetables: dark green, red and orange, legumes (beans and peas), starchy, and other
   - Fruits, especially whole fruits
   - Grains, at least half of which are whole grains
   - Fat-free or lowfat dairy, including milk, yogurt, cheese, and/or fortified soy beverages
   - A variety of protein foods, including seafood, lean meats and poultry, eggs, legumes (beans and peas), and nuts, seeds, and soy products
   - Oils, including those from plants: canola, corn, olive, peanut, safflower, soybean, and sunflower. Oils also are naturally present in nuts, seeds, seafood, olives, and avocados.
5. Healthy eating patterns limit added sugars. Less than 10 percent of your daily calories should come from added sugars. *ChooseMyPlate.gov* provides more information about added sugars, which sugars and syrups that are added to foods or beverages when they are processed or prepared. This does not include naturally occurring sugars such as those consumed as part of milk and fruits.
6. Healthy eating patterns limit saturated and *trans* fats. Less than 10 percent of your daily calories should come from saturated fats. Foods that are high in saturated fat include butter, whole milk, meats that are not labeled as lean, and tropical oils such as coconut and palm oil. Saturated fats should be replaced with unsaturated fats such as canola or olive oil.
7. Healthy eating patterns limit sodium. Adults and children aged 14 years and over should limit sodium to less than 2300 mg per day, and children younger than 14 years should consume even less. Use the Nutrition Facts label to check for sodium, especially in processed foods like pizza, pasta dishes, sauces, and soups.
8. Most Americans can benefit from making small shifts in their daily eating habits to improve their health over the long haul. Small shifts in food choices—over the course of a week, a day, or even a meal—can make a difference in working toward a healthy eating pattern that works for you.
9. Remember physical activity! Regular physical activity is one of the most important things individuals can do to improve their health. According to the Department of Health and Human Services' Physical Activity Guidelines for Americans, adults need at least 150 minutes of moderate intensity physical activity each week and should perform muscle-strengthening exercises on two or more days each week. Children aged 6 to 17 years need at least 60 minutes of physical activity per day, including aerobic, muscle-strengthening, and bone-strengthening activities.
10. Everyone has a role—home, school, workplace, community, and food retail outlets—in encouraging easy, accessible, and affordable ways to support healthy choices.
    - At ***home, you and your family*** can try out small changes to find what works for you, like adding more veggies to favorite dishes, planning meals and cooking at home, and incorporating physical activity into time with family and/or friends.
    - ***Schools*** can improve the selection of healthy food choices in cafeterias and vending machines, provide nutrition education programs and school gardens, increase school-based physical activity, and encourage parents and caregivers to promote healthy changes at home.
    - ***Workplaces*** can encourage walking or activity breaks; offer healthy food options in the cafeteria, vending machines, and at staff meetings or functions; and provide health and wellness programs and nutrition counseling.
    - ***Communities*** can increase access to affordable, healthy food choices through community gardens, farmers' markets, shelters, and food banks, and create walkable communities by maintaining safe public spaces.
    - ***Food retail outlets*** can inform consumers about making healthy changes and provide healthy food choices.

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 New School Meal Requirements on **pages CM-8** and **CM-9**.)

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 use food-based menu planning for lunch. (Refer to Lunch Meal Pattern on **page CM-8**.)

d. ***Breakfast***: Schools must use the new meal pattern breakfast requirements. (Refer to page **CM-9**.)

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 have signage that 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.

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 for Breakfast and Lunch

a. The requirements include ***new 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 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 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.

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 grade groups are:

- Grades K-5
- Grades 6-8
- Grades 9-12

Grade Group Differences

Grade Level: K-5	Grade Level: 6-8	Grade Level: 9-12
Calorie Ranges	**Calorie Ranges**	**Calorie Ranges**
Breakfast: 350-500	**Breakfast: 400-550**	**Breakfast: 450-600**
Lunch: 550-650	**Lunch: 600-700**	**Lunch: 750-850**

Caloric Overlaps	Caloric Overlaps
B: 400-500	**B: 450-550**
L: 600-650	**L: *NO OVERLAP***

LUNCH MEAL PATTERN

	Grades K-5	Grades 6-8	Grades 9-12
Meal Pattern	**Amount of Food[a] Per Week (Minimum Per Day)**		
Fruits (cups)[b]	2 .5 (0.5)	2.5 (.5)	5 (1)
Vegetables (cups)[b,c]	3.75 (0.75)	3.75 (0.75)	5 (1)
Dark Green[c]	0.5	0.5	0.5
Red/Orange[c]	0.75	0.75	1.25
Beans/Peas (Legumes)[c]	0.5	0.5	0.5
Starchy[c]	0.5	0.5	0.5
Other[c,d]	0.5	0.5	0.75
Additional Veg to Reach Total[e]	1	1	1.5
Grains (oz eq)[f]	8 (1)	8 (1)	10 (2)
Meat/Meat Alternates (oz eq)	8 (1)	9 (1)	10 (2)
Fluid Milk (cups)[g]	5 (1)	5 (1)	5 (1)
Mini-max calories (kcal)[h]	550-650	600-700	750-850
Saturated fat (% of total calories)[h]	<10	<10	<10
Sodium (mg)[h,i]	≤1230	≤1360	≤1420
Trans fat[h]	Nutrition label or manufacturer specifications must indicate zero grams of ***trans*** fat per serving.		

[a] Food items included in each group and subgroup and amount equivalents. Minimum creditable serving is 1/8 cup.

[b] 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.

[c] Larger amounts of these vegetables may be served.

[d] This category consists of *Other Vegetables* as defined in §210.10(c)(2)(iii)(E). For the purposes of the NSLP, the *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).

[e] Any vegetable subgroup may be offered to meet the total weekly vegetable requirement.

[f] Half of weekly grains items (or products) must be whole grain-rich.

[g] All fluid milk must be lowfat (1 percent or less, unflavored) or fat-free (unflavored or flavored) for ages 6 and older. Children 5 and under are only allowed unflavored milk, unless comingled (SP37-2017). Operators are ***required*** to offer unflavored fluid milk at each meal service.

[h] 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, or sodium. Foods of minimal nutritional value (FMNV) and fluid milk with fat content greater than 1 percent are not allowed.

[i] Final sodium targets must be met no later than July 1, 2022 (SY2022-2023). The second intermediate target must be met no later than SY2017-2018. See required intermediate specifications in §210.10(f)(3).

BREAKFAST MEAL PATTERN

	Grades K-5	Grades 6-8	Grades 9-12
Meal Pattern	**Amount of Food[a] Per Week (Minimum Per Day)**		
Fruits (cups)[b,c,e]	5 (1)[e]	5 (1)[e]	5 (1)[e]
Vegetables (cups)[b,c]	0	0	0
Dark Green[c]	0	0	0
Red/Orange[c]	0	0	0
Beans/Peas (Legumes)[c]	0	0	0
Starchy[c]	0	0	0
Other	0	0	0
Additional Veg to Reach Total	0	0	0
Grains (oz eq)[f]	7 (1)	8 (1)	9 (1)
Meat/Meat Alternates (oz eq)	0[j]	0[j]	0[j]
Fluid Milk (cups)[g]	5 (1)	5 (1)	5 (1)
Mini-max calories (kcal)[h]	350-500	400-550	450-600
Saturated fat (% of total calories)[h]	<10	<10	<10
Sodium (mg)[h,i]	≤540	≤600	≤640
Trans fat[h]	Nutrition label or manufacturer specifications must indicate zero grams of ***trans*** fat per serving.		

[a] Food items included in each group and subgroup and amount equivalents. Minimum creditable serving is 1/8 cup.

[b] 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.

[c] 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, legumes (beans and peas), or *Other* 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).

[f] Half of weekly grains items (or products) must be whole grain-rich.

[g] All fluid milk must be lowfat (1 percent or less, unflavored) or fat-free (unflavored or flavored) for ages 6 and older. Children 5 and under are only allowed unflavored milk, unless comingled (SP37-2017). operators are ***required*** to offer unflavored fluid milk at each meal service.

[h] 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, or sodium. Foods of minimal nutritional value (FMNV) and fluid milk with fat content greater than 1 percent are not allowed.

[i] Final sodium targets must be met no later than July 1, 2022 (SY2022-2023). The second intermediate target must be met no later than SY2017-2018. See required intermediate specifications in §210.10(f)(3).

[j] There is no separate meat/meat alternate component in the SBP. Schools may substitute 1 oz eq of meat/meat alternate for 1 oz eq of grains after the minimum daily grains requirement is met.

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 planned and 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-15**.

5. Fruits and Vegetables Are Two Separate Components

    a. 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, 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.

6. Daily and Weekly Minimums for Meat/Meat Alternate

    a. ***Although there are no daily or weekly maximums for each grade group***, menu planners must not exceed 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 meal patterns, ***there is no requirement for meat/meat alternate at breakfast.***

7. Whole Grain-Rich Requirement (7CFR 210.10(c)(2)(IV)(B) and 7CFR 220.8(c)(2)(IV)(B))

   a. There are daily minimum ***and*** weekly minimum quantities of grains for grade groups. Although there are no maximum quantities, menu planners must stay within the weekly range maximum calories for each grade group. Half of the weekly requirements of grain products must be whole grain-rich. All SFAs must still meet the requirements for calories, sodium, and saturated fat.

   b. Although at this time there are no maximum quantities, menu planners must stay within the weekly range of maximum calories for each grade group.

   c. Refer to **page CM-43-44** (Whole Grain-Rich Ounce Equivalency Requirement [formerly Grains/ Breads]

8. Desserts

   Schools may count ***no more than 2 oz equivalent grains-based servings per week*** toward the grains requirement in the Lunch program. Desserts need to be whole grain-rich. In the Afterschool snack program, sweets are limited to only twice per week.

9. Milk (7CFR 210.10(d)(1)(i), 7CFR 210.11(m)(1), and 7CFR 220.8(d))

   a. Under the meal pattern requirements, ***schools* MUST *offer only lowfat and fat-free milk flavored or unflavored.*** 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 and meet nondairy beverage nutrient requirement.

   c. Schools ***must offer at least two varieties*** of milk to students from the following selection:

      - Lowfat, unflavored or flavored
      - Fat-free, unflavored or flavored
      - Fat-free or lowfat, lactose-reduced or lactose-free
      - Unflavored offered at each meal service

   d. The provision for ***milk substitution beverages*** for students with dietary limitations has not changed. (Refer to milk substitution form on **page CM-124**.)

   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}) (**page CM-120**).

   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 to students during meal service. Operators may not offer water as an alternative to milk, as water is not considered part of the reimbursable meal***. Schools who have a ***water fountain in the dining area are meeting this requirement***. (Reference Memo SP-41-2015)

C. Components

1. Fruit

Fruits Requirements

	Breakfast Meal Pattern				Lunch Meal Pattern			
	Grades K-5	Grades 6-8	Grades K-8	Grades 9-12	Grades K-5	Grades 6-8	Grades K-8	Grades 9-12
Meal Pattern	Amount of Food Per Week (Minimum Per Day)							
Fruits (Cups)	5 (1)	5 (1)	5 (1)	5 (1)	2.5 (0.5)	2.5 (0.5)	2.5 (0.5)	5 (1)

a. Fruits and vegetables are two separate components.

b. Fruits must be offered/served daily at breakfast and lunch.

- At breakfast only: Vegetables may be offered in place of fruits. Refer to Breakfast Meal Pattern footnote c, **page CM-9**.

c. May select from fresh, frozen with or 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
- Juice must be 100 percent juice
- 1/4 cup of dried fruit = 1/2 cup of fruit
- Refer to Food-Buying Guide for crediting information

2. Vegetables

Vegetables

	Breakfast Meal Pattern				Lunch Meal Pattern			
	Grades K-5	Grades 6-8	Grades K-8	Grades 9-12	Grades K-5	Grades 6-8	Grades K-8	Grades 9-12
Meal Pattern	Amount of Food Per Week (Minimum Per Day)							
Vegetables (Cups)	0	0	0	0	3.75 (0.75)	3.75 (0.75)	3.75 (0.75)	5 (1)
Dark Green	0	0	0	0	.5	.5.	.5	.5
Red/Orange	0	0	0	0	0.75	0.75	0.75	1.25
Beans/Peas (Legumes)	0	0	0	0	0.5	0.5	0.5	0.5
Starchy	0	0	0	0	0.5	0.5	0.5	0.5
Other	0	0	0	0	0.5	0.5	0.5	0.75
Additional Veg to Reach Total	0	0	0	0	1	1	1	1.5

a. Vegetables must be offered/served ***daily*** at lunch and should reflect a variety over the week

b. Vegetable subgroup ***weekly*** requirements for (see **page CM-8**):

- 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 cups for 9-12 grade group and 3.75 cups for K-8

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

Grains

	Breakfast Meal Pattern				Lunch Meal Pattern			
	Grades K-5	Grades 6-8	Grades K-8	Grades 9-12	Grades K-5	Grades 6-8	Grades K-8	Grades 9-12
Meal Pattern	Amount of Food Per Week (Minimum Per Day)							
Grains (oz eq)	7 (1)	8 (1)	7 (1)	9 (1)	8 (1)	8 (1)	8 (1)	10 (2)

a. Schools must offer the daily and weekly minimum servings of whole grain-rich products at lunch. While maximums on Grains have been relaxed, calorie maximums remain the same. (Refer to **page CM-8**.)

— ***Whole grain-rich*** foods must contain at least 50 percent whole grains

b. Criteria for whole grain-rich foods:

- Meet the serving size requirements using the chart on **page CM-43** in the Grains 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 statement or stamp on its packaging

— Whole grain must be listed as the first ingredient on the product label

— Must be the appropriate weight for the specific grade groups needed

c. Grain-Based Desserts

- Only two creditable grain-based desserts allowed at lunch per school week
    - These items are a major source of solid fats and added sugars per 2015 Dietary Guidelines for Americans

d. Grains: Breakfast

- Offer the daily and weekly servings of grain items at breakfast
- Half of all grain items offered must be whole grain-rich
- Schools ***MAY*** substitute meat/meat alternate for grain once daily grains minimum is met
- Formulated grain-fruit products cannot be used to meet grain 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.

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 (Chinese cabbage) Broccoli Collard greens Dark green leafy lettuce Kale Musclun Mustard greens Romaine lettuce Spinach Turnip greens Watercress Beet greens Chicory Escarole endive Grape leaves Parsley Swiss chard	Acorn squash Butternut squash Carrots Pumpkin Tomatoes Tomato products Sweet potatoes Cherry peppers Hubbard squash Pimientos Red/orange peppers Salsa	Black beans Kidney beans Lentils Navy beans Pinto beans Soy beans (dry, mature) Split peas White beans Black-eyed peas (mature, dry, canned) Garbanzo beans (chickpeas) Refried beans Bean products Edamame Great Northern beans Green peas, dry Lima beans (dry, mature) Mung beans Pink beans Small red beans	Corn Cassava Green bananas Green peas Green lima beans Plantains Taro Water chestnuts White potato products Black-eyed peas (not dry, fresh, frozen) Mixed vegetables Breadfruit Lima beans (canned, fresh, or frozen) Jicama (yam bean) Parsnips Piqeou peas Poi Yautia (tannier)	All other fresh, frozen, and canned; cooked or raw vegetables, including: Artichokes Asparagus Avocado Bamboo shoots Bean sprouts Beets Bell or chili peppers Brussels sprouts Cabbage, green or red Cactus (napales) Cauliflower Celery Chayote Chinese snow peas Cucumbers Eggplant Green beans Green peppers Iceberg lettuce Kohlrabi Mushrooms Okra Olives Onions Parsnips Pepperocini Pickles Radishes Rutabagas Sauerkraut Seaweed Sugar snap peas Tomatillos 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

4. Meats

Meat/Meat Alternate

	Breakfast Meal Pattern				Lunch Meal Pattern			
	Grades K-5	Grades 6-8	Grades K-8	Grades 9-12	Grades K-5	Grades 6-8	Grades K-8	Grades 9-12
Meal Pattern	Amount of Food Per Week (Minimum Per Day)							
Meat/Meat Alternate (oz eq)	0	0	0	0	8 (1)	9 (1)	9 (1)	10 (2)

a. Meat/Meat Alternate must be offered/served and meet daily and weekly requirements for lunch only

b. While maximums for Meat/Meat Alternate have been relaxed, calorie maximums remain the same. (Refer to **page CM-8**.)

c. There is a daily 2 oz eq requirement for students in Grades 9-12

d. There is a daily 1 oz eq requirement for students in Grades K-8

e. A variety of meat/meat alternate is encouraged

f. Tofu and soy yogurt will be allowable as a meat alternate (Refer to the on-line Food-Buying Guide for item equivalency.)

5. Fluid Milk

Milk

	Breakfast Meal Pattern				Lunch Meal Pattern			
	Grades K-5	Grades 6-8	Grades K-8	Grades 9-12	Grades K-5	Grades 6-8	Grades K-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)	5 (1)	5 (1)

a. Milk must be offered in at least two choices

b. Allowable milk options include:

- Fat-free (unflavored or flavored)
- Lowfat (unflavored or flavored)
- Fat-free or lowfat, lactose-reduced or lactose-free

c. Milk substitutions do not alter Nutrition Standards (e.g., soy beverages) (see **page CM-132**)

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

      • Weekly average

GRADES	LUNCH (kcal)	BREAKFAST (kcal)
K-5	550-650	350-500
6-8	600-700	400-550
9-12	750-850	450-600
K-8	600-650	400-500

2. Saturated fat

   a. Limit saturated fat

      • Less than 10 percent of total calories (curent regulatory standard)

   b. No total fat standard

3. Sodium

a. The sodium levels in this table ***reflect the targets for the current school year***.

Sodium

Daily amount based on the average over a 5-day week				
	K-5 Grades	6-8 Grades	K-8 Grades	9-12 Grades
Breakfast	≤ 540 mg	≤ 600 mg	≤ 540 mg	≤ 640 mg
Lunch	≤ 1230 mg	≤ 1360 mg	≤ 1230 mg	≤ 1420 mg

4. Trans fat

   a. 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 Nutrition Facts label or manufacturer specifications to determine trans fat content.***

   b. 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.

   c. The only clear way to determine if the product is in compliance with trans fat is for schools to ***request this information from suppliers/manufacturers on how much of the trans fat is naturally occurring versus if any of the other ingredients contain trans fat.***

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). Boarding schools must implement OvS at the high school level.

C. If a district participates in Offer versus Serve, it is reported on the annual contractual agreement with the State Agency. Annual training on Offer versus Serve is required to meet the professional standards requirements.

D. Offer versus Serve—Lunch

1. Schools must offer five food components (grains, 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 are required to take 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.
- Fruits.
- Vegetables.
- Milk.

E. Offer versus Serve—Breakfast

1. Schools must offer at least the minimum serving sizes for the appropriate grade group of four food items from three food components.

2. Students must select at least three food items in at least the minimum serving size for the appropriate grade group.

3. Students may decline any food item, including milk, except students are required to take at least one-half cup fruit.

4. Breakfast must be priced as a unit.

5. Students must take 1/2 cup fruit as one of the 3 food items.

6. The breakfast food components include:

    - Milk (Mk)
    - Juice/Fruit/Vegetable (V/F)
    - Grains(G/B)
    - Additional Item

7. The four items at breakfast are:

    - 1 serving of Milk
    - 1 serving of Juice/Fruit/Vegetable
    - 1 servings of Grains
    - Additional item from the three components or a meat/meat alternate as in Item 8 below.

8. Schools may substitute 1 oz eq of meat/meat alternate for 1 oz eq of grains *AFTER* the minimum *DAILY* Grains requirement is met.

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.

3. **Signage**
   Schools are required to identify the foods that are part of the reimbursable meal with signage near or at the beginning of the serving line. This seeks to ensure that students understand the components of the meal and select the required food items and quantities. Hopefully, this will prevent students from making unintentional purchases of à la carte foods. (Refer to **pages CM-23 and CM-24** for an example of Offer verus Serve signage).

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 take 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*** take 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. Schools may substitute 1 oz eq of meat/meat alternate for 1 oz eq of grains ***AFTER*** the minimum ***DAILY*** Grains requirement is met.

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 at lunch to take at least one-half cup of fruits or vegetables daily for a reimbursable meal may be met if the student takes 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 at lunch and breakfast, students must take 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 takes only three components and two of these three components are fruits and vegetables, the student must take one-half cup of either fruit or vegetable, but then must take the full planned serving of the other food component.

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 takes 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.

OFFER VERSUS SERVE (OvS)

Breakfast

- **Offer daily 3 food components**
- **1. Grains**

  2. Fruits or Vegetables

  3. Milk

  4. Additional Food Item as, Another Fruit and/ or Vegetable or Grains serving *OR* Meat/Meat Alternate if minimum Grains requirement has been met

- ***Offer 4 food items***
- **Student must take 3 of the 4 items**
- ***Fruit —Must offer 1 cup; student must take at least 1/2 cup***
- **Other 2 items must be selected in quantity planned**

OFFER VERSUS SERVE (OvS)

Lunch

- **Offer daily food components**
- **1. Meat/Meat Alternate**

  2. Vegetables

  3. Fruits

  4. Grains

  5. Milk

- **Student *MAY* decline 2 of the 5 items**
- ***Student MUST select 1/2 cup of either vegetable or fruit***
- **Other 2 items must be selected in quantity planned**

PRESCHOOL MEAL PATTERNS

On April 25, 2016, USDA's FNS published the final rule *Child and Adult Care Food Program: Meal Pattern Provisions Related to the Healthy, Hunger-Free Kids Act of 2010* (81 FR 24348) to update the School Meal Programs' meal pattern requirements for infants and preschoolers under Parts 7 CFR 210.10 and 220.8. Schools serving meals to infants and children aged 1 through 4 years (preschoolers) must comply with these updated meal pattern requirements. (Reference CACFP Meal Patterns on **pages 128-130**.)

FNS recognizes that some schools serve meals to preschoolers and Grades K-5 students in the same service area at the same time. These comingled situations may create counting and claiming issues because it may be challenging to determine during a meal service if a child is in preschool or K-5, and the meal pattern requirements for preschoolers and K-5 students are slightly different. For example, children may arrive on the same bus and enter the cafeteria for breakfast together. In this situation, it may be difficult for meal service staff to determine which children are in preschool or K-5.

In recognizing these potential issues and the operational challenges, schools that serve meals to preschoolers and K-5 students in the same service area at the same time is considered comingling and may choose to follow the grade-appropriate meal patterns for each grade group or serve the K-5 meal pattern under 7 CFR 210.10 and 220.8 to both grade groups.

MENU PLANNING

Consider the following factors when planning menus for lunch:

- May utilize menu-planning tool on **pages CM-26** through **CM-28** for each grade group. See **pages CM-29** through **CM-31** for Breakfast Menu-Planning Tool.
- Make sure at least half of all grains items served during the week are whole grain-rich.
- While Grains and Meat/Meat Alternates have been relaxed, the calorie maximums have remained the same.
- No more than 2 oz eq grain-based desserts per week.
- Include all vegetable subgroups over the week. (Refer to subgroup on **page CM-15.**)
- Limit amount of processed food.
- Use USDA recipes (**http://www.fns.usda.gov/usda-standardized-recipe**).
- Consider condiments (calories, fat, sodium).
- Adapt menus according to grade group.
- Refer to charts on short and long weeks on **pages CM-32** through **CM-35**.
- Refer to Breakfast or Lunch Meal Patterns on **pages CM-8** and **CM-9**.

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/week						
Grains: 1 oz/daily, 8/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: ≤1,230 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/week						
Grains: 1 oz/daily, 8/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: ≤1,360 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/week						
Grains: 2 oz/daily, 10/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: ≤1,420 mg						

Breakfast Menu-Planning Worksheet for Grades K-5

(***NOTE:*** Shaded food items are not required at breakfast but may be offered within dietary specifications limits.)

Instructions: Plan 1 week of school meals for Grades K-5 to meet both daily and weekly requirements. Indicate caloric amounts for each planned item that is being served per day. Record total calories in bottom box for each day.

BREAKFAST	Monday	Tuesday	Wednesday	Thursday	Friday	Weekly Totals
Fruit (1 cup daily, 5 cups weekly)						
Vegetables						
Dark Green						
Red/Orange						
Beans/Peas						
Starchy						
Other Vegetables						
Grains (1 oz daily, 7/week)						
Meat/Meat Alternate						
Milk, 2 Varieties (1 cup daily)						
Noncreditable Food Items						
Sodium ≤540 mg						
Calories 350-500						

Breakfast Menu-Planning Worksheet for Grades 6-8

(***NOTE:*** Shaded food items are not required at breakfast but may be offered within dietary specifications limits.)

Instructions: Plan 1 week of school meals for Grades 6-8 to meet both daily and weekly requirements. Indicate caloric amounts for each planned item that is being served per day. Record total calories in bottom box for each day.

BREAKFAST	Monday	Tuesday	Wednesday	Thursday	Friday	Weekly Totals
Fruit (1 cup daily, 5 cups weekly)						
Vegetables						
Dark Green						
Red/Orange						
Beans/Peas						
Starchy						
Other Vegetables						
Grains (1 oz daily, 8/week)						
Meat/Meat Alternate						
Milk, 2 Varieties (1 cup daily)						
Noncreditable Food Items						
Sodium $\leq$ 600 mg						
Calories 400-550						

Breakfast Menu-Planning Worksheet for Grades -9-12

(***NOTE:*** Shaded food items are not required at breakfast but may be offered within dietary specifications limits.)

Instructions: Plan 1 week of school meals for Grades 9-12 to meet both daily and weekly requirements. Indicate caloric amounts for each planned item that is being served per day. Record total calories in bottom box for each day.

BREAKFAST	Monday	Tuesday	Wednesday	Thursday	Friday	Weekly Totals
Fruit (1 cup daily, 5 cups weekly)						
Vegetables						
Dark Green						
Red/Orange						
Beans/Peas						
Starchy						
Other Vegetables						
Grains (1 oz daily, 9/week)						
Meat/Meat Alternate						
Milk, 2 Varieties (1 cup daily)						
Noncreditable Food Items						
Sodium $\leq$ 640 mg						
Calories 450-600						

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 K-8** Weekly (Daily)	**Grades 9-12** Weekly (Daily)
Fruits (cups)	3 (1)	3 (1)	3 (1)	3 (1)
Grain (oz eq)	4 (1)	5 (1)	5(1)	5.5 (1)
Fluid Milk (cups)	3 (1)	3 (1)	3 (1)	3 (1)

3-Day School Week Lunch	**Grades K-5** Weekly (Daily)	**Grades 6-8** Weekly (Daily)	**Grades K-8** Weekly (Daily)	**Grades 9-12** Weekly (Daily)
Fruits (cups)	1.5 (.5)	1.5 (0.5)	1.5 (.5)	3 (1)
Vegetables (cups)	2.25 (0.75)	2.25 (0.75)	2.25 (0.75)	3 (1)
Dark Green	0.5	0.5	0.5	0.5
Red/Orange	0.5	0.5	0.5	1
Beans/Peas (Legumes)	0.5	0.5	0.5	0.5
Starchy	0.5	0.5	0.5	0.5
Other	0.25	0.25	0.25	0.5
Additional Veg to Reach Total	0	0	0	0
Grain (oz eq)	5 (1)	5 (1)	5 (1)	6 (2)
Meat/Meat Alternates (oz eq)	5 (1)	5.5 (1)	5.5 (1)	6 (2)
Fluid Milk (cups)	3 (1)	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 K-8** Weekly (Daily)	**Grades 9-12** Weekly (Daily)
Fruits (cups)	4 (1)	4 (1)	4 (1)	4 (1)
Grain (oz eq)	5.5 (1)	6.5 (1)	6.5 (1)	7 (1)
Fluid Milk (cups)	4 (1)	4 (1)	4 (1)	4 (1)

4-Day School Week Lunch	**Grades K-5** Weekly (Daily)	**Grades 6-8** Weekly (Daily)	**Grades K-8** Weekly (Daily)	**Grades 9-12** Weekly (Daily)
Fruits (cups)	2 (.5)	2 (0.5)	2 (.5)	4 (1)
Vegetables (cups)	3 (0.75)	3 (0.75)	3 (0.75)	4 (1)
Dark Green	0.5	0.5	0.5	0.5
Red/Orange	0.75	0.75	0.75	1.25
Beans/Peas (Legumes)	0.5	0.5	0.5	0.5
Starchy	0.5	0.5	0.5	0.5
Other	0.5	0.5	0.5	0.75
Additional Veg to Reach Total	.25	.25	.25	.5
Grain (oz eq)	6.5 (1)	6.5 (1)	6.5 (1)	8 (2)
Meat/Meat Alternates (oz eq)	6.5 (1)	7 (1)	7 (1)	8 (2)
Fluid Milk (cups)	4 (1)	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 K-8** Weekly (Daily)	**Grades 9-12** Weekly (Daily)
Fruits (cups)	6 (1)	6 (1)	6 (1)	6 (1)
Grain (oz eq)	8.5 (1)	9.5 (1)	9.5 (1)	11 (1)
Fluid Milk (cups)	6 (1)	6 (1)	6 (1)	6 (1)

6-Day School Week Lunch	**Grades K-5** Weekly (Daily)	**Grades 6-8** Weekly (Daily)	**Grades K-8** Weekly (Daily)	**Grades 9-12** Weekly (Daily)
Fruits (cups)	3 (.5)	3 (0.5)	3 (.5)	6 (1)
Vegetables (cups)	4.5 (0.75)	4.5 (0.75)	4.5 (0.75)	6 (1)
Dark Green	0.5	0.5	0.5	0.5
Red/Orange	0.75	0.75	0.75	1.25
Beans/Peas (Legumes)	0.5	0.5	0.5	0.5
Starchy	0.5	0.5	0.5	0.5
Other	0.5	0.5	0.5	0.75
Additional Veg to Reach Total	1.75	1.75	1.75	2.5
Grain (oz eq)	9.5 (1)	9.5 (1)	9.5 (1)	12 (2)
Meat/Meat Alternates (oz eq)	9.5 (1)	11 (1)	11 (1)	12 (2)
Fluid Milk (cups)	6 (1)	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 K-8** Weekly (Daily)	**Grades 9-12** Weekly (Daily)
Fruits (cups)	7 (1)	7 (1)	7 (1)	7 (1)
Grain (oz eq)	10 (1)	11 (1)	11 (1)	12.5 (1)
Fluid Milk (cups)	7 (1)	7 (1)	7 (1)	7 (1)

7-Day School Week Lunch	**Grades K-5** Weekly (Daily)	**Grades 6-8** Weekly (Daily)	**Grades K-8** Weekly (Daily)	**Grades 9-12** Weekly (Daily)
Fruits (cups)	3.5 (.5)	3.5 (0.5)	3.5 (.5)	7 (1)
Vegetables (cups)	5.25 (0.75)	5.25 (0.75)	5.25 (0.75)	7 (1)
Dark Green	0.5	0.5	0.5	0.5
Red/Orange	0.75	0.75	0.75	1.25
Beans/Peas (Legumes)	0.5	0.5	0.5	0.5
Starchy	0.5	0.5	0.5	0.5
Other	0.5	0.5	0.5	0.75
Additional Veg to Reach Total	2.5	2.5	2.5	3.5
Grain (oz eq)	11 (1)	11 (1)	11 (1)	14 (2)
Meat/Meat Alternates (oz eq)	11 (1)	12.5 (1)	12.5 (1)	14 (2)
Fluid Milk (cups)	7 (1)	6 (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 should be used to determine how much food to purchase or prepare.

1. The Food-Buying Guide can be accessed electronically at the Institute of Child Nutrition (ICN) 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. or at <**http:// www.fns.usda.gov/tn/food-buying-guide-school-meal-programs**>. 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—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 1—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 meal pattern changes. The following changes must be considered when using the older version of 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 has posted updated sections to the FNS Partner Web and public Web site (**http://www.fns.gov/tn/food-buying/guide-school-meal-programs*****).***

B. Grains

1. All grain items, including those that are part of battered and/or breaded products offered must be counted toward the weekly grains requirement.

2. Half of the weekly requirements on NLSP/SBP must be whole-grain rich.

3. Whole grain-rich include, but are not limited to, whole-wheat flour, oatmeal, whole cornmeal, and brown rice.

4. There are three ***different*** ways to identify whole grain-rich products.

   a. Whole grain product 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

   NOTE: Water can be the first ingredient.

   b. An ***individual*** grain ***serving*** must provide ***8 grams OR MORE of whole grain*** per serving.

   c. Whole grain-rich servings ***may*** be specified on the CN label.

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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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5. ***Labels that verify the whole grain-rich contribution must be maintained to document that the requirement was met.***

   a. ***Grain-based desserts*** can be used for the grain requirement, but must be limited to a total of 2 oz equivalents per week. Grain-based desserts are usually significant sources of solid fats and added sugars. In addition, ***fortified*** grain 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-rich requirement, then the food item must meet ***portion size*** requirements. (Refer to the Grains Requirements for Child Nutrition Programs on **page CM-43** through **CM-44** or the USDA Food-Buying Guide.)

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	Whole corn	Rice
Whole wheat	Cornmeal, germinated	Brown rice
Cracked wheat	Corn tortillas	Wild rice
Wheat berries	Corn tortilla chips	Bromated wheat flour
Groates	Graham flour	Corn tortilla shells
Crushed wheat	Whole durum wheat flour	Whole-grain pasta
Oats	Rye	***Other grains:***
Rolled oats	Rye flakes	Amaranth
Oatmeal	Rye flour	Barley
Oat flour	Soba noodles (with whole	Millet flakes
Entire wheat flour	buckwheat flour as primary	Quinoa
Buckwheat	ingredient)	Bulgur

Grain Products (Ingredients) That Are Not Whole Grain-Rich

Long-grain white rice	Instantized flour	Flour
Phosphated flour	Enriched flour	Self-rising flour
White flour	Enriched self-rising flour	Wheat flour
Bread flour	All-purpose flour	Cake flour
Unbleached flour	Hominy grits	Pearled (also called pearl) barley
Hominy	Farina	Durum flour
Enriched rice	Rice flour	Degerminated cornmeal

6. Grains Chart

   SFAs and program operators refer to:

   - Section 3 Grains of the Food-Buying Guide for Child Nutrition Programs.

   All whole grain-rich products must be credited based on per-ounce equivalent (oz eq) standards. Refer to **page CM-45** for the Grains Requirements for Child Nutrition Programs 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.

7. 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
÷
Number of servings the formulation or recipe yields
÷
16 grams per oz eq standard

EXHIBIT A: GRAIN REQUIREMENT FOR CHILD NUTRITION 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 (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 (plain—includes vanilla wafers) • Cornbread • Corn muffins • Croissants • Pancakes • Pie crust (dessert pies, cobbler, fruit turnovers, 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**
• Doughnut (cake and yeast-raised, unfrosted) • Cereal bars, breakfast bars, granola bars (plain) • Muffins (all except corn) • Sweet roll (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.

GROUP E	OZ EQ 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 = 69 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 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 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 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 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 whole grain and 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.

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

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.

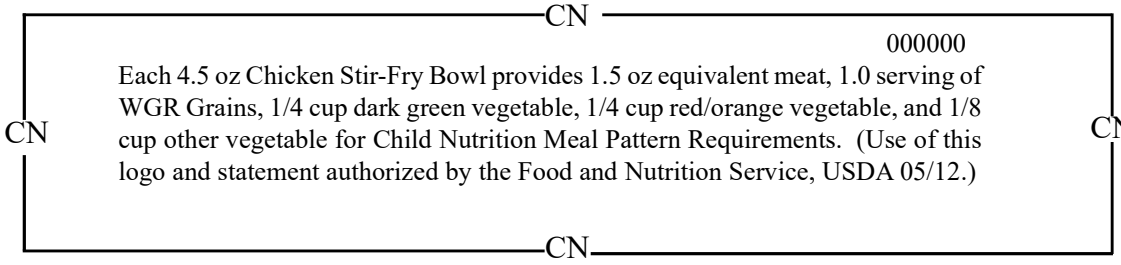
f. What a CN label does ***NOT*** do:

- 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
- If a half-iceberg/half-spinach mix is served and counted as a ***dark green vegetable***, there must be a statement as such on the label

SAMPLE CN LABEL STATEMENT



Acceptable documentation using CN labels are:

CN-Labeled Products

- The CN label provides a warranty against audit claims when the product is used according to the manufacturer's direction.
  - — ***Program operators may submit an original CN label or a photocopy or photograph of the original CN label during an AR as acceptable and valid documentation.*** If using a photocopy or photograph of the CN label, please be sure to follow the criteria below:
  - — Photocopies of the CN label must be shown attached to the original product carton.

  OR
  - — Photographs of the CN label must be shown attached to the original product carton. (CN labels that are photocopied or photographed must be visible and legible.)
- When a valid CN logo and crediting statement are provided, state reviewers ***must not*** request a Product Formulation Statement or other additional crediting information.

Watermarked CN Labels

- A CN label with a watermark is used when the CN logo and contribution statement are used on product information other than the actual product carton and is presented as a separate document.
- If the original CN label or the valid photograph or photocopy of the original CN label is ***NOT*** available, program operators may provide the Bill of Lading (invoice) containing the product name ***AND***:
  - — A hard copy of the CN label copied with a watermark displaying the product name and CN number provided by the vendor

  OR
  - — An electronic copy of the CN label with a watermark displaying the product name and CN number provided by the vendor.

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-51** through **CM-64**.)

- 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-64**) or a Nutrient Data Form (refer to **page CM-67**) 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

1. 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, almond	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	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 dehydrated.
***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 FRUIT OR PREPARED 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 16 grams of whole-grain 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 be counted toward meal requirements.

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	
			%	÷ 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: *Compliance Manager*

Printed Name: **Happy Empanada** Date: *MM/DD/YY* Phone Number: *999-555-5555*

Product Formulation Statement for Grains in School Meals

(Crediting Standards Based on Revised Exhibit A Weights Per Oz Equivalent)

School food authorities (SFAs) should include a copy of the label from the purchased product carton in addition to the following information on letterhead signed by an official company representative. The crediting standards for grains (as outlined in Policy Memorandum SP 30-2012) must be used beginning SY2013-2014.

Product Name:_____ Code No.: _____

Manufacturer: _____ Serving Size:_____

I. Does the product meet the Whole Grain-Rich Criteria: Yes _____ No _____
(Refer to SP 30-2012 Grain Requirements for the National School Lunch Program and School Breakfast Program.)

II. Does the product contain noncreditable grains: Yes _____ No _____ **How many grams:** _____
(Products with more than 0.24 oz equivalent or 3.99 grams for Groups A-G and 6.99 grams for Group H of noncreditable grains cannot be credited using Exhibit A weights. Please use template for crediting using amount of creditable grains.)

III. Use Policy Memorandum SP 30-2012 Grain Requirements for the National School Lunch Program and School Breakfast Program: Exhibit A to determine if the product fits into Groups A-G, Group H, or Group I. *(Please be aware that different methodologies are applied to calculate servings of grain component based on creditable grains. Groups A-G use the standard of 16 grams creditable grain per oz eq; Group H uses the standard of 28 grams creditable grain per oz eq; and Group I is reported by volume or weight.)*
Indicate which Exhibit A Group (A-I) the Product Belongs: _____

Description of Product Per Food-Buying Guide	**Portion Size of Product As Purchased** **A**	**Weight of One-Ounce Equivalent as Listed in SP 30-2012** **B**	**Creditable Amount** **A ÷B**
Total Creditable Amount[1]			

[1]Total Creditable Amount must be rounded ***DOWN*** to the nearest quarter (0.25) oz eq. Do ***NOT*** round up.

Total weight (per portion) of product as purchased _____
Total contribution of product (per portion) _____ oz equivalent

I further certify that the above information is true and correct and that a _____ - ounce portion of this product (ready for serving) provides _____ oz equivalent Grains. I further certify that noncreditable grains ***ARE NOT*** ☐ or ☐ ***ARE*** above 0.24 oz eq per portion (please check one box). SFAs should include totals of noncreditable grains in weekly maximum if above 0.24 oz eq.

_____ _____
Signature Title

_____ _____ _____
Printed Name Date Phone Number

EXAMPLE

Product Formulation Statement for Grains in School Meals

(Crediting Standards Based on Revised Exhibit A Weights Per Oz Equivalent)

School food authorities (SFAs) should include a copy of the label from the purchased product carton in addition to the following information on letterhead signed by an official company representative. The crediting standards for grains (as outlined in Policy Memorandum SP 30-2012) must be used beginning SY2013-2014.

Product Name: *Wheat Smile Pancakes* Code No.: *14005*

Manufacturer: *ABC Bread Company* Serving Size: *2 pancakes 50 g (1.75 oz)*

I. Does the product meet the Whole Grain-Rich Criteria: Yes *x* No _____
(Refer to SP 30-2012 Grain Requirements for the National School Lunch Program and School Breakfast Program.)

II. Does the product contain noncreditable grains: Yes _____ No *x* **How many grams:** _____
(Products with more than 0.24 oz equivalent or 3.99 grams for Groups A-G and 6.99 grams for Group H of noncreditable grains cannot be credited using Exhibit A weights. Please use template for crediting using amount of creditable grains.)

III. Use Policy Memorandum SP 30-2012 Grain Requirements for the National School Lunch Program and School Breakfast Program: Exhibit A to determine if the product fits into Groups A-G, Group H, or Group I. *(Please be aware that different methodologies are applied to calculate servings of grain component based on creditable grains. Groups A-G use the standard of 16 grams creditable grain per oz eq; Group H uses the standard of 28 grams creditable grain per oz eq; and Group I is reported by volume or weight.)*
Indicate which Exhibit A Group (A-I) the Product Belongs: *C*

Description of Product Per Food-Buying Guide	Portion Size of Product As Purchased A	Weight of One-Ounce Equivalent as Listed in SP 30-2012 B	Creditable Amount A ÷ B
Pancakes	*50 grams*	*34 grams*	*1.47*
Total Creditable Amount[1]			*1.25*

[1]Total Creditable Amount must be rounded ***DOWN*** to the nearest quarter (0.25) oz eq. Do ***NOT*** round up.

Total weight (per portion) of product as purchased *50 g*
Total contribution of product (per portion) *1.25* oz equivalent

I further certify that the above information is true and correct and that a *1.75* - ounce portion of this product (ready for serving) provides *1.25* oz equivalent Grains. I further certify that noncreditable grains ***ARE NOT*** ☐ or ☐ ***ARE*** above 0.24 oz eq per portion (please check one box). SFAs should include totals of noncreditable grains in weekly maximum if above 0.24 oz eq.

Happy Empanada *Compliance Manager*
Signature Title

Happy Empanada *MM/DD/YY* *999-555-5555*
Printed Name Date Phone Number

Product Formulation Statement for Grains in School Meals

(Crediting Standards Based on Grams of Creditable Grains)

School food authorities (SFAs) should include a copy of the label from the purchased product carton in addition to the following information on letterhead signed by an official company representative. The crediting standards for grains (as outlined in Policy Memorandum SP 30-2012) must be used beginning SY2013-2014.

Product Name:_____ Code No.: _____

Manufacturer: _____ Serving Size:_____

I. Does the product meet the Whole Grain-Rich Criteria: Yes _____ No _____
(Refer to SP 30-2012 Grain Requirements for the National School Lunch Program and School Breakfast Program.)

II. Does the product contain noncreditable grains: Yes _____ No _____ **How many grams:** _____
(Products with more than 0.24 oz equivalent or 3.99 grams for Groups A-G and 6.99 grams for Group H of noncreditable grains cannot be credited using the amount of creditable grains only.)

III. Use Policy Memorandum SP 30-2012 Grain Requirements for the National School Lunch Program and School Breakfast Program: Exhibit A to determine if the product fits into Groups A-G, Group H, or Group I. *(Different methodologies are applied to calculate servings of grain component based on creditable grains. Groups A-G use the standard of 16 grams creditable grain per oz eq; Group H uses the standard of 28 grams creditable grain per oz eq; and Group I is reported by volume or weight.)*
Indicate which Exhibit A Group (A-I) the Product Belongs: _____

Description of Creditable Grain Ingredient*	**Grams of Creditable Grain Ingredient Per Portion[1]** **A**	**Gram Standard of Creditable Grain Per Oz Equivalent** ***(16 g or 28 g)[2]*** **B**	**Creditable Amount** **A ÷B**
Total Creditable Amount[3]			

***Creditable grains are whole-grain meal/flour and enriched meal/flour.
[1] (Serving size) **X** (% of creditable grain in formula). Please be aware serving size other than grams must be converted to grams.
[2] Standard grams of creditable grains from the corresponding group in Exhibit A.
[3] Total Creditable Amount must be rounded ***DOWN*** to the nearest quarter (0.25) oz eq. Do ***NOT*** round up.

Total weight (per portion) of product as purchased _____
Total contribution of product (per portion) _____ oz equivalent

I further certify that the above information is true and correct and that a _____ - ounce portion of this product (ready for serving) provides _____ oz equivalent Grains. I further certify that noncreditable grains ***ARE NOT*** ☐ or ☐ ***ARE*** above 0.24 oz eq per portion (please check one box). SFAs should include totals of noncreditable grains in weekly maximum if above 0.24 oz eq.

_____ _____
Signature Title

_____ _____ _____
Printed Name Date Phone Number

EXAMPLE

Product Formulation Statement for Grains in School Meals

(Crediting Standards Based on Grams of Creditable Grains)

School food authorities (SFAs) should include a copy of the label from the purchased product carton in addition to the following information on letterhead signed by an official company representative. The crediting standards for grains (as outlined in Policy Memorandum SP 30-2012) must be used beginning SY2013-2014.

Product Name: *Wheat Smile Pancakes* Code No.: *14005*

Manufacturer: *ABC Bread Company* Serving Size: *2 pancakes 50 g (1.75 oz)*

(Raw dough weight may be used to calculate creditable grain amount)

I. Does the product meet the Whole Grain-Rich Criteria: Yes *x* No _____
(Refer to SP 30-2012 Grain Requirements for the National School Lunch Program and School Breakfast Program.)

II. Does the product contain noncreditable grains: Yes _____ No _____ **How many grams:** _____
(Products with more than 0.24 oz equivalent or 3.99 grams for Groups A-G and 6.99 grams for Group H of noncreditable grains cannot be credited using the amount of creditable grains only.)

III. Use Policy Memorandum SP 30-2012 Grain Requirements for the National School Lunch Program and School Breakfast Program: Exhibit A to determine if the product fits into Groups A-G, Group H, or Group I. *(Different methodologies are applied to calculate servings of grain component based on creditable grains. Groups A-G use the standard of 16 grams creditable grain per oz eq; Group H uses the standard of 28 grams creditable grain per oz eq; and Group I is reported by volume or weight.)*
Indicate which Exhibit A Group (A-I) the Product Belongs: *C*

Description of Creditable Grain Ingredient*	**Grams of Creditable Grain Ingredient Per Portion[1]** **A**	**Gram Standard of Creditable Grain Per Oz Equivalent *(16 g or 28 g)*[2]** **B**	**Creditable Amount** **A ÷B**
Whole-wheat flour (47%)	*23.5*	*16*	*1.4687*
Enriched flour (22%)	*11*	*16*	*.6875*
			2.15
Total Creditable Amount[3]			*2.00*

*Creditable grains are whole-grain meal/flour and enriched meal/flour.
[1] (Serving size) **X** (% of creditable grain in formula). Please be aware serving size other than grams must be converted to grams.
[2] Standard grams of creditable grains from the corresponding group in Exhibit A.
[3] Total Creditable Amount must be rounded ***DOWN*** to the nearest quarter (0.25) oz eq. Do ***NOT*** round up.

Total weight (per portion) of product as purchased *50 g (1.75 oz)*
Total contribution of product (per portion) *2.00* oz equivalent

I further certify that the above information is true and correct and that a *1.75* - ounce portion of this product (ready for serving) provides *2.00* oz equivalent Grains. I further certify that noncreditable grains ***ARE NOT*** ☐ or ☐ ***ARE*** above 0.24 oz eq per portion (please check one box). SFAs should include totals of noncreditable grains in weekly maximum if above 0.24 oz eq.

Happy Empanada *Compliance Manager*
Signature Title

Happy Empanada *MM/DD/YY* *999-555-5555*
Printed Name Date Phone Number

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

The title signals that the label contains the required information.

More consistent serving sizes in both household and metric measures, replacing those that used to be set by manufacturers.

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.

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 0g	
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**

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.

NOTE: Naturally occurring trans fat is acceptable

% 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.

G . The updated USDA standardized recipes can be found at the following Web site: **http://www.fns.usda.gov/usda-standardized-recipe**

Recipe: _____ Category: _____

Process Number: _____

Ingredients	Yield _____		Directions
	Weight	Measure	

CCPs: _____

Crediting Information: _____

Serving Sizes: _____

Mt—Meat/Meat Alternate	Vegetable:
G—Grains	DGV—Dark Green Vegetable
WGR—Whole Grain-Rich	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

Ingredients (1)	Quantity of Ingredients As Purchased (2)	Purchase Unit (3)	Servings Per Purchase Unit in Food-Buying Guide (4)	Meat/Meat Alternate (5)	Grains (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								

EXAMPLE

Recipe: *CORN CHIP PIE* Category: Meat/meat alternate
Grains

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 Tbsp		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.
Whole corn chips Reduced-fat cheddar cheese, grated	7 Lb 3 1/2 Lb		6. To serve, place whole 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.

CCP: Cook to 155°f for 15 seconds, and hold at 135°f or higher

Crediting Information: 1/2 Cup chili mixture and .9 Oz whole corn chips, sprinkle with cheese

Serving Sizes: 1 Portion provides 2 oz meat/meat alternate, 1 serving grains/breads, and 1/8 cup (rov) vegetable

Mt—Meat/Meat Alternate
GB—Grains/Breads
WGR—Whole Grain-Rich
F—Fruit
Mk—Milk
X—Extra Foods/Condiments

Vegetable:
DGV—Dark Green Vegetable
ROV—Red/Orange Vegetable
LV—Beans/Peas (Legumes) Vegetable
SV—Starchy Vegetable
OV—Other Vegetable

Key for crediting information.

EXAMPLE

Recipe Analysis

CORN CHIP PIE *100*

Ingredients (1)	Quantity of Ingredients As Purchased (2)	Purchase Unit (3)	Servings Per Purchase Unit in Food-Buying Guide (4)	Meat/Meat Alternate (5)	Grains (6)	Fruits (7)	Vegetables DGV—Dark Green Vegetables ROV—Red/Orange Vegetables LV—Legume Vegetables SV—Starchy Vegetables OV—Other Vegetables (8)				
PINTO BEANS, CANNED, DRAINED	1 LB	#10 CAN	27.2	74.4							
GROUND BEEF, 80/20	6LB	LB	11.8	70.8			DGV	ROV	LV	SV	OV
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,	1 LB			201.2	105			69.9			12.6
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 cup of vegetables and fruits by 4 to get the cups of vegetables and fruits • Grains 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 in numbers of servings: Use the yield data provided for 1 Grains serving • Separate vegetables into subgroups, using the subcolumns of 8 • Keep recipe analysis with standardized recipes for reference		Portions Per Recipe . . .		Total of M/MA divided by Total # Portions	Total of Grains 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
				2.00	1	0	0	1/8	0	0	0
		Calculations		oz M/Ma	serv Grains	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

FOOD PRODUCTION RECORDS

A. Purpose

1. The CNP production record is a record that documents compliance with the meal requirements. SFAs are required to maintain documentation that demonstrates how meals offered to students meet meal pattern requirements. Production records must be complete and accurate. SFAs are required to document that reimbursable meals are offered.

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. Records must include all information necessary to support the claiming of reimbursable meals.

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.

School Site: Record the name of the eating site.

Date: Record the date (month, day, and year) of the meal service.

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 (G)—Must be whole grain-rich (WGR)
- 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, I, and Pre-K:

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 required to be served—descriptive and measurable.***

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 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			Grades Participating	
	Yes	☐		_____
	No	☐		

Meals Served	
Grade	*Actual Number Served*
Adult Meals	
Contract Meals	

A Menu or Food Item Used	B Recipe # or Product Brand and CN Label #	C Total Quantity of All Food Prepared	D Meal Contribution*	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: _____		PRE-K CACFP Meal Patterns 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)	Planned Serving Size**	Planned # Servings (Including Planned Seconds)		
Milk 1% White			Mk			1/2 PT		1/2 PT		1/2 PT					
Milk FF Chocolate			Mk			1/2 PT		1/2 PT		1/2 PT					

* Meal Contribution—Meat/Meat Alternate (Mt); Fruit (F); Vegetable—Dark Green (DGV), Red/Orange (ROV), Beans/Peas (LV), Starchy (SV), Other (OV; Grains (G); Whole Grains (WGR); Milk (MK); Extra Foods/Condiments (X) ** The planned serving size must be the same as the portion size served.

** The planned serving size must be the same as the portion size required to be served—descriptive and measurable.

EXAMPLE
Food Production Record

Site Name: ABC PS **Date:** 10/1/xx

Meal Type		
	Breakfast	☐
	Lunch	√

Offer versus Serve			Grades Participating	
	Yes	√		2-12
	No	☐		

Meals Served	
Grade	*Actual Number Served*
Pre-K	24
K-8	241
9-12	168
Adult Meals	21
Contract Meals	0

A Menu or Food Item Used	B Recipe # or Product Brand and CN Label #	C Total Quantity of All Food Prepared	D Meal Contribution*	E Time and Temp 1	F Time and Temp 2	G Grade Group: K-8 Planned # Reimbursable Meals for Students: 250		H Grade Group: 9-12 Planned # Reimbursable Meals for Students: 175		I Grade Group: _____ Planned # Reimbursable Meals for Students: _____		PRE-K CACFP Meal Patterns Planned # Reimbursable Meals for Students: 25		J À La Carte, Adults, Contract Meals	K Leftovers/ Comments
				See Temp Log		Planned Serving Size**	Planned # Servings (Including Planned Seconds)	Planned Serving Size**	Planned # Servings (Including Planned Seconds)	Planned Serving Size**	Planned # Servings (Including Planned Seconds)	Planned Serving Size**	Planned # Servings (Including Planned Seconds)		
Chicken Nuggets	CN #123456	108 lb 3.25 oz	MT/G			5 Nuggets	250	6 Nuggets	175			5 Nuggets	25	25	
Mashed Potatoes	Tater Good	9 lb	SV			1/2 cup	250	1/2 cup	175			1/2 cup	25	25	
Broccoli, frozen	Green Goddess	31.5 lb	DGV			1/4 cup	150	1/2 cup	75					25	
Mixed Fruit in Own Juice	Brand X	14 #10 cans	F			1/2 cup	200	1 cup	65			1/4 cup	25	25	
Cookie, Chocolate Chip	Sugar High	20 lb	X			1 each	250	1 each	175			1 each	25	25	
Salad Bar			X					1/2 cup	75					25	
Ketchup	Good Fats	1 quart	X			3 Tbsp	200	3 Tbsp	150			2 Tbsp	20	20	
Gravy	So Good	5 lb	X			2 Tbsp	185	2 Tbsp	125			2 Tbsp	15	15	
W G Roll	B #1	500	WGR			2 oz	225	2 oz	170			2 oz	25	25	
Milk 1% White	Daily Cow		Mk			1/2 PT	165	1/2 PT	75	1/2 PT				10	
Milk FF Chocolate	Daily Cow		Mk			1/2 PT	15	1/2 PT	10	1/2 PT		1 each	25	3	

* Meal Contribution—Meat/Meat Alternate (Mt); Fruit (F); Vegetable—Dark Green (DGV), Red/Orange (ROV), Beans/Peas (LV), Starchy (SV), Other (OV; Grains (G); Whole Grains (WGR); Milk (MK); Extra Foods/Condiments (X) ** The planned serving size must be the same as the portion size served.

** The planned serving size must be the same as the portion size required to be served—descriptive and measurable.

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 can offer 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)

   SP-10-2012 (v.9) August 3, 2015: Questions and Answers on the Final Rule, *Nutrition Standards in the National School Lunch and School Breakfast Programs, page 9, Number 24*

   May a salad bar with fruits and vegetables offered as part of the reimbursable meal be located after the point of service?

   As stated in the memorandum on salad bars (SP-31-2013), the PoS should 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, such as stationing staff at the end of the salad bar to ensure each student leaves with a reimbursable meal. 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 OvS equals at least 1/2 cup. Unmonitored salad bars after the PoS are considered extra foods that do not contribute toward the reimbursable meal and need to be considered with regard to the weekly dietary specifications.

5. If the salad bar is designed to provide a complete reimbursable meal, the production record must be maintained on the ***FULL*** meal Food Production Record forms (**page CM-77**).

6. ***Do the vegetable subgroups offered on a daily salad bar need to be itemized on the production records? Do all of these items need to be listed on the menu?***

   Yes. Section 210.10(a)(3) of the regulations requires that production records and menu records for the meals shows how the meals offered contribute to the required food components and food quantities. These records must be examined by the State Agency during the AR to ensure the meals offered are reimbursable.

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 *Vegetable and/or Fruit Component* box when it is being used as a component toward a reimbursable meal. ***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). The planned serving size must also be indicated.

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

NOTE: *Use this form ONLY when the salad/food bar is planned as a menu item or extra offerings rather than a reimbursable meal. Salad bar items will be counted in total meal contribution dietary specifications.*

☐ **Vegetable Component** _____

☐ **Fruit Component** _____

(A) Food Item Prepared/What Form Recipe Number or Product Brand	(B) Time and Temp	(C) Meal Contribution and Serving Size	(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)

EXAMPLE
SALAD/FOOD BAR PRODUCTION RECORD

Date: **10/1/YYYY** Planned Number of Students and Adults for Salad/Food Bar: **100**

Meal Contribution

NOTE: *Use this form ONLY when the salad/food bar is planned as a menu item or extra offerings rather than a reimbursable meal. Salad bar items will be counted in total meal contribution dietary specifications.*

☐ **Vegetable Component** **EXTRA**

☐ **Fruit Component** **EXTRA**

(A) Food Item Prepared/What Form Recipe Number or Product Brand	(B) Time and Temp	(C) Meal Contribution and Serving Size	(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
Romaine	10:30 AM 40°	X	10 lb	5 lb	5 lb	Use next day
Tomatoes	10:30 AM 40°	X	5 lb	0	5 lb	
Carrots, baby	10:30 AM 40°	X	3 lb	1 lb	2 lb	Use next day
Cucumber	10:30 AM 39°	X	5 lb	4 lb	1 lb	Discarded
Broccoli	10:30 AM 39°	X	3 lb	0	3 lb	
Light Ranch	10:30 AM 39°	X	1/2 gal	1/4 gal	1/4 gal	Use next day
Italian Dressing	10:30 AM 39°	X	1/4 gal	1/8 gal	1/8 gal	Use next day
Pears, diced	10:30 AM 40°	X	1 #10 can	0	1 #10 can	
Strawberries	10:30 AM 40°	X	5 lb	4 1/2 lb	1/2 lb	Discarded

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-80** 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 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 ounce equivalent (oz eq) weekly/ 1 ounce equivalent (oz eq) daily	M *Whole Grain-Rich Bun*	M *Whole-Wheat Bread*	Mon *1 ea, 2 slices*	2 oz eq Bun	1 oz eq Bread
	T *Whole Grain-Rich Noodles*	T *Whole Grain-Rich Roll*	Tues *1/2 cup, 1 ea*	2 oz eq Noodles	1 oz eq Roll
	W *Tomato-Basil Tortilla*	W *Whole Grain-Rich Tortilla*	Wed *1 ea, 1 ea*	2 oz eq Tortilla	2 oz eq Tortilla
	Th *Whole Grain-Rich Rice*	Th *Whole Grain-Rich Roll*	Thurs *1/2 cup, 1 ea*	2 oz eq Rice	2 oz eq Roll
	F *Pizza Crust, Whole Grain-Rich*	F *Whole Grain-Rich 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 Menu
Fruits 2 1/2 cups weekly/ 1/2 cup daily	M *Fresh banana or raisins (1/4 cup raisins = 1/2 cup)*	Mon *1/2 cup*	1/2 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 1/2 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 1 1/2 cups
	T *Cooked spinach or green peas*	Tues *3/4 cup*	Red/Orange 1 1/2 cups
	W *Roasted herb corn or cole slaw*	Wed *3/4 cup*	Beans/Peas (Legumes) 3/4 cup
	Th *Steamed broccoli or celery sticks*	Thurs *3/4 cup*	Starchy 3/4 cup
	F *Fresh carrots or green beans*	Fri *3/4 cup*	Other 2 1/4 cups **TOTAL:** 6 3/4 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)	5 cups weekly

APPROVED NUTRIENT ANALYSIS SOFTWARE

Cartewheel
Coylar Technology Solutions, LLC
Phone: (623) 209-1700

eTrition
Harrison School Solutions
2540 Warren Drive; STE A
Rocklin, CA 95677
Phone: 916-577-2900 x611

Health-e Meal Planner
Water Walkers, Inc dba Health-e-Pro
P O Box 124
Anacortes, WA 98221
Phone: (800) 838-4856 x5

inTEAM Menu Compliance Tool+, Web enabled version 1.0
inTEAM Associates, LLCl
Phone: (866) 457-4705

MCS Edison Menus & Inventory
Heartland School Solutions
787 Elmgrove Rd, Bldg 1
Rochester, NY 14624
Phone: (888) 287-6416

MCS WinFSIM Menus & Inventory
787 Elmgrove Rd, Bldg 1
Rochester, NW 14624
Phone: (888) 287-6416

Meals Plus Menus
Education Management Systems, Inc
4110 Shipyard Blvd
Wilmington, NC 28403
Phone: (800) 541-8999

Mosaic Menu Planning
Heartland School Solutions
787 Elmgrove Rd, Bldg 1
Rochester, NY 14624
Phone: (800) 724-9853

NUTRIKIDS: Menu Planning & Nutritional Analysis
Heartland School Solutions
787 Elmgrove Rd, Bldg 1
Rochester, NY 14624
Phone: (800) 724-9853

OneSource—Menu Planning and Nutrient Analysis
Horizon Software International
2915 Premiere Parkway, Suite 300
Duluth, GA 30097
Phone: (800) 741-7100 or (770) 554-6353

PRIMA Web
(Approved for use only by school food service programs managed by Aramark and is not available for purchase)
Aramark
1101 Market Street
Philadelphia, PA 19107
Phone: (215) 238-3000

PrimeroEdge—Menu Planning Module
(formerly Primero Menu Planning)
Cybersoft Technologies , Inc.
4422 FM 1960 West, Suite 300
Houston, Texas 77068
Phone: (866) 510-2525

TITAN School Solutions
Titam School Solutions, LLC
Phone: (844) 467-4700

TrakNOW—Nutrition and Inventory
(Part of PCS-NOW, Nutrition on the Web Suite)
PCS Revenue Control Systems, Inc
560 Sylvan Avenue
Englewood Cliffs, NJ 07632
Phone: (800) 247-3061; (201) 568-8300

WebSMART MenuPlanning & Production
Heartland School Solutions
1620 W Fountainhead Parkway, Suite 501
Tempe, AZ 85282
Phone: (800) 423-2113

Webtrition
(Approved for use only by school food service programs managed by Chartwells and is not available for purchase)
Chartwells K12
105 S York St
Elmhurst, IL 60126
Phone: (877) 586-9631

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 *Child Nutrition*; click on *Nutrition documents*.

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 ICN 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)

160°F (15 seconds)
- Hamburger, meatloaf, and other ground meats;
- Eggs, any type

145°F (15 seconds)
- Beef, corned beef, pork, ham—roasts (hold 4 minutes)*
- Beef, lamb, veal, pork—steaks or chops
- Fish and shellfish, any type
- Fresh shell eggs—broken, cooked, and served immediately

140°F (15 seconds)
- Ham, cooked—packaged in USDA-inspected plants—to reheat (all others to 165°F)
- 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. Monitors must review the school food safety programs at least annually or when any significant changes occur in the operations. 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, if applicable per district's HACCP plan. See *Food Safety Checklist* on **page CM-89**.

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 record

- 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.

FOOD SAFETY CHECKLIST
(At least annually or more frequently if determined by your HACCP plan)

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 grain-rich products, and healthy sources of protein are available to help schools create meals that are consistent with the 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 the form on **page CM-96** for an example of the log.

D. A USDA Foods Commodity 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-107** for a sample Comment form.

E. Because of any possible holds or recalls declared on USDA Foods, DHS requires a written system of accountability be developed for the USDA Foods received separately from other foods obtained 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>**.

REFRIGERATOR/FREEZER DAILY TEMPERATURE LOG

_____ For: _____
NAME OF SITE (IDENTIFY UNIT)

MONTH: _____ YEAR: _____

No more than a two-day gap on breaks/holidays.

Date	Time	Temperature	Corrective Action	Initials
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				

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 40°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:

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

PROFESSIONAL STANDARDS FOR SCHOOL NUTRITION PROGRAM COMPLIANCE

The Healthy, Hunger-Free Kids Act of 2010 (HHFKA) requires the United States Department of Agriculture (USDA) to create professional standards for state and local school nutrition program personnel. Local school program personnel should be sure to refer to the final rule and consult with the State Agency (SA) if they have specific questions.

The goal of the training and hiring standards is to ensure the success of the National School Lunch Program (NSLP) and School Breakfast Program (SBP) by assisting school food authorities (SFAs) in:

- Recruiting, hiring, training, and retaining qualified school nutrition staff.
- Enhancing the image of school nutrition professionals and their influence in the community.
- Building skills and empowering staff to lead and efficiently operate school nutrition programs.

A. Standards for School Nutrition Employees, Directors, Managers, and Staff

Professional standards apply to all school nutrition employees, whether the SFA operates the school nutrition program or contracts with a food service management company (FSMC). Compliance with the professional standards is included as a part of the Administrative Review (AR).

B. Job Categories

Professional standards vary by three job categories: directors, managers, and staff. The definitions are general enough to cover most local school nutrition program employees.

- ***Directors*** plan, administer, implement, monitor, and evaluate all districtwide aspects of school nutrition programs.
- ***Managers*** have direct responsibility for the day-to-day operations at one or more schools.
- ***Staff*** prepare and serve meals, process transactions at point of service, and review the free/reduced-price applications, along with other routine work.

C. Training Standards

- Annual training hours required each year varies by job category and must be job-specific.
- Training is measured in hours and may include shorter time periods.
- Training may be obtained in many ways: in person, online, local meetings, webinars, conferences, etc., many available free or at low cost.
- USDA provides a Training Tracker Tool to help document completed training, if needed.
- The SA reviews training documentation during the AR.
- Training hours earned may be carried over.

Table 1: Summary of Annual Required Minimum Training Hours for School Nutrition Employees

Job Category	Annual Requirements*
Directors	12 hours
Managers	10 hours
Staff	6 hours
Parttime Staff (working less than 20 hours per week)	4 hours
Midyear Hires in All Categories (January 1 or later)	One-half of training requirement for each job category

* *Annual requirements apply to the 12 months between July 1 and June 3. If a schools uses a Food Service Management Company (FSMC), both the district and FSMC must designate a Director and both must have 12 hours of Professional Development hours annually.

D. Training Topics by Key Areas

USDA has suggested job-specific training topics that align with four key areas: nutrition, operations, administration, and communications/marketing. See chart below.

Table 2: Training Topics by Key Areas

Key Areas	Training Topics
Nutrition	Menu Planning Nutrition Education General Nutrition
Operations	Food Production Serving Food Cashier and Point of Service Purchasing/Procurement Receiving and Storage Food Safety and Hazard Analysis and Critical Control Point (HACCP)
Administration	Free and Reduced-Price Meal Benefits Program Management Financial Management Human Resources and Staff Training Facilities and Equipment Planning
Communications and Marketing	Communications and Marketing

See the FNS Professional Standards Web site for suggested learning objectives for each training topic:

http://www.fns.usda.gov/school-meals/professional-standards

E. Record-Keeping Requirements

The regulation does not specify the kind of records that must be kept. Records that list the employee name, employer/school, training title, topic/objectives, training source, dates, and total training hours would be appropriate to demonstrate compliance with training requirements. Records must be maintained and made available to the SA upon request. They may be kept electronically in a local database, in paper files, or through the USDA Training Tracking Tool. The Oklahoma State Agency allows a 2-year period to complete training, but some training hours must be completed each year. Documentation of professional standards training is now part of the AR, so while it is ideal for individual staff members to keep track of their own training, you must ensure it is available for SA review.

F. Hiring Standards for New School Nutrition Program Directors

The professional standards also include minimum hiring criteria for new school nutrition program directors. The hiring standards affect directors hired on or after July 1, 2015. Directors hired prior to July 1, 2015:

- Can remain in their current positions without meeting the hiring standards.
- May fill a new director position for the same LEA enrollment category or smaller without meeting the hiring standards.
- Must meet the hiring standards for the larger LEA enrollment category when applying for a director position within that enrollment category.

Hiring criteria depend on LEA enrollment size. As enrollment increases, program demands and complexity follow. Thus, minimum requirements are higher for LEAs with enrollments of 10,000 or more students than for smaller districts.

Any excess hours of training earned in one year may be carried over to the following year only.

Table 3: Minimum Hiring Standards for New School Food Authority (SFA) Nutrition Directors

Local Educational Agency (LEA) Student Enrollment Categories	Category 1 2,499 or Less	Category 2 2,500-9,999	Category 3 10,000 or More
Minimum Education Standards	Bachelor's Degree* in specific/related major** (experience preferred, not required) **OR** Bachelor's Degree* in any major ***and*** state-recognized certificate for school nutrition program directors **OR** Bachelor's Degree* in any major ***and*** **1 year** of revelant school nutrition experience **OR** Associate's Degree* in specific/related major** ***and*** **1 year** of relevant school nutrition experience **OR** High School Diploma (or GED) ***and*** **3 years***** of relevant school nutrition experience	Bachelor's Degree* in specific/related major** (experience preferred, not required) **OR** Bachelor's Degree* in any major ***and*** state-recognized certificate for school nutrition program directors **OR** Bachelor's Degree* in any major ***and*** **2 years** of relevant school nutrition experience **OR** Associate's Degree* in specific/related major** ***and*** **2 years** of relevant school nutrition experience	Bachelor's Degree* in specific/related major** (experience preferred, not required) **OR** Bachelor's Degree* in any major ***and*** state-recognized certificate for school nutrition program directors **OR** Bachelor's Degree* in any major ***and*** **5 years** of relevant school nutrition experience **OR**
Food Safety Training	At least 8 hours within 5 years prior to or within 30 days of start date		

* Or equivalent educational experience; consult your State Agency for more information.

** Specific/related major: Academic major or concentration in food and nutrition, foodservice management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field.

*** For LEA enrollments less than 500, the State Agency may approve the hire of a candidate with a high school diploma (or (GED) and less than the required years of experience, if the best qualified candidate.

G. Allowable Training Methods for Job-Specific Training

- Online courses
- Structured, on-the-job training
- In-service training
- Local school nutrition organization educational events
- State Agency-sponsored training
- Training you conduct for staff
- Meetings sponsored by foodservice partners (vendors and commodity groups), including exhibits (as allowed by your State Agency)
- College courses with job-specific content

A full 60 minutes of training counts as one training hour, but shorter time periods are allowed. For example, four 15-minute in-service training sessions equal one training hour. Not all activities will count toward training as they all must be job-specific.

Any financing of training for Child Nutrition personnel is an allowable use of the school food service account with an exception. Child Nutrition funds ***CANNOT*** be used to meet the standards for hiring new personnel such as completion of a college degree.

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, except for one vegetable, fruit, or grain item that may leave the premises.** 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-106**.

   e. Documentation must be maintained with food production records. This must include, at a minimum:

      - What food items
      - Quantities
      - Date

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.

3. Share Table (SP 41-2016)

a. Using "share tables" is an innovative strategy to encourage the consumption of nutritious foods and reduce food waste.

b. As a reminder, all CNP operators must plan, prepare, and order food with the goal of providing one meal per child at each meal service. If a school has leftovers or unusable foods on a frequent basis, menu planning and production practices should be adjusted to reduce leftovers or unusable foods.

c. FNS regulations require participating schools to provide reimbursable meals that meet specific meal pattern requirements. However, FNS recognizes that children may not always want to consume certain food or beverage items included in their meal. "Share tables" are tables or stations where children may return whole food or beverage items they choose not to eat, i***f it is in compliance with local and State food safety codes***. These foods and beverage items are then available to other children who may want additional servings.

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.ok.gov/health>***.

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. Purchase or Sale of Branded Foods

There are several USDA rules and regulations that apply when commercially branded foods are purchased and sold by school food service programs.

1. Sales Agency Agreements

   Sites may not enter into a sales agency agreement with a food vendor. This means that the vendor may not bring the food product into the site and make direct sales to the final consumer (students, teachers, etc.). SFAs must purchase the food items from the vendor and may then resell to students, etc.

2. Food Safety and Inspection Service (FSIS) Requirements

   USDA/FSIS requires that food items be inspected at the time of preparation if the food item is sold to sites through a vendor agreement. This means that if a school food service program purchases a product (for example, burritos) from a local restaurant to resell in the food service program, then the food item must be inspected when it is being prepared at the local restaurant. Sites can purchase food ingredients in bulk (for example, whole grain-rich flour tortillas, cooked and seasoned ground beef, or refried beans) in the

same form and packaging as the local restaurant and complete final preparation and/or assembly in the site kitchen. This requirement applies to both the reimbursable meal and à la carte programs. Sandwiches and pizzas have been exempted from this inspection requirement.

F. Smart Snacks in School/Competitive Foods

1. The Healthy Hunger-Free Kids Act of 2010 directed USDA to establish Nutrition Standards for all foods and beverages sold to students in school during the school day, including foods sold outside of the meals served through the NSLP and the SBP. The Smart Snacks in School Nutrition Standards will help schools to make the healthy choice the easy choice by offering students more of the foods and beverages we should be encouraging—whole grains, fruits and vegetables, leaner protein, lower-fat dairy—while limiting foods with too much sugar, fat, and salt.
2. Definitions

   a. School Day—From midnight on any given day when school is in session to 30 minutes past when the last bell rings.

   b. All Foods—Any foods sold on school premises during the school day, no matter what fund purchased the food. ***All foods*** includes all foods in snack shops, student stores, vending machines, etc.

3. Nutrition Standards for All Foods Sold in School

NUTRIENT STANDARDS FOR ALL FOODS SOLD IN SCHOOL

Food/ Nutrient	General Standard	Exemptions to the Standard
General Standard for Competitive Food	To be allowable, a competitive ***FOOD*** item must: 1. Meet all of the proposed competitive food Nutrient Standards; AND 2. Be a grain product that contains 50 percent or more whole grains by weight or have whole grain0rich as the first ingredient*; OR 3. Have as the first ingredient* one of the non-grain main food groups: fruits, vegetables, dairy, or protein foods (meat, beans, poultry, seafood, eggs, nuts, seeds, etc.); OR 4. Be a combination food that contains at least 1/4 cup fruit and/or vegetable. * If water is the first ingredient, the second ingredient must be one of Items 2, 3, or 4 above.	• Fresh fruits and vegetables with no added ingredients except water are exempt from all Nutrient Standards. • Canned and frozen fruits with no added ingredients except water or are packed in 100 percent juice, extra light syrup, or light syrup are exempt from all Nutrient Standards. • Canned vegetables with no added ingredients except water or that contain a small amount of sugar for processing purposes to maintain the quality and structure of the vegetable are exempt from all Nutrient Standards.
NSLP/SBP Entrée Items Sold à La Carte	Any entrée item offered as part of the lunch program or the breakfast program is exempt from all competitive food standards if it is sold as a competitive food on the day of service or the day after service in the lunch or breakfast program.	
Sugar-Free Chewing Gum	Sugar-free chewing gum is exempt from all competitive food standards.	
Accompaniments	Use of accompaniments is limited when competitive food is sold to students in school. The accompaniment must be included in the nutrient profile as part of the food item served and meet all proposed standards.	
Caffeine	Elementary and middle school: foods and beverages must be caffeine-free with the exception of trace amounts of naturally occurring caffeine substances. High school: foods and beverages may contain caffeine.	

NUTRIENT STANDARDS FOR ALL FOODS SOLD IN SCHOOL continued		
Food/ Nutrient	**Nutrient Standard**	**Exemptions to the Standard**
Total Fats	Acceptable food items must ≤ 35 percent calories from total fat as served	• Reduced-fat cheese (including part-skim mozzarella) is exempt from the total fat standard • Nuts and seeds and nut/seed butters are exempt from the total fat standard • Products consisting of only dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats are exempt from the total fat standard • Seafood with no added fat is exempt from the total fat standard Combination products are not exempt and must meet all of the Nutrient Standards.
Saturated Fats	Acceptable food items must have ≤ 10 percent calories from saturated fat as served	• Reduced-fat cheese (including part-skim mozzarella) is exempt from the saturated fat standard • Nuts and seeds and nut/seed butters are exempt from the saturated fat standard • Products consisting of only dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats are exempt from the saturated fat standard Combination products are not exempt and must meet all of the Nutrient Standards.
Trans Fats	Zero grams of trans fat as served (≤0.5 g per portion)	
Sugar	Acceptable food items must have ≤ 35 percent of weight from total sugar as served	• Dried whole fruits or vegetables, dried whole fruit or vegetable pieces, and dehydrated fruits or vegetables with no added nutritive sweeteners are exempt from the sugar standard • Dried whole fruits or pieces with nutritive sweeteners that are required for processing and/or palatability purposes (i.e., cranberries, tart cherries, or blueberries) are exempt from the sugar standard • Products consisting of only exempt dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats are exempt from the sugar standard
Sodium	Snack items and side dishes sold à la carte: ≤ 230 mg sodium per item as served. Effective July 1, 2016, snack items and side dishes sold à la carte must be: ≤ 200 mg sodium per item as served, including any added accompaniments. Entrée items sold à la carte: ≤ 480 mg per item as served, including any added accompaniments.	
Calories	Snack items and side dishes sold à la carte: ≤ 200 calories per item as served, including any added accompaniment. Entrée items sold à la carte: ≤ 350 calories per item as served, including any added accompaniments	• Entrée items served as an NSLP or SBP entrée are exempt on the day of or day after service in the Program meal.

NUTRIENT STANDARDS FOR ALL FOODS SOLD IN SCHOOL continued		
Food/ Nutrient	**Beverage Standard**	
Beverages	**Elementary School** • Plain water or plain carbonated water (no size limit). • Lowfat milk, unflavored (≤ 8 fl oz). • Nonfat milk, flavored or unflavored (≤ 8 fl oz), including nutritionally equivalent milk alternatives as permitted by the school meal requirements. • 100 percent fruit/vegetable juice (≤ 8 fl oz). • 100 percent fruit/vegetable juice diluted with water (with or without carbonation) and no added sweeteners (≤ 8 fl oz). **Middle School** • Plain water or plain carbonated water (no size limit). • Lowfat milk, unflavored (≤ 12 fl oz). • Nonfat milk, flavored or unflavored (≤ 12 fl oz), including nutritionally equivalent milk alternatives as permitted by the school meal requirements. • 100 percent fruit/vegetable juice (≤ 12 fl oz). • 100 percent fruit/vegetable juice diluted with water (with or without carbonation) and no added sweeteners (≤ 12 fl oz). **High School** • Plain water or plain carbonated water (no size limit). • Lowfat milk, unflavored (≤ 12 fl oz). • Nonfat milk, flavored or unflavored (≤ 12 fl oz), including nutritionally equivalent milk alternatives as permitted by the school meal requirements. • 100 percent fruit/vegetable juice (≤ 12 fl oz). • 100 percent fruit/vegetable juice diluted with water (with or without carbonation) and no added sweeteners (≤ 12 fl oz). • Other flavored and/or carbonated beverages (≤ 20 fl oz) that are labeled to contain < 5 calories per 8 fl oz or ≤ 10 calories per 20 fl oz. • Other flavored and/or carbonated beverages (≤ 12 fl oz) that are labeled to contain ≤ 40 calories per 8 fl oz or ≤ 60 calories per 12 fl oz.	

4. Fundraiser Exemptions (Limit of 30 per semester, per school site)

A school district that wishes to conduct fundraisers exempt from the Smart Snack rules must adopt a written policy which shall provide for the following:

a. Each school site shall designate a Smart Snacks in School Exempt Fundraiser contact person who shall be responsible for maintaining up-to-date documentation regarding each exempt fundraiser held at the school site. Refer to **page CM-118** for an example of the School Organization Fundraising Form that schools may use.
b. A limit of 30 exempt fundraisers per semester may be held at each school site. (Vending machines, snack shops, and student stores are all considered fundraisers.)
c. Exempt fundraisers ***are prohibited*** from taking place while meals are being served to students under the NSLP or the SBP and while after-school snacks are being served to students under the ASSP.
d. The maximum duration of any individual exempt fundraiser shall be 14 days.
e. For each individual exempt fundraiser, documentation must be kept on file at the school site showing:
   (1) The school organization, activity, class, or other group that benefits from the fundraiser.
   (2) The date(s) the fundraiser is conducted, with the duration not to exceed 14 days

A school site is not authorized to conduct or allow any exempt fundraisers unless the school district has adopted a written policy that meets these requirements. All competitive foods sold in a school district that does not have such a written policy must meet the nutritional guidelines under Smart Snacks.

5. *Smart Snacks in School Nutrition Standards* Questions and Answers

What do the *Smart Snacks in School* Nutrition Standards do?

The standards will allow schools to offer healthier snack foods for our children while limiting junk food served to students. Students will still be able to buy snacks that meet common sense standards for fat, saturated fat, sugar, and sodium while promoting products that have whole grains, lowfat dairy, fruits, vegetables, or protein foods as their main ingredients.

It is important to note that USDA has no role in regulating foods brought from home. The standards do not apply to any foods brought to school in bagged lunches or for birthday parties and special events, including after-school bake sales and fundraisers.

How will the standards impact school revenue?

At least 39 states currently have some kind of competitive foods standard already in place. In addition, thousands of schools have already taken voluntary steps to enact competitive food standards that meet or exceed those released in the Smart Snack Rule. The standards establish a consistent national baseline that will allow every student to enjoy the benefits of healthy snack food choices while providing greater certainty for food and beverage companies.

Exact revenue dollar figures vary by individual states, school districts, and individual schools. But USDA's review of the existing evidence on revenue impacts indicates that on a national scale, any changes would most likely be very minimal—in the range of 1 percent of total school food revenues.

How will food and beverage options be impacted by the standards? What products will be in, and what products will be out?

It is important to note that the standards do ***NOT*** apply to foods brought to school in bagged lunches or for activities such as birthday parties, holidays, and other celebrations. The intent of the standards is not to limit popular snack items, but instead to provide snack foods for students that are healthier. For example, chips would still be allowed, in healthier versions such as baked tortilla chips, reduced-fat corn chips, and baked potato chips.

How will the standards affect fundraising by school groups?

According to USDA research, more than half of all schools currently do not allow fundraisers that sell sweet or salty foods.

And while only a small amount of snack foods are sold by school groups, USDA recognizes that revenues from school stores, vending machines, and occasional fundraisers can play an important role in supporting student clubs, parent/teacher organizations, and booster groups. That is why the standards offer a significant amount of flexibility on food items sold by these groups:

- All foods that meet the standards could be sold during fundraisers during school hours.
- The standards do not apply to items sold during nonschool hours, weekends, or off-campus fundraising events such as concessions during sporting events and school plays

Do these standards prevent children from bringing cookies to school on their birthdays or special events?

USDA has no role in regulating foods brought from home. These standards only affect foods that are sold on school campus during the school day. Time-honored traditions like treats for birthdays or foods at an after-school sporting event are not subject to these standards.

How will the foods provided as part of the school meal, but sold separately as à la carte items, be affected by these standards?

Based on extensive public comments and feedback from school food service personnel, the standards exempt individual entrée items offered as part of lunch or breakfast from all competitive food standards when sold à la carte the day of or the day after they are served as part of a reimbursable meal.

What is a combination food?

A combination food is defined as a product that contains two or more components representing two or more of the recommended food groups: fruit, vegetable, dairy, protein, or grains. If a combination food does not meet the general standards by being: (1) A grain product that contains 50 percent or more whole grains by weight or have whole grains as the first ingredient; ***OR*** (2) Having one of the nongrain major food groups as a first ingredient (fruits, vegetables, dairy, protein food); ***OR*** (3) A food that contains 10 percent of the Daily Value of a nutrient of public health concern from the DGA (i.e., calcium, potassium, vitamin D, or dietary fiber), then such a combination food must contain 1/4 cup of fruit and/or vegetable. Combination foods must also meet the specific Nutrient Standards specified in the Smart Snacks rule. Examples of combination foods are blueberry muffins, stew, pizza, lasagna, etc.

Are any combination foods exempt from the Nutrient Standards?

There are only two types of combination foods exempt from all or some of the Nutrient Standards. Canned, fresh, and frozen fruits and vegetables that are combined may be exempt from all of the Nutrient Standards as long as there are no added ingredients except water. For example, fresh salsa made from tomatoes, onions, and garlic (with no other ingredients) is exempt from each of the Nutrient Standards.

While combination foods comprised entirely of fruits and/or vegetables are exempt from all of the Nutrient Standards, there are some other combination items that are exempt from a subset of Nutrient Standards. Specifically, items that are made from only dried fruit, nuts, and/or seeds are one specific type of combination food item that is exempt from the total fat standard, saturated fat standard, and the sugar standard as long as such products contain no added nutritive sweeteners or fats. Such products are still subject to the caloric, trans fat, and sodium standards.

Would two items packaged together as a snack be considered a combination food as long as the package contains 1/4 cup of a fruit or vegetable?

Yes. For example, a 100-calorie pouch of small chocolate chip cookies (approximately 21 grams) combined with one small banana (approximately 100 grams) is a combination item if packaged and sold together; the cookies contain grain and the small banana is about 1/2 cup of fruit. The nutrients for this example combination are 190 calories, 3 grams of fat (14 percent calories from fat), 1 gram of saturated fat (5 percent calories from saturated fat), 0 gram trans fat, 95 mg of sodium, and 20 grams of sugar (17 percent sugar by weight).

Would a side salad meet the Nutrient Standards, and/or is it considered to meet the standards as a combination food?

A side salad may qualify based either on the first ingredient being a vegetable or as a combination food. For example, 1 cup of romain lettuce, 1/4 cup sliced cucumbers, 8 cherry tomatoes, 4 croutons, and 1 tablespoon of low-calorie Caesar dressing (that contains 57 calories, 1 gram of fat (16 percent of calories from fat), 0 gram saturated fat, 0 gram trans fat, 191 mg of sodium, and 4 percent sugar by weight) would be allowable.

May cheese and crackers be sold?

To meet the general standard, the first ingredient in cheese and crackers packaged together must be either a dairy food or a whole grain. Cheese and crackers must also meet all of the specific Nutrient Standards. If the cheese and the crackers are packaged separately and sold as separate items, reduced-fat cheese or part-skim mozzarella would be exempt from the total and saturated fat standard but subject to all other standards, while the crackers would need to have as the first ingredient a whole grain and meet all other Smart Snacks Nutrition Standards.

Now that the restrictions on the sale of other beverages during the meal service have been eliminated, may a student select juice or a diet soda instead of milk for a reimbursable meal?

No, the Smart Snacks rule does not change the meal pattern and Nutrition Standards for the NSLP or the SBP. Milk is one component of a reimbursable meal. The milk component may be declined in the case of Offer versus Serve. However, beverages other than juice and smoothies offered as the fruit or vegetable component of the reimbursable meal would have to be purchased à la carte.

How can I tell if my 20-fl oz beverage may be sold in high schools?

Use the Nutrition Facts panel as the guide. Beverages with ≤ 10 calories per 20 fl oz may be sold in containers up to 20 fl oz. Additionally, if a beverage is labeled as < 5 calories per 8 fl oz and there are not more than 2.5 servings in the 20-oz container, it may be sold.

How do you determine if a soy product meets the general standard?

Soy products such as tofu and textured protein product (TVP) are considered protein foods. If tofu, TVP, or soybean is listed as the first ingredient, the product meets the general standard and then will need to be evaluated to ensure that the product meets the Smart Snacks Nutrient Standards.

Soy nuts are ***DRIED*** soybeans that fall into both the protein group and the vegetable group. Since the fruit and vegetable Smart Snacks requirements exempt only *fresh, frozen, and canned vegetables with no added ingredients except water*, soy nuts would ***NOT*** be exempt from the Nutrient Standards. However, even though soy nuts would ***NOT*** be exempt from all Nutrient Standards as a vegetable, they ***WOULD BE*** exempt from the total fat, saturated fat, and sugar standards (if they have no added nutritive sweeteners or fat) under the nut/seeds exemption. Remember: Soy nuts are still subject to the caloric, trans fat, and sodium standards.

Fortified soy beverages are allowable milk alternatives in schools and, therefore, only need to adhere to the appropriate beverage standards for Smart Snacks.

Is a cheese sandwich or a peanut butter sandwich considered an entrée item?

Yes. A combination meat/meat alternate and whole grain-rich food meets the definition of an entrée item. Cheese or peanut butter alone is not considered to be an entrée; however, when combined with whole grain-rich bread, these sandwiches are entrée items. Unless served as an entrée in the NSLP on that day or the day after, all entrée items must also meet the Smart Snacks general and Nutrient Standards.

How often may entrées served as part of a reimbursable meal that do not meet the Smart Snacks standards be sold à la carte to students?

The final rule provides that entrées that have been served as part of the NSLP or SBP reimbursable meal are exempt from the Smart Snacks food standards on the ***day of service*** in the NSLP and SBP as well as the ***day after*** such an entrée is served in the NSLP or SBP as part of the reimbursable meal. This means that such entrée items may be sold to students à la carte on the same day that they are served as part of the reimbursable meal as well as the day after such an entrée item has been served as part of the NSLP or SBP meal.

How do I calculate the percentage of calories from fat contained in an item?

There are two methods of calculating this percentage based on the information found on the Nutrition Facts label. Both are acceptable, though they may yield slightly different results. The Nutrition Facts label includes total fat in two places: (1) Listed as calories from fat near the top, and (2) Listed in grams with the other nutrients. The percent of calories from fat may be calculated using either number.

To calculate using the calories from fat information, take the calories from fat listed on the label and divide by the total calories, then multiply by 100. Using the Nutrition Facts label example shown here to calculate the calories from fat method, the calculation would be as follows: 50 calories ÷ 140 calories x 100 = 35.7 percent of calories from fat

To use the grams of total fat method, take the grams of fat on the label and multiply by 9 (the calories in each gram of fat), divide that result by the total calories, then multiply by 100. Using the Nutrition Facts label example here, the calculation would be: 5 grams x 9 calories ÷ 140 calories x 100 = 32.14 percent of calories from fat.

Nutrition Facts

Serving Size 1 oz (28g)
Servings Per Container 1

Amount Per Serving
Calories 140 Calories From Fat 50

	% Daily Value*
Total Fat 5g	**8%**
Saturated Fat 0.5g	**3%**
Trans Fat 0g	
Sodium 200mg	**8%**
Total Carbohydrate 18g	**6%**
Dietary Fiber 3g	**12%**
Sugars 2g	
Protein 3g	**6%**

***Percent Daily Values are based on a 2,000 calorie diet.**

It appears that these two methods may give different results when calculating the percentage of calories from fat. If so, which calculation should be used?

These two methods will often provide slightly different results because the FDA has different rounding rules for the labeling of each of these nutrients on the Nutrient Facts label. However, if either method results in less than or equal to 35 percent of calories from fat (do not round the result), the product will meet the total fat standard. The previous example could be sold since the result, using the grams of total fat, is less than or equal to 35 percent of calories from fat.

How do we calculate the percentage of calories from saturated fat in an item?

To calculate the percentage of calories from saturated fat, take the grams of saturated fat and multiply by 9 (the calories in each gram of saturated fat), divide that result by the total calories, then multiply by 100. Using the Nutrition Facts label, the calculation would be: (0.5 grams x 9 calories) ÷ 140 x 100 = 3.2 percent. Do not round the result since the standard is less than 10 percent of calories from saturated fat. A product with up to 9.9 percent of calories from saturated fat will meet the standard.

How do I calculate the percent of sugar by weight?

To calculate the percentage of sugar by weight, take the grams of sugar on the Nutrition Facts label and divide that by the total weight of the food in grams. Using the Nutrition Facts label, the calculation would be: 2 grams (grams of sugar) ÷ 28 grams (total weight of food) x 100 = 7.14 percent sugar by weight. Total sugar must be no more than 35 percent by weight. Do not round the result.

What is the trans fat requirement?
Per FDA labeling requirements, a product must have less than 0.5 gram of trans fat to be labeled as a product that contains 0 gram trans fat. Program operators should only select foods that contain 0 gram of trans fat as stated on the Nutrition Facts label (unless it is a naturally occurring trans fat). This error will be corrected in the final rule. The requirement for Smart Snacks is that a product must be labeled as 0 gram of trans fat (contain less than 0.5 gram) to be allowable, consistent with the FDA labeling requirements.

May popcorn qualify as a Smart Snack?

Popcorn is whole grain and may be eligible as a Smart Snack, provided it meets all applicable standards. The ingredient label must list the first ingredient as popcorn to meet the general standard. There are many different types of popcorn available on the market—some with added fats and/or sugars; therefore, the Nutrition Facts label or product specifications must be checked to determine if the product meets the Nutrition Standards.

If pizza or any other food is sold in a classroom, is it subject to the Smart Snacks rule?

All food sold to students anywhere on the campus during the school day is subject to the Smart Snacks regulatory requirements. The Smart Snacks standards do not apply to food given to students without the exchange of currency/tokens/tickets or food brought to school by the students for their own consumption.

Do the Smart Snacks requirements apply if items are sold to someone other than a student?

The Smart Snacks nutrition requirements apply only when foods outside of the school meal programs are sold or available to be sold to students during the school day, on the school campus, as defined in the rule. The requirements of the rule are not applicable to food sold to nonstudents, such as parents or school faculty/staff members.

If the school food service sells food items to the school for a special event, such as a school celebration, holiday party, etc., which will not be sold to students, will the Smart Snacks nutrition requirements apply?

The Smart Snacks Nutrition Standards included in the rule apply only to food ***SOLD*** to students on the school campus during the school day. If such foods are provided to the students free of charge or *contribution*, or the exchange of any tokens or tickets of any sort, the competitive foods standards do not apply.

How does this rule impact schools that also participate in the NSLP after-school snack program or any part of the CACFP?

The Smart Snacks standards are applicable during the school day, which is defined as the midnight before to 30 minutes after the end of the instructional day. If such programs are operated in the school during the school day or if after-school snacks or meals are provided within the 30-minute window after the end of the instructional day, any other food available ***for sale*** to students at that time must comply with the Smart Snacks requirements.

What can we sell for a fundraiser which is not exempt?

If the item being sold is a nonfood item or a food item that meets the Smart Snacks standards, it can be sold at any time. State agencies can permit occasional exempt fundraisers, allowing the sale of foods that do not meet the standards. Organizations planning fundraisers should work with their school administration before initiating a fundraiser to ensure compliance with the Local Wellness Policy, Smart Snacks standards, and any other local policies that may be in place.

Can we take fundraising orders at school?

Yes. Orders may be taken at school as long as the foods being sold meet the Smart Snacks standards or are not intended to be consumed on campus during school hours and as long as students receive permission from the school.

Can we deliver the preordered fundraising items at school?

Foods that have been purchased through a fundraiser may be delivered on the school campus during the school day if the foods being sold meet the standards or are not intended to be consumed on campus during school hours and as long as students receive permission from the school. However, we encourage organizations to deliver the foods at a time when parents and caregivers are more likely to be present to collect the items; for example, during specific drop-off or pick-up times.

School Organization Fundraiser Form

****All fundraisers must be approved by the Smart Snack contact person before the fundraisers begin****

Form must be filled out by the organization's sponsor/teacher:

School Site: _____

Number of exempt fundraisers per semeter at this school site: _____
A limit of 30 exempt fundraisers per semester may be held at each school site.

Name of Organization: _____

Proposed Fundraiser: _____

Purpose for the Fundraiser: _____

Dates Requesting Fundraiser: _____

Has the fundraiser been approved by the Sponsoring Organization? Yes ☐ No ☐

Does this fundraiser have food items? Yes* ☐ No ☐
**If Yes, please verify below:*

1. I certify that my fundraiser will not operate on the school campus during breakfast, lunch, dinner, or when after-school snack is being served.

2. I certify my fundraiser will not operate more than 14 school days.

3. I certify that my organization will provide documentation to the school of the food products sold to the students from midnight to thirty minutes after school ends.

Signature of the Organization's Sponsor: _____

Date: _____

Principal Signature: _____

Date: _____

Signature of Smart Snack School Contact Person
(if different from principal): _____

Date: _____

G . Oklahoma law and Foods of Minimal Nutritional Value (FMNV)

1. Section of law (70 O.S. Section 5-147) provides 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.

H. Special Medical or Dietary Needs

USDA's School Meal Programs aim is to provide all participating children, regardless of background, with the nutritious meals and snack they need to be healthy. Consistent with federal law and program regulation, this includes ensuring children with disabilities have an equal opportunity to participate in and benefit from the programs, which are the NSLP, SBP, FFVP, SMP, and the After-School Snack component of the NSLP.

The question of whether a child has a disability for purposes of making modifications to program meals has been simplified by the ADA Amendments Act of 2008 (PL 110-325; September 25, 2008) and should no longer require extensive analysis. After the passage of the ADA Amendments Act, most physical and mental impairments will constitute a disability. The central concern for SFAs should be ensuring equal access to program benefits for children with disabilities.

Circumstances often vary, even when a disability diagnosis may be the same. The nature of the disability and age of the child should be considered when developing appropriate modifications. Each situation should be treated on a case-by-case basis. SFAs and schools should direct specific questions to the State Agency if they are unsure how to proceed. (Reference USDA Memo SP-26-2017 for Questions and Answers)

1. Schools should not delay a child's meal substitutions while waiting for the family to submit a medical statement. In this situation, schools must document the initial conversation with the family when first made aware of the child's request for meal substitution. Schools should continue to follow up with the family until a medical statement is obtained or the request is rescinded.

If a medical statement is provided and does not fully explain the modification needed, the SFA should immediately contact the child's parent or guardian for guidance and ask the family to provide an amended medical statement as soon as possible. Documentation of special dietary needs must be on file at the cafeteria manager's office. 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.

A state-recognized medical authority for this purpose is a state-licensed health care professional who is authorized to write medical prescriptions under state law. (Reference USDA Memo SP-59-2016, SP-26-2017, and SP-40-2017) (Refer to **page CM-123** for medical form.)

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 recognized medical authority.
- Must base substitutions or modifications for nondisabled children on a medical statement by a recognized 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.***

I. 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-124**, 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.s

a. ***REMINDER:*** Acceptable fluid milk to serve includes pasteurized:

- Unflavored or flavored fat-free milk
- Unflavored or flavored 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
• Potassium	349 mg
• Phosphorus	222 mg
• Riboflavin	44 mg
• Vitamin B-12	1.1 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.

. 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])

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 DISTRICT

BY _____

_____ BY _____

Title Contract Supervisor

MEDICAL STATEMENT

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

_____

Medical Authority Telephone Number

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

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 ***foods that are purchased by the SFA***. (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 click on ***Child Nutrition***; click on ***Nutrition 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-141** and **CM-143** 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.

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*.

MONTHLY RECORD OF INVENTORY VALUE

YEAR: _____

MONTH	TOTAL VALUE OF PURCHASED FOODS	TOTAL VALUE OF SUPPLIES

CHILD AND ADULT CARE FOOD PROGRAM
MEAL PATTERNS

Breakfast (Select all three components for a reimbursable meal)				
Food Components and Food Items[1]	Ages 1-2	Ages 3-5	Ages 6-12	Ages 13-18[2] (At-Risk After-School Programs and Emergency Shelters)
Fluid Milk[3]	4 fluid ounces	6 fluid ounces	8 fluid ounces	8 fluid ounces
Vegetables, Fruits, or Portions of Both[4]	1/4 cup	1/2 cup	1/2 cup	1/2 cup
Grains (oz eq)[5, 6, 7]				
Whole grain-rich or enriched bread	1/2 slice	1/2 slice	1 slice	1 slice
Whole grain-rich or enriched bread product such as biscuit, roll, or muffin	1/2 serving	1/2 serving	1 serving	1 serving
Whole grain-rich, enriched, or fortified, cooked breakfast cereal[8], cereal grain, and/or pasta	1/4 cup	1/4 cup	1/2 cup	1/2 cup
Whole grain-rich, enriched, or fortified ready-to-eat breakfast cereal (dry, cold)[8, 9]				
Flakes or rounds	1/2 cup	1/2 cup	1 cup	1 cup
Puffed cereal	3/4 cup	3/4 cup	1 1/4 cups	1 1/4 cups
Granola	1/8 cup	1/8 cup	1/4 cup	1/4 cup

1 Must serve all three components for a reimbursable meal. Offer versus Serve (OvS) is an option for At-Risk After-School participants.

2 Larger portion sizes than specified may need to be served to children aged 13 through 18 to meet their nutritional needs.

3 Must be unflavored whole milk for children aged one. Must be unflavored lowfat (1 percent) or unflavored fat-free (skim) milk for children aged two through five. Must be unflavored or flavored lowfat (1 percent) or (skim) milk for children aged six and older.

4 Pasteurized full-strength juice may only be used to meet the vegetable or fruit requirement at one meal, including snack, per day.

5 At least one serving per day, across all eating occasions, must be whole grain-rich. Grain-based desserts do not count toward meeting the Grains requirement.

6 Meat and Meat Alternates may be used to meet the entire Grains requirement a maximum of three times a week. One ounce of Meat and Meat Alternates is equal to one ounce equivalent (oz eq) of Grains.

7 Beginning October 1, 2019, ounce equivalents are used to determine the quantity of creditable grains.

8 Breakfast cereals must contain no more than 6 grams of sugar per dry ounce (no more than 21.2 grams sucrose and other sugars per 100 grams of dry cereal).

9 Beginning October 1, 2019, the minimum serving size specified in this section for ready-to-eat breakfast cereals must be served. Until October 1, 2019, the minimum serving size for any type of ready-to-eat breakfast cereal is 1/4 cup for children aged 1-2; 1/3 cup for children aged 3-5; and 3/4 cup for children aged 6-12.

CHILD AND ADULT CARE FOOD PROGRAM
MEAL PATTERNS

Lunch and Supper (Select all five components for a reimbursable meal)				
Food Components and Food Items[1]	Ages 1-2	Ages 3-5	Ages 6-12	Ages 13-18[2] (At-Risk After-School Programs and Emergency Shelters)
Fluid Milk[3]	4 fluid ounces	6 fluid ounces	8 fluid ounces	8 fluid ounces
Meat/Meat Alternates				
Lean meat, poultry, or fish	1 ounce	1 1/2 ounces	2 ounces	2 ounces
Tofu, soy product, or alternate protein products[4]	1 ounce	1 1/2 ounces	2 ounces	2 ounces
Cheese	1 ounce	1 1/2 ounces	2 ounces	2 ounces
Large egg	1/2	3/4	1	1
Cooked dry beans or peas	1/4 cup	3/8 cup	1/2 cup	1/2 cup
Peanut butter or soy nut butter or other nut or seed butters	2 Tbsp	3 Tbsp	4 Tbsp	4 Tbsp
Yogurt, plain or flavored, unsweetened or sweetened[5]	4 ounces or 1/2 cup	6 ounces or 3/4 cup	8 ounces or 1 cup	8 ounces or 1 cup
The following may be used to meet no more than 50 percent of the requirement: Peanuts, soy nuts, tree nuts, or seeds, as listed in Program guidance, or an equivalent quantity of any combination of the above Meat/Meat Alternates (1 oz of nuts/seeds = 1 oz of cooked, lean meat, poultry, or fish)	1/2 ounce = 50%	3/4 ounce = 50%	1 ounce = 50%	1 ounce = 50%
Vegetables[6]	1/8 cup	1/4 cup	1/2 cup	1/2 cup
Fruits[6, 7]	1/8 cup	1/4 cup	1/4 cup	1/4 cup
Grains (oz eq)[8, 9]				
Whole grain-rich or enriched bread	1/2 slice	1/2 slice	1 slice	1 slice
Whole grain-rich or enriched bread product such as biscuit, roll, or muffin	1/2 serving	1/2 serving	1 serving	1 serving
Whole grain-rich, enriched or fortified cooked breakfast cereal[10], cereal grain, and/or pasta	1/4 cup	1/4 cup	1/2 cup	1/2 cup

1 Must serve all five components for a reimbursable meal. Offer versus Serve (OVS) is an option for At-Risk After-School participants.

2 Larger portion sizes than specified may need to be served to children aged 13 through 18 to meet their nutritional needs.

3 Must be unflavored whole milk for children aged one. Must be unflavored lowfat (1 percent) or unflavored fat-free (skim) milk for children aged two through five. Must be unflavored or flavored lowfat (1 percent) or (skim) milk for children aged six and older.

4 Alternate protein products must meet the requirements in Appendix A to Part 226.

5 Yogurt must contain no more than 23 grams of total sugars per 6 ounces.

6 Pasteurized full-strength juice may only be used to meet the vegetable or fruit requirement at one meal, including snack, per day.

7 A vegetable may be used to meet the entire fruit requirement. When two vegetables are served at lunch or supper, two different kinds of vegetables must be served.

8 At least one serving per day, across all eating occasions, must be whole grain-rich. Grain-based desserts do not count toward meeting the Grains requirement.

9 Beginning October 1, 2019, ounce equivalents are used to determine the quantity of the creditable grain.

10 Breakfast cereals must contain no more than 6 grams of sugar per dry ounce (no more than 21.2 grams sucrose and other sugars per 100 grams of dry cereal).

CHILD AND ADULT CARE FOOD PROGRAM
MEAL PATTERNS

Snack (Select two of the five components for a reimbursable snack)				
Food Components and Food Items[1]	Ages 1-2	Ages 3-5	Ages 6-12	Ages 13-18[2] (At-Risk After-School Programs and Emergency Shelters)
Fluid Milk[3]	4 fluid ounces	4 fluid ounces	8 fluid ounces	8 fluid ounces
Meat/Meat Alternates				
Lean meat, poultry, or fish	1/2 ounce	1/2 ounce	1 ounce	1 ounce
Tofu, soy product, or alternate protein products[4]	1/2 ounce	1/2 ounce	1 ounce	1 ounce
Cheese	1/2 ounce	1/2 ounce	1 ounce	1 ounce
Large egg	1/2	1/2	1/2	1/2
Cooked dry beans or peas	1/8 cup	1/8 cup	1/4 cup	1/4 cup
Peanut butter or soy nut butter or other nut or seed butters	1 Tbsp	1 Tbsp	1 Tbsp	2 Tbsp
Yogurt, plain or flavored, unsweetened or sweetened[5]	2 ounces or 1/4 cup	2 ounces or 1/4 cup	4 ounces or 1/2 cup	4 ounces or 1/2 cup
Peanuts, soy nuts, tree nuts, or seeds	1/2 ounce	1/2 ounce	1 ounce	1 ounce
Vegetables[6]	1/2 cup	1/2 cup	3/4 cup	3/4 cup
Fruits[6]	1/2 cup	1/2 cup	3/4 cup	3/4 cup
Grains (oz eq)[7, 8]				
Whole grain-rich or enriched bread	1/2 slice	1/2 slice	1 slice	1 slice
Whole grain-rich or enriched bread product such as biscuit, roll, or muffin	1/2 serving	1/2 serving	1 serving	1 serving
Whole grain-rich, enriched or fortified cooked breakfast cereal[9], cereal grain, and/or pasta	1/4 cup	1/4 cup	1/2 cup	1/2 cup
Whole grain-rich, enriched, or fortified ready-to-eat breakfast cereal (dry, cold)[9, 10]				
Flakes or rounds	1/2 cup	1/2 cup	1 cup	1 cup
Puffed cereal	3/4 cup	3/4 cup	1 1/4 cups	1 1/4 cups
Granola	1/8 cup	1/8 cup	1/4 cup	1/4 cup

1 Select two of the five components for a reimbursable snack. Only one of the two components may be a beverage.

2 Larger portion sizes than specified may need to be served to children aged 13 through 18 to meet their nutritional needs.

3 Must be unflavored whole milk for children aged one. Must be unflavored lowfat (1 percent) or unflavored fat-free (skim) milk for children aged two through five. Must be unflavored or flavored lowfat (1 percent) or fat-free (skim) milk for children aged six and older.

4 Alternate protein products must meet the requirements in Appendix A to Part 226.

5 Yogurt must contain no more than 23 grams of total sugars per 6 ounces.

6 Pasteurized full-strength juice may only be used to meet the vegetable or fruit requirement at one meal, including snack, per day.

7 At least one serving per day, across all eating occasions, must be whole grain-rich. Grain-based desserts do not count toward meeting the Grains requirement.

8 Beginning October 1, 2019, ounce equivalents are used to determine the quantity of the creditable grain.

9 Breakfast cereals must contain no more than 6 grams of sugar per dry ounce (no more than 21.2 grams sucrose and other sugars per 100 grams of dry cereal).

10 Beginning October 1, 2019, the minimum serving size specified in this section for ready-to-eat breakfast cereals must be served. Until October 1, 2019, the minimum serving size for any type of ready-to-eat breakfast cereal is 1/4 cup for children aged 1-2; 1/3 cup for children aged 3-5; and 3/4 cup for children aged 6-12.

RESOURCE PAGE

Food-Buying Guide	http://www.fns.usda.gov/tn/food-buying-guide-school-meal-programs
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 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
Smart Snacks Calculator	http://www.healthiergeneration.org/productcalculator
Updated USDA Recipes	http://www.fns.usda.gov/usda-standardized-recipe
Nutrition Resources	http://www.fns.usda.gov/tn/team-nutrition
NSLP USDA Food Product Information Sheets	http://www.fns.usda.gov/fdd/nslp-usda-foods-fact-sheets

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