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MICHIGAN Department of Education

MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

TO: Local and Intermediate School District Superintendents, Public School Academy Directors, Non-Public School Administrators, and Residential Child Care Institutions

FROM: Carol Wolenberg, Deputy Superintendent

SUBJECT: School Food Safety Inspections

DATE: June 14, 2007

This correspondence is being sent to all districts to remind them of the change in required food safety inspections as stated in Section 111 of the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265), amending section 9(h) of the Richard B. Russell National School Lunch Act, as stated in School Year 2004-05 Administrative Policy #11 School Food Safety Inspections – Reauthorization 2004, www.michigan.gov/documents/2004-05 Admin 120318 7. Policy No. 11.pdf. Two food safety inspections are required each school year at any school that participates in the National School Lunch Program (NSLP) or School Breakfast Program. Prior to Public Law 108-265, participating schools were required to obtain a minimum of one food safety inspection per school year.

In Michigan, under Michigan Food Law 2000 (Food Law), the county local health department (LHD) is responsible for conducting one inspection of each school site preparing or serving food that operates nine months or less per year. The second food safety inspection, as required by the Child Nutrition and WIC Reauthorization Act of 2004 for school sites that operate nine months or less per year, is considered to be beyond the scope of the Food Law. A LHD is encouraged to conduct the second inspection, but is not obligated by Michigan law to do so.

Under section 3119(4) of the Michigan Food Law 2000, schools are exempt from paying state and local fees. The additional inspection required, as indicated in paragraph one, is considered to be beyond the scope of the Food Law and is, therefore, not exempt from local fees. A LHD, at its own discretion, may charge a fee for the extra, non-regulatory inspection.

A district's obligation is to request the county LHD to perform a second inspection during the school year for all food preparation and serving sites. Some county LHDs are not doing second inspections upon request because of their budget constraints,

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current levels of staffing, etc. Some county LHDs will perform second inspections for a fee (each county sets its own fee structure); some county LHDs are performing second inspections at no charge. If the county LHD declines to perform the second inspection upon request, ask the county to provide, in writing, the reason for declining to perform the second inspection and maintain this documentation in your files.

Schools participating in the NSLP are asked to list the dates of each food safety inspection obtained at each school building on their NSLP renewal via the Child Nutrition Application Program (CNAP). If two inspections are not obtained each school year for all sites, an explanation must be provided in the boxed area on the CNAP application.

Questions regarding the content of this memo may be directed to the School Nutrition Training and Programs Office at 517-373-3347.