

From: Bushong, Linda (MDE) **On Behalf Of** Leikert, Howard J (MDE)
Sent: Thursday, May 17, 2012 4:38 PM
To: MDE-SchoolNutrition
Subject: Weekly News from MDE 051712

Yes, I have changed the name of my weekly news email from Tuesday News to Weekly News. Reasons are varied...sometimes difficult for me to complete by Tuesday depending on other demands, sometimes I purposely wait for guidance on an important topic in order to give best available information, sometimes by Tuesday there is not a lot of information to share, and lastly, sometimes the process needed to send out the news takes more time than I would like. So still expect most weeks we will have some type of update....it just may not be on Tuesday. Enough said...this WEEK'S news:

- 1) Job Opportunity – Trying a new recruiting tool. We have a Department Analyst position open in our School Nutrition Programs unit. Our Analysts are the people that go out into the field and do Coordinated Review Effort (CRE) Reviews, and provide technical assistance and training. Significant travel is required. If you are interested, here is the information to apply. It is only being posted until Monday!!
 - ✓ The Department of Education has posted a Departmental Analyst 9-P11 position, Office of School Support Services, on the State of Michigan posting site. This permanent full-time position is located in Lansing and is open to internal and external employees. To apply and/or view the position description, click on the link below.
<http://agency.governmentjobs.com/michigan/default.cfm?action=jobs&sortBy=CLASSIFICATION&sortByASC=ASC&bHideSearchBox=1&PROMOTIONALJOBS=0&SEARCHAPPLIED=0&TRANSFER=0>
- 2) 6 Cent Rule – We realize there are a lot of questions on this topic. While we continue to receive guidance on this topic from the United States Department of Agriculture (USDA), we are also planning different methods to train on being in compliance with the new meal pattern in order to receive the additional 6 cents. Tentatively, please mark June 19 on your calendars. A representative from USDA is expected to come to Michigan to train our staff and we are exploring the possibility of webcasting this presentation for the entire state. At the very least, it will be videotaped and placed on our website.
- 3) Separation by Gender – The attached memos transmits guidance regarding prohibition of the separation of children by gender during meal services in a facility that receives federal funds. Note there can only be exceptions under very specific circumstances. We also anticipate further guidance for RCCIs in relation to this guidance.
- 4) Michigan Asparagus Month – This is a great opportunity to take part in either Farm to School or to specifically request Michigan Asparagus from your

distributors. Attached is a handout talking about the different attributes of asparagus. How many will make an attempt to get your students to try (and enjoy) this vegetable. Come on....give it a try!! Asparagus posters are still available. Email Colleen Matts at matts@msu.edu or call her at 517-432-0310 by May 18.

- 5) Lunch TIME – If you have paid attention to some of my earlier weekly news, you know that I am a proponent of allowing students more time to eat their school meals. Here is a link to an interesting story regarding this topic from Montana: <http://www.ktvq.com/news/cram-session-11-mins-for-school-lunch-/>.
- 6) Meeting Clarifications – To clarify some of the trainings we are doing, the Meal Pattern Training being done through our Team Nutrition efforts will not be a comprehensive review but will be helpful in getting basic knowledge on the topic. Our June trainings will be a much more comprehensive review of the New Meal Patterns. We just sent the “Hold the Date” info. Be aware this is still somewhat of a moving target. For example, at one time, in order to meet the minimum ½ c fruit or vegetable to meet the minimum F/V requirement for a reimbursable meal under the new meal pattern, you could not serve, for example, ¼ c fruit and ¼ c vegetable. Now that is permissible. In addition, the trainings in June will only briefly touch on the 6 cent rule. More complete training and guidance is in the planning stages at this time and we expect to inform the field more on this topic in the near future.
- 7) Community Eligibility Option (CEO) – The application for CEO is still not complete. ALL interested districts including those that participated this current year, must apply. The computer application is causing a delay but as soon as it is available, along with detailed instructions, we will let all of you know. For the most part, the CEO was very successful this past year and we hope schools with direct certification percentages that will produce the financial results your district desires will apply and participate in this new way to serve, count, and claim school meals in high poverty areas.

Time to forward this out to you all. Until next week.....

Howard Leikert, MBA, SMS

Supervisor
School Nutrition Programs
Michigan Department of Education
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Supporting achievement for EVERY student through a Proficiency-Based system of education.



**United States
Department of
Agriculture**

Food and
Nutrition
Service

3101 Park
Center Drive
Alexandria, VA
22302-1500

DATE: May 9, 2012

MEMO CODE: SP 32-2012, CACFP 16-2012, SFSP 12-2012

SUBJECT: Prohibition of Separation by Gender During
Child Nutrition Program Meal Service

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Special Nutrition Programs
All States

The attached memorandum titled, "Guidance on Prohibition of Separation by Gender in Schools during School Meals" sets forth guidance on the separation of children by gender during a Child Nutrition Program meal service. The memorandum also clarifies that this requirement applies to children not participating in the program meal, but in a facility that receives Federal funds. Please share this information with your school food authorities, institutions, and sponsors.

A handwritten signature in cursive script that reads "Cindy Long".

Cindy Long
Director
Child Nutrition Division

Attachment



United States
Department of
Agriculture

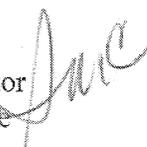
Food and
Nutrition
Service

3101 Park
Center Drive

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TO: FNS Regional Administrators
FNS Deputy Regional Administrators
FNS Regional Civil Rights Directors
FNS Program Directors

THROUGH: Robin Bailey  MAY - 4 2012
Acting Associate Administrator
Management, Technology, and Finance
& Chief Operating Officer
Food and Nutrition Service

FROM: Anita Cunningham  MAY - 3 2012
Acting Civil Rights Director
Food and Nutrition Service

SUBJECT: Guidance on Prohibition of Separation by Gender in Schools
During School Meals

The attached memorandum is guidance to all FNS staff, State administering agencies, and school authorities that receive FNS funding. This guidance ensures consistency and provides clarification regarding separation by gender during the service of meals in schools that participate in the Child Nutrition Programs.

Attachment

MEMORANDUM

UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)

FOOD AND NUTRITION SERVICE (FNS)

GUIDANCE ON THE PROHIBITION OF SEPARATION BY GENDER DURING THE SERVICE OF MEALS IN THE CHILD NUTRITION PROGRAMS

PURPOSE

- a. This memorandum sets forth guidance to all FNS Regional Offices, State administering agencies and school food authorities that receive federal funding from FNS, Child Nutrition Programs under USDA. The Child Nutrition Programs (CNP) include: the National School Lunch Program, School Breakfast Program, Special Milk Program, Child and Adult Care Food Program, and the Summer Food Service Program. These programs receive federal funds for providing free, reduced price and paid program meals. Under USDA statutes and regulations, authorities may not separate children by gender in the service of program meals that fall under the aforementioned CNPs. In addition, this requirement applies to children who do not consume program meals, but are in a facility that receive federal funds from FNS.
- b. This guidance provides clarification to the statutory requirements that prohibit separating children by gender in any facility receiving federal funds appropriated for providing meals under the CNPs. Facilities are defined as schools, institutions, child care centers, day care homes and summer feeding sites.

AUTHORITY

- a. Title IX of the Education Amendment Act of 1972, 20 U.S.C. 1681, *et seq.*
- b. Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, *et seq.*
- c. The Richard B. Russell National School Lunch Act (NSLA), as amended, 42 U.S.C. 1760(j), *et seq.*
- d. The Child Nutrition Act of 1966 (CNA), 42 U.S.C. 1771, *et seq.*
- e. 7 C.F.R. 15a.12
- f. 7 C.F.R. 15a.31
- g. FNS Instruction 113-1

BACKGROUND

- a. FNS Headquarters and FNS Regional Offices received numerous inquiries and complaints regarding schools in different states that separate students in school facilities based on gender in the school facilities during the breakfast and/or lunch meal service periods.
- b. The school food authorities involved in separation by gender during the service of program meals have taken the position that this practice does not violate Title IX of the Education Amendment Act of 1972, the National School Lunch Act, and other relevant USDA regulations and guidance.

FNS GUIDANCE

- a. Upon consultation with the USDA Office of the General Counsel (OGC), FNS has determined that school authorities may not separate any students based on gender during the service of program meals.
- b. There are other methods to ensure safety and discipline without or separating students based on impermissible factors such as gender.
- c. Under the governing statute for the CNPs (CNA and NSLA), FNS does not have the authority to grant States and/or program providers a waiver to the requirements mandated under these acts in the enforcement of constitutional or statutory rights of individuals under Title IX ((42 U.S.C. 1760 (l) (4) (M) (iii)).
- d. An exemption by an educational institution controlled by a religious organization may be filed with the USDA pursuant to 15 C.F.R. 15a.12 (b). The exemption must be in writing and by the most senior official of the requesting institution. The request must also identify which part of this policy violates a specific tenet of the religious organization.

If you have additional questions regarding this guidance, please contact Anita Cunningham, Acting Director, FNS Office of Civil Rights, at 703-305-0986.

May is Michigan Asparagus Month!

Check out the Michigan Asparagus Advisory Board's website -
<http://www.asparagus.org/maab/nutrition.html>

- **How Asparagus and Recipes Fit into the New Meal Pattern**
 - **½ Cup of Asparagus Provides (boiled, drained, no adds):** 20 calories, 2grams protein, 0.2g fat, 4g carbohydrate, 1.8g fiber, 0g saturated fat, 0g trans fat, 13mg sodium
 - **Vegetables Group:** Asparagus is in the “other vegetables” category, which schools are required to provide ½ to ¾ cup per week to children (requirement depends on age/grade level). Source: 7 CFR 210.10 (c)(2)(iii)
 - ****DISCLAIMER:** Asparagus prepared in a wide variety of methods – particularly those that minimize or eliminate the use of added fat and sodium – can be part of an acceptable meal pattern that fits within the new USDA requirements for school meals (released in January 2012 and required for the 2012-2013 school year). However, full compliance is based on a week's worth of menus for any given meal type (e.g., breakfast, lunch, snack), so the other meal components must also meet requirements to ensure compliance.
- **Raw to Prepared Conversions**
 - **Fresh Asparagus:** 1 pound yields 4.8 ¼-cup servings and 2.4 ½-cup servings (cooked vegetable servings)
 - **Frozen Asparagus**
 - Cuts and Tips: 1 pound yields 8.1 ¼-cup servings and 4.1 ½-cup servings
 - Spears: 1 pound yields 10.7 ¼-cup servings and 5.4 ½-cup servings
 - **Canned Asparagus (cuts and tips):**
 - No. 10 can (103 oz) yields 27.8 ¼-cup and 13.9 ½-cup heated, drained vegetable servings
 - No. 300 can yields 3.5 ¼-cup and 1.8 ½-cup servings heated, drained vegetable servings
 - 1 pound yields 4.3 ¼-cup heated, drained vegetable servings

Source: Food Buying Guide for Child Nutrition Programs
Section 2: Vegetables/Fruits
USDA, 2008
Link: http://teamnutrition.usda.gov/Resources/FBG_Section_2-VegFruits.pdf

*Enjoy your adventures
with asparagus!*

