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STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING



JEREMY M. HUGHES, Ph.D.  
INTERIM SUPERINTENDENT  
OF PUBLIC INSTRUCTION

**FOOD SERVICE**

**ADMINISTRATIVE POLICY #11  
SCHOOL YEAR 2004-2005**

**SUBJECT:** School Meals Program  
School Food Safety Inspections – Reauthorization 2004

**DATE:** March 18, 2005

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 food safety inspections required in schools participating in the National School Lunch or School Breakfast Programs.

Previously, participating schools were required to obtain a minimum of one food safety inspection per school year or comply with the frequency required by local standards. Beginning July 1, 2005, each school must now obtain at least two food safety inspections each school year. The inspections must be conducted by a State or local governmental agency responsible for food safety inspections. In addition, schools must post, in a publicly visible location, a report on the most recent food safety inspection and provide a copy of the food safety inspection report to a member of the public upon request. The Reauthorization Act also requires State Agencies to annually audit the school food safety inspections and submit the results to the United States Department of Agriculture (USDA).

To help schools understand their obligations, as outlined by USDA, we are providing information about school, Michigan Department of Education and the local health department responsibilities.

**School Responsibility**

- Obtain two foodservice establishment inspections each school year.
- Post most recent food safety inspection report.
- Provide copies of food safety inspection reports to the public, as requested.
- Implement a Hazard Analysis and Critical Control Point (HACCP) plan (Administrative Policy #10, SY 2004-05).
- Comply with the Michigan Food Law 2000 and the 1999 Food Code.

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608 WEST ALLEGAN STREET • P.O. BOX 30008 • LANSING, MICHIGAN 48909  
www.michigan.gov/mde • (517) 373-3324

### **MDE Responsibility**

- Collect information about the food safety inspections and submit an annual report to USDA.

### **Local Health Department Responsibility under the Michigan Food Law 2000**

- Conduct one inspection of each school foodservice establishment that operates nine months or less per year. The inspection must be conducted during the period of operation.
- Conduct one inspection every six months for those foodservice establishments that operate more than nine months per year.

The second inspection as required by the Child Nutrition and WIC Reauthorization Act of 2004 for school foodservice establishments that operate nine months or less per year is considered to be beyond the scope of the Food Law. A local health department is encouraged to conduct the second inspection, but is not obligated by law to do so. The second inspection may be conducted as a courtesy or under a contractual or other similar arrangement.

Under section 3119(4) of the Michigan Food Law 2000, schools are exempt from paying state and local fees. However, the additional inspection required for school foodservice establishments that operate nine months or less per year, as previously indicated, is considered to be beyond the scope of the Food Law and is therefore not exempt from local fees. A local health department, at its own discretion, may charge a fee for the extra non-regulatory inspection.

Please contact the School Meals Program at (517) 373-3347 if you have any questions regarding this memo.