

# REVIEW OF USDA POLICY MEMOS

MICHIGAN DEPARTMENT OF EDUCATION  
MDE-SCHOOLNUTRITION@MICHIGAN.GOV  
517-373-3347

JUNE 2012

FY 2011

FY 2012

# DISCLAIMER



## SESSION GOALS

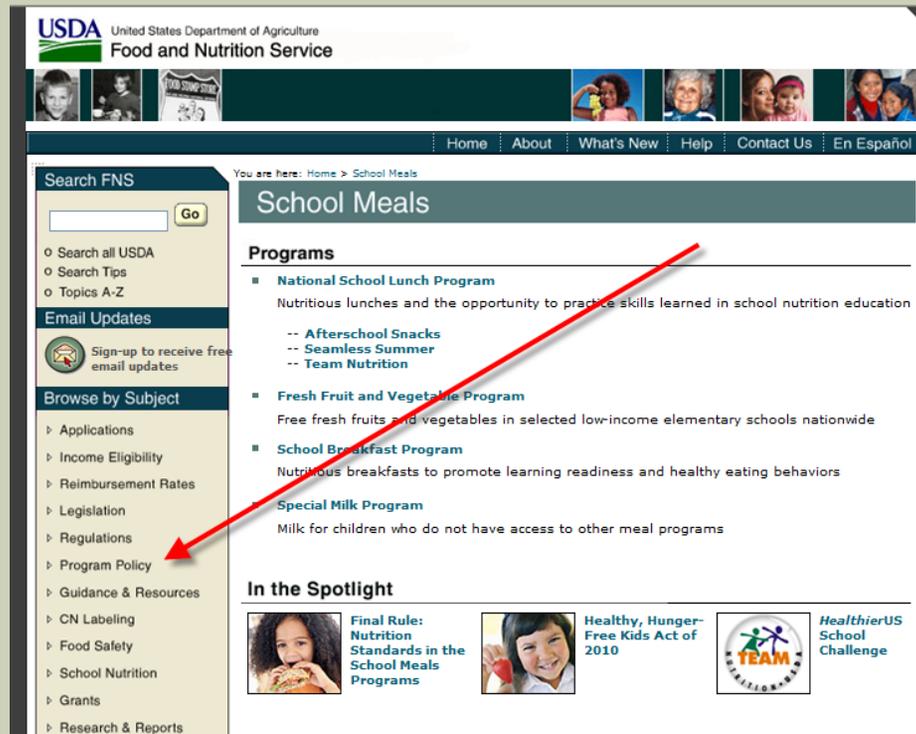
- Understand the importance of USDA policies.
- Learn where to find USDA policies online.
- Identify key USDA policies issued during FY 2011 and 2012.

# THE IMPORTANCE OF USDA POLICIES

- The School Meal Eligibility Manual
- October 24, 2011, Verification and Reporting of Foster Children SP 02-2011  
Memo Issued

# LOCATING USDA MEMOS

- <http://www.fns.usda.gov/cnd/>
- Click "Program Policy"



The screenshot shows the USDA Food and Nutrition Service website. The header includes the USDA logo and the text "United States Department of Agriculture Food and Nutrition Service". Below the header is a navigation menu with links for Home, About, What's New, Help, Contact Us, and En Español. The main content area is titled "School Meals" and lists several programs: National School Lunch Program, Fresh Fruit and Vegetable Program, School Breakfast Program, and Special Milk Program. A red arrow points to the "Program Policy" link in the left sidebar under the "Browse by Subject" section.

USDA United States Department of Agriculture  
Food and Nutrition Service

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You are here: Home > School Meals

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- ▷ Applications
- ▷ Income Eligibility
- ▷ Reimbursement Rates
- ▷ Legislation
- ▷ Regulations
- ▷ **Program Policy**
- ▷ Guidance & Resources
- ▷ CN Labeling
- ▷ Food Safety
- ▷ School Nutrition
- ▷ Grants
- ▷ Research & Reports

### School Meals

#### Programs

- **National School Lunch Program**  
Nutritious lunches and the opportunity to practice skills learned in school nutrition education
  - Afterschool Snacks
  - Seamless Summer
  - Team Nutrition
- **Fresh Fruit and Vegetable Program**  
Free fresh fruits and vegetables in selected low-income elementary schools nationwide
- **School Breakfast Program**  
Nutritious breakfasts to promote learning readiness and healthy eating behaviors
- **Special Milk Program**  
Milk for children who do not have access to other meal programs

#### In the Spotlight

-  **Final Rule: Nutrition Standards in the School Meals Programs**
-  **Healthy, Hunger-Free Kids Act of 2010**
-  **HealthierUS School Challenge**

# LOCATING USDA MEMOS

The screenshot shows the USDA Food and Nutrition Service website. At the top left is the USDA logo and the text "United States Department of Agriculture Food and Nutrition Service". Below this is a navigation bar with links for Home, About, What's New, Help, Contact Us, and En Español. A breadcrumb trail reads "You are here: Home > School Meals > Program Policy". The main heading is "School Meals". Below this is a section for "Policy Memos" for "FY 2012". A table lists several memos with columns for Policy #, Title, and Issue Date. On the left side of the page, there is a search box labeled "Search FNS" with a "Go" button and options to search all USDA, search tips, or topics A-Z. Below the search box are sections for "Email Updates" (with a sign-up option) and "Browse by Subject" (with categories like Applications, Income Eligibility, Reimbursement Rates, and Legislation).

**USDA** United States Department of Agriculture  
**Food and Nutrition Service**

Home About What's New Help Contact Us En Español

You are here: Home > School Meals > Program Policy

## School Meals

### Policy Memos

**FY 2012**

Policy #	Title	Issue Date
32-2012	Prohibition of Separation by Gender during Child Nutrition Program Meal Service	05-09-2012
31-2012	Child Nutrition Reauthorization 2010: Questions and Answers Related to the Certification of Compliance with Meal Requirements for the National School Lunch Program	04-27-2012
30-2012	Grain Requirements for the National School Lunch Program and School Breakfast Program	04-26-2012
28-2012	Child Nutrition Reauthorization 2010: Questions and Answers on the Paid Lunch Price Report	04-20-2012
27-2012	USDA Farm to School Grants: Please Spread the Word	04-17-2012

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- Applications
- Income Eligibility
- Reimbursement Rates
- Legislation

# HANDOUT

1				
2	<b>FY 2012 USDA School Meals Policy Memos</b> <a href="http://www.fns.usda.gov/cnd/governance/policy.htm">http://www.fns.usda.gov/cnd/governance/policy.htm</a>			
3	<b>Policy #</b>	<b>Title</b>	<b>Issue Date</b>	<b>Summary</b>
4	SP 32-2012	<a href="#">Prohibition of Separation by Gender during Child Nutrition Program Meal Service</a>	5/9/2012	School authorities may not separate any students based on gender during the service of program meals.
5	SP 31-2012	<a href="#">Child Nutrition Reauthorization 2010: Questions and Answers Related to the Certification of Compliance with Meal Requirements for the National School Lunch Program</a>	4/27/2012	<p>The certification process for the 6 cents performance-based reimbursement works as follows:</p> <ul style="list-style-type: none"> <li>• SFA submits certification documentation to State agency</li> <li>• State agency makes a certification determination within 60 days</li> <li>• State agencies conduct validation reviews of 25 percent of certified SFAs in SY 2012-2013</li> <li>• Certified SFAs must annually attest to ongoing compliance with the meal patterns through SY 2014-2015</li> </ul> <p>Ongoing compliance with the meal pattern requirements is monitored during administrative reviews (currently known as coordinated review effort (CRE)) Section 201 of the HHFKA makes the additional reimbursement available for lunches meeting the updated meal pattern requirements on October 1, 2012, and no earlier. In order to be eligible to receive this new performance-based reimbursement, the State agency must certify that the SFA is in compliance with the requirements of the final meal pattern rule published in the Federal Register on January 26, 2012.</p>
	SP 30-2012	<a href="#">Grain Requirements for the National School Lunch Program and School Breakfast Program</a>	4/26/2012	<p>For lunch, beginning July 1, 2012 (SY 2012-2013), through June 30, 2014 (SY 2013-2014), half of the grains offered during the school week must meet the whole grain-rich criteria. Beginning July 1, 2014, (SY 2014-2015), all grains must meet the whole grain-rich criteria.</p> <p>For breakfast, beginning July 1, 2013 (SY 2013-2014), half of the grains offered during the school week must meet the whole grain-rich criteria. Beginning July 1, 2014, (SY 2014- 2015), all grains must meet the whole grain-rich criteria</p>

- <http://www.fns.usda.gov/cnd/>
- Click "Program Policy"

# SESSION ACTIVITY

- Six teams (2-4 people per team)
- One folder per team
- Each folder contains USDA Policies
- Each team:
  - Designate one recorder
  - Designate one presenter
  - Review the policies in your folder
  - Presenter summarizes the policy message
    - Hint - use handout to review quick summary

# READY ... SET... GO...

- Ready:
  - Team up in groups of 2-4.
  - Each team provided folder with USDA policy memos.
    - Folders contain: policies and note cards.
  - Designate one recorder from each group.
  - Designate one presenter from each group.
- Set
  - In 5 minutes
    - Review the policies in your folder
    - Recorder, for each policy, capture one or two sentence summary of policy - "What is the take away message?"
      - Note policy number and record on notecards
- Go

# REPORT OUT

- Team report out
  - Designated presenter
  - Present take away message from each policy in folder.
  - 3 minutes each team

# HANDOUT

1				
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SP 28-2012	<u>Child Nutrition Reauthorization 2010: Questions and Answers on the Paid Lunch Price Report</u>	4/20/2012	<p>How do school food authorities (SFA) that have combined grades (K-8, K-12, 7-12, etc.) determine the average costs for the three different categories (elementary/middle/high school)?</p> <p>The SFA reports the average cost based on what it considers to be an elementary, middle and high school. For example, if grades K-8 are considered an elementary school by the SFA, it would report the most frequently charged price for grades K-8 in the elementary school category. However, when the SFA considers grades 7-12 as both middle and high school levels, the SFA would determine the most frequently charged price for those grades and report the price in both the middle and high school categories. This would also apply to an SFA with only a K-12 school—the same price would be reported for each of the three categories.</p>
SP 27-2012	<u>USDA Farm to School Grants: Please Spread the Word</u>	4/17/2012	These grants offer support for school districts to scale existing programs or design new endeavors. The grants will be offered annually and require at least a 25% funding match. Applications are due June 15, 2012, and awards are expected to be made in October 2012.
SP 26-2012	<u>Formulated Grain Fruit Products</u>	4/17/2012	Beginning July 1, 2012 (SY 2012-2013), formulated grain-fruit products will no longer be allowed to satisfy both the grain and fruit component for the School Breakfast Program (SBP). Formulated grain-fruit products are specific products that have been accepted by the Food and Nutrition Service (FNS) for use in the USDA Child Nutrition Programs to meet one bread/bread alternate and the fruit/vegetable requirement in the breakfast pattern. According to Appendix A to Part 220, formulated grain-fruit products must be individually wrapped and bear a label conforming to the following legend: "This product conforms to U.S.D.A. Child Nutrition Programs specifications. For breakfast, it meets the requirements for fruit/vegetable/juice and one bread/bread alternate." If the product does not bear this legend, it is not a formulated grain-fruit product. Products that were formally authorized to bear the formulated grain-fruit statement that meet FNS requirements for grains may be used accordingly. However, these formulated grain-fruit products will no longer be allowed to count toward the fruit requirement.

Policy #	Title	Issue Date	Summary
SP 25-2012	<u>Disaster Response</u>	4/10/2012	This memorandum provides an overview of ways State agencies, school food authorities (SFA) participating in the National School Lunch and School Breakfast Programs (NSLP and SBP), institutions participating in the Child and Adult Care Food Program (CACFP), and sponsors participating in the Summer Food Service Program (SFS) can respond to situations resulting from damage or disruptions due to natural disasters such as hurricanes, tornadoes, and floods. State agencies should review the avenues available to prepare and plan before a disaster strikes so responses can be as swift as possible.
SP 24-2012	<u>Interim Review Guidance for States with Local Educational Agencies Electing the Community Eligibility Option</u>	4/10/2012	Local Educational Agencies (LEAs) in three States are operating the CEO in the 2011-2012 school year (SY) and an additional four States will be added for each SY beginning July 1, 2012, and July 1, 2013. The CEO is available nationwide to all eligible LEAs and schools beginning July 1, 2014.
SP 23-2012	<u>Fresh Fruit and Vegetable Program: Allocation of Funds for School Year 2012/2013</u>	3/30/2012	memo for state agencies
SP 22-2012	<u>Paid Lunch Equity: School Year 2012-2013. Calculations and Tool</u>	3/19/2012	requires school food authorities (SFAs) participating in the National School Lunch Program to ensure sufficient funds are provided to the nonprofit school food service account for lunches served to students not eligible for free or reduced price meals. There are two ways to meet this requirement: either through the prices charged for "paid" lunches or through other non-Federal sources provided to the nonprofit school food service account. This memorandum provides guidance on the calculations SFAs must make in order to ensure they are in compliance with these requirements for School Year (SY) 2012-13.
SP 22-2012	<u>-- Attachment: Weighted Average Price Calculator</u>	3/19/2012	To assist SFAs making these required PLE calculations, the attached SY 2012-13 PLE tool makes the following calculations: Weighted average paid lunch price for SY 2012-13; Required paid lunch price increase for SY 2012-13; Required non-Federal source contribution required for SY 2012-13. The PLE tool also takes into account adjustments to paid lunch prices made by the SFA in SY 2011-12 to calculate any credit or shortfall the SFA may have accrued for SY 2012-13. For SFAs that opted to contribute non-Federal funds, the PLE tool also calculates credits and shortfalls for the SY 2012-13 required non-Federal source contribution.
SP 21-2012	<u>Fiscal Year 2012 Reallocation of State Administrative Expense Funds</u>	2/29/2012	memo for state agencies
SP 20-2012	<u>Frozen Fruit Products and Nutrition Standards in the National School Lunch and School Breakfast Programs</u>	2/24/2012	The final rule published on January 26, 2012, requires that frozen fruit served in the National School Lunch Program (NSLP) contain no added sugar beginning in School Year (SY) 2012-13. Since 2009, USDA has reduced the amount of added sugars in packing media for frozen fruits offered to States; however, most of the frozen strawberries, peaches and apricots offered by USDA currently contain added sugars. The new regulation allows for a water (unsweetened) or juice-only frozen fruit pack. However, to provide State agencies and school food authorities (SFAs) with time to use existing inventories, and to recognize the time needed for industry to reformulate and to pack new frozen fruit products, schools may continue to serve frozen fruit with added sugar in the NSLP for SY 2012-13. This exemption applies to products acquired through USDA Foods as well as those purchased commercially and is for School Year 2012-13 only. Beginning July 1, 2013, all frozen fruit served in the NSLP must contain no added sugars.
SP 19-2012	<u>Soliciting Bids from Commercial Distributors for End Products</u>	2/24/2012	The attached memorandum, FD-119, provides clarification for the option to combine the solicitation of procurement of end products and commercial food products. Some school food authorities (SFA) may solicit bids for procurement of end products in their solicitation for procurement of commercial food products from commercial distributors, rather than conducting two separate solicitations. The memorandum also clarifies the requirements, and the parties responsible for ensuring compliance with requirements, in exercising this option. As in the past, please share this information with your SFAs.

Policy #	Title	Issue Date	Summary
SP 18-2012	<u>Paid Lunch Price Report (attachment link below)</u>	2/24/2012	School food authorities (SFAs) report their paid reimbursable lunch prices to the State agency for publication by the Food and Nutrition Service (FNS). This memorandum provides guidance on how to report these prices for School Year (SY) 2011-2012. SFAs must report their most frequently charged price at each of these categories--elementary, middle/junior high, and high school levels—to their State agency. State agencies then consolidate these prices and report them on the FNS-828, School Food Authority Paid Lunch Price Report.
SP 18-2012	-- Attachment: <u>SFA Paid Lunch Price Report (Excel)</u>	2/24/2012	All SFAs must report. SFAs with no students in one or more of the above categories must enter "N/A" as appropriate. SFAs that do not charge for paid student lunches must enter "\$0.00" in any or all categories, as applicable. SFAs that have some schools that do not charge for lunches (i.e., Provision 2 schools), would report the most frequently charged lunch price(s) in those schools or categories of schools that do charge for paid lunches. This form is for reporting SFA paid reimbursable lunch price data by each group of students.
SP 17-2012	<u>Procurement Questions and Answers to Assist in the Implementation of the Final Rule, "Nutrition Standards in the National School Lunch and School Breakfast Programs"</u>	2/23/2012	Following the January 26, 2012, issuance of the final rule titled Nutrition Standards in the National School Lunch and School Breakfast Programs, several questions have been raised regarding its effect on current contracts between school food authorities (SFAs) and food service management companies (FSMCs). The following questions and answers should assist State agencies (SAs) and SFAs as they implement the provisions of the final rule and examine their current FSMC contracts.
SP 16-2012	<u>Crediting Tofu and Soy Yogurt Products</u>	2/22/2012	<b>The final rule gives schools the option to offer commercially prepared tofu as a meat alternate in the National School Lunch Program (NSLP) and School Breakfast Program (SBP).</b> The provision is effective July 1, 2012. In the school meal programs, 2.2 ounces (1/4 cup) of commercially prepared tofu, containing at least 5 grams of protein, is creditable as 1.0 ounce equivalent meat alternate. This is consistent with the DGA recommended serving size for tofu, and provides protein and nutrients of concern at levels similar to other Child Nutrition (CN)-creditable meat alternate foods. Additionally, ½ cup (4.0 fluid ounces) of soy yogurt is creditable as 1.0 ounce equivalent meat alternate. This is consistent with the crediting of dairy yogurt while allowing schools to provide a non-dairy alternative.
SP 15-2012	<u>Paid Lunch Equity: School Year 2012-2013 Calculations</u>	2/15/2012	The interim rule entitled, "National School Lunch Program: School Food Service Account Revenue Amendments Related to the Healthy, Hunger-Free Kids Act of 2010" requires school food authorities (SFAs) participating in the National School Lunch Program to ensure sufficient funds are provided to the nonprofit school food service account for meals served to students not eligible for free or reduced price meals. There are two ways to meet this requirement: either through the prices charged for "paid" meals or through other non-Federal sources provided to the nonprofit school food service account.
SP 14-2012	<u>Procurement Questions Relevant to the Buy American Provision</u>	2/13/2012	Section 104(d) of the William F. Goodling Child Nutrition Reauthorization Act of 1998 (Public Law 105-336) added a new provision, Section 12(n) of the NSLA (42 USC 1760(n)), requiring SFAs to purchase domestically grown and processed foods, to the maximum extent practicable. Purchases made in accordance with the Buy American provision must still follow the applicable procurement rules calling for free and open competition.
SP 13-2012	<u>Verification for Cause in the School Meals Programs</u>	2/10/2012	In general, LEAs must annually verify a sample of approved applications which is typically 3 percent of applications approved on the basis of income. The required verification sample size may not be increased or decreased by an LEA. LEA "must verify any questionable application and should, on a case-by-case basis, verify any application for cause ...when the [school] is aware of additional income or persons in the household." In addition, regulations, at 7 CFR 245.6a(c)(1)(ii), require that an LEA must first complete the certification process -- reviewing an application for free or reduced price meals and notifying a household of the child's free or reduced price status -- prior to conducting verification.
SP 12-2012	<u>Community Eligibility Option: Guidance and Procedures for Selection of States for School Year 2012-2013</u>	2/9/2012	memo for state agencies
	-- Attachment: Information for State Agency Participation		memo for state agencies

Policy #	Title	Issue Date	Summary
SP 11-2012,	<u>Guidance on the Food Donation Program in Child Nutrition Programs</u>	2/3/2012	Although, FNS does not believe this amendment will require change in current food recovery practices, this memorandum provides updated and consolidated guidance on this issue; therefore, the following existing memoranda relating to this issue are rescinded: SP 29-2009, SFSP 04-2009, CACFP 07-2009, Excess Summer Meals, June 26, 2009. The statute clarifies that any program food not consumed may be donated to eligible local food banks or charitable organizations. The amendment defines the terms "eligible local food banks or charitable organizations" to mean any food bank or charitable organization which is exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)). It also extends protections against civil and criminal liability for persons or organizations when making food donations to the extent provided under the Bill Emerson Good Samaritan Food Donation Act, found in section 22 of the Child Nutrition Act.
SP 10-2012	<u>Questions and Answers on the Final Rule, "Nutrition Standards in the National School Lunch and School Breakfast Programs" (revision)</u>	4/26/2012	This guidance addresses the final rule overall, and includes questions on general and specific aspects of the new meal requirements. These Questions & Answers and other materials related to the new meal requirements are available on a special webpage on the FNS website: <a href="http://www.fns.usda.gov/cnd/Governance/Legislation/nutritionstandards.htm">http://www.fns.usda.gov/cnd/Governance/Legislation/nutritionstandards.htm</a> .
SP 10-2012	<u>-- Attachment: Long and Short Week Calculations</u>	4/26/2012	Applies to schools who regularly operate on a shorter or longer weekly cycle
SP 09-2012	<u>Early Submission of School Year (SY) 2011-2012 Verification Summary Report data (FNS-742)</u>	1/6/2012	memo for state agencies
SP 08-2012	<u>FY 2012 Coordinated Review Effort Procedures Manual</u>	1/3/2012	Please note that the CRE Procedures Manual addresses the following provisions in the HHFKA: Section 101: Improving Direct Certification; Section 202: Nutrition Requirements for Fluid Milk; Section 203: Water Availability During NSLP Meal Service; Section 205/206: Paid Lunch Equity and Revenue from Nonprogram Foods; and Section 304: Local Wellness Policy.
SP 08-2012	<u>-- Attachment: Forms and Instructions</u> <u>-- Attachment: CRE Manual</u>		memo for state agencies
SP 08-2012			An administrative review (AR) which refers to the Coordinated Review Effort (CRE) is the initial comprehensive on-site evaluation by a State agency (SA) of a school food authority (SFA) participating in the National School Lunch Program (NSLP), and includes both critical and general areas of review. Additionally, an AR may include other areas of Program operations determined by the SA to be important to Program performance. 210.18(b)(1). During the AR process, this Procedures Manual is to be used in conjunction with the CRE forms and instructions for a review of the NSLP.
SP 07-2012	<u>Allocation of Administrative Funds for State Costs of Implementation of New Meal Patterns for the National School Lunch Program and School Breakfast Program</u>	12/29/2011	memo for state agencies
SP 07-2012	<u>Applications and Other Household Materials for Limited English Proficient Households</u>	12/9/2011	State agencies and Local Educational Agencies (LEAs) will need to make changes to household materials (letter, application, instructions, notices, and verification materials) to support the Congressional intent of ensuring no barrier for participation exists for Limited English Proficient (LEP) families. To assist LEAs in redesigning household materials, Food and Nutrition Service (FNS) has issued prototype materials in English and translated them into 33 languages which are available at <a href="http://www.fns.usda.gov/cnd/frp/frp.process.htm">http://www.fns.usda.gov/cnd/frp/frp.process.htm</a> . The Eligibility Manual was also updated to reflect the new requirements set forth in the rule.
SP 06-2012	<u>Amendment II for FY 2010 Request for Application for Funding for Direct Certification Grants</u>	11/18/2011	memo for state agencies
SP 05-2012	<u>Update: School Meal Programs - Companies in Alleged Violation of FSIS Federal Inspection Requirements</u>	11/1/2011	memo for state agencies
SP 04-2012			

Policy #	Title	Issue Date	Summary
SP 03-2012	<u>Direct Certification and Zero Benefit Households</u>	10/26/2011	Children in households receiving benefits from the Supplemental Nutrition Assistance Program (SNAP) are categorically eligible for free meals in the Child Nutrition Programs. However, under some circumstances, SNAP households may be eligible for "zero benefits." Section 9(b)(12)(A)(i) of the Richard B. Russell National School Lunch Act restricts categorical eligibility for free school meals based on SNAP participation to children who are members of a household receiving assistance under SNAP. Therefore, a child who is a member of a household that is receiving "zero benefits" from SNAP is not categorically eligible for free meals, unless the child is categorically eligible for another reason. In these situations, the child's eligibility for free or reduced price school meals must be determined by a household application or information from an appropriate source that establishes categorical eligibility for other reasons.
SP 02-2012	<u>Verification and Reporting of Foster Children</u>	10/24/2011	This memorandum is to provide guidance on the verification process and reporting for categorically eligible foster children. Historically, foster children applied for free meals as households of one based on their own income, if any. For the verification process and reporting, the application was treated as an income based application. <b>Now foster children are categorically eligible and the verification process and reporting procedures must be modified to accommodate this change.</b> In addition, since a foster child's free status is not extended to the other children in the household, the procedures for verification and reporting require clarification.
SP 01-2012	<u>Rural Development's Community Facilities Program</u>	10/6/2011	To support Secretary Vilsack's and Deputy Secretary Murrain's focus on rural development, this memorandum brings attention to the USDA's Rural Development Community Facilities (CF) program. The CF program provides loans and grants to assist in the development of essential community facilities in rural areas and towns of up to 20,000 in population and offers a unique opportunity for non-profit organizations, public bodies, and tribal organizations to upgrade their community's child nutrition facilities and purchase equipment that could improve access to healthy, locally, or regionally grown products. Please direct interested participants to work through their local USDA Rural Development office to learn more about how the CF Program can help them expand their access to and support local and regional foods. Further information about this opportunity can be found at the following website: <a href="http://www.rurdev.usda.gov/HCF_Cf.html">http://www.rurdev.usda.gov/HCF_Cf.html</a> and within the attached information.

**FY 2011 USDA School Meals Policy Memos <http://www.fns.usda.gov/cnd/governance/policy.htm>**

Policy #	Title	Issue Date	Summary
50-2011	<u>Free and Reduced Price Meal Applications - Requests for Additional Information</u>	9/30/2011	This memorandum responds to questions received from Regional Offices, State agencies and Local Educational Agencies (LEAs) regarding applications for free and reduced price school meals that request the applicant to provide information that is not required for a student's certification of eligibility for child nutrition programs (CNPs). Although discussed from a school perspective, this policy also applies to Child and Adult Care Food Program and the Summer Food Service Program when eligibility for individual children must be established.
49-2011	<u>State Agency Reports on School Food Safety Inspections, School Year 2010-2011</u>	9/22/2011	Memo for state agencies. This is to remind you that the State Agency (SA) report on school food safety inspections for the SY 2010-2011 is due to the Food and Nutrition Service (FNS) by November 15, 2011.
48-2011	<u>Additional Administrative Reviews and State Retention of Improperly-Paid Funds in School Year 2011-2012</u>	9/6/2011	Memo for state agencies. The statute requires that SAs conduct additional reviews of selected SFAs that have a demonstrated level of, or are at high risk for, administrative errors.
47-2011	<u>Request for Applications for Participation in Demonstration Projects to Evaluate Direct Certification with Medicaid</u>	09-02-2011	Memo for state agencies
46-2011	<u>Waiver of Congregate Feeding Requirement for Outdoor Feeding Sites Experiencing Extreme Heat</u>	8/8/2011	This memorandum establishes a waiver of the Summer Food Service Program and Seamless Summer Option congregate feeding requirement for approved outdoor sites without temperature controlled alternative sites on days when the area is experiencing severe temperatures. This waiver will remain in effect through September 30, 2011.

Policy #	Title	Issue Date	Summary
45-2011	<u>Food Safety Inspections in Service-Only Sites Participating in the School Meals Programs</u>	8/3/2011	As required by section 9(g) of the Richard B. Russell National School Lunch Act and Federal regulations at 7 CFR 210.13 and 7 CFR 220.7, all schools participating in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) must obtain <b>two food safety inspections from the State or local governmental agency responsible for food safety inspections</b> . This inspection requirement applies to all food preparation-service sites and service-only sites and State Agencies must report all sites in the annual report submitted to USDA. The scope of the food safety inspection may vary according to the type of food service operation and is determined by the agency responsible for inspections.
44-2011	<u>Translations for the Free and Reduces Price School Meals Application and Child and Adult Care Food Program Meal Benefit Income Eligibility Form</u>	8/3/2011	Please be advised that we have finalized the process of translating the Free and Reduced Price School Meals Application, and the Child and Adult Care Food Program (CACFP) Meal Benefit Income Eligibility Form and verification forms into 33 different languages.
43-2011	<u>Coordinated Review Effort: National Average Daily Attendance</u>	8/1/2011	The Free and Reduced Price School Meals Application translations have been posted in Word and PDF format on our website at: <a href="http://www.fns.usda.gov/cnd/FRP/frp.process.htm">http://www.fns.usda.gov/cnd/FRP/frp.process.htm</a> . The CACFP Meal Benefit Income Eligibility Form translations can be found at: <a href="http://www.fns.usda.gov/cnd/Care/Benefit_Forms/Translations.htm">http://www.fns.usda.gov/cnd/Care/Benefit_Forms/Translations.htm</a> .
42-2011	<u>Child Nutrition Reauthorization 2010: Local School Wellness Policies</u>	7/8/2011	This memorandum provides information on the new requirements for local wellness policies so that local educational agencies (LEAs) can begin reviewing their policies for the coming School Year 2011-2012, and begin moving forward on implementing the new requirements. Therefore, State agencies should ensure that LEAs are aware of the changes and begin reviewing their local wellness policies during School Year 2011-2012 and, to the extent practicable, begin moving forward on implementing the new requirements. There are a number of ways in which LEAs can implement the requirement for informing and updating the public about the content and implementation of the local wellness policies. Acceptable methods may include developing or disseminating printed or electronic materials to families of school children and other members of the school community at the beginning of the school year, and posting the local wellness policies and an assessment of its implementation on the district or school website. Whatever method is chosen, the information must be made available to the public by LEAs in an accessible, easily understood manner. For School Year 2011-2012, LEAs should be working toward developing a reasonable method to implement this requirement, with the goal of making the information public by the end of the school year.
41-2011	<u>Indirect Cost Guidance</u>	7/7/2011	The purpose of this memorandum is to provide guidance describing the Federal requirements State agencies (SA) and school food authorities (SFA) must comply with in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) with respect to indirect costs. Section 307(a) of the Act establishes the requirement to issue guidance providing assistance to ensure the nonprofit school food service account funds are limited to those expenses that are reasonable and necessary to provide quality meals for the NSLP and SBP. In general, the full cost of the NSLP and SBP include both direct and indirect costs. Direct costs are incurred specifically for the NSLP and SBP, and can be readily identified to a particular school food service objective. Allocation of indirect cost is necessary because it identifies the portion of the costs benefitting the school food service.
40-2011	<u>Outreach to Households on the Availability of School Breakfast Program</u>	6/20/2011	The Healthy, Hunger-Free Kids Act of 2010 (the Act), Public Law 111-296, establishes requirements for conducting outreach in the Summer Food Service Program (SFSP) and the School Breakfast Program (SBP). The purpose of this memorandum is to provide guidance on the implementation of the provision requiring schools to conduct outreach on the availability of the SBP. Outreach efforts for the SFSP were addressed through a memorandum issued January 25, 2011. Schools participating in the SBP must inform families of the availability of breakfasts. A notification of the availability of breakfast must be relayed just prior to or at the beginning of the school year in the informational packets that are sent to each household with free and reduced price meal applications for the new school year. In addition, schools should send reminders regarding the availability of the SBP multiple times throughout the school year. Schools can provide reminders to children through their public address systems in schools or through means normally used to communicate with the households of enrolled children. Other acceptable outreach activities may include developing or disseminating printed or electronic material to families and school children.

Policy #	Title	Issue Date	Summary
39-2011	<u>Child Nutrition Reauthorization 2010: Guidance on Paid Lunch Equity and Revenue from Nonprogram Foods</u>	Revised	This memorandum provides updated questions and answers to the Child Nutrition Reauthorization 2010 implementation memorandum SP 39-2011. Guidance on Paid Lunch Equity and Revenue from Nonprogram Foods. <b>School food authorities (SFAs) are required to comply with this new provision for SY 2011-2012. However, because the interim rule was published after many SFAs had made pricing decisions for the current school year, SFAs have additional flexibility in meeting their requirements for SY 2011-2012, as described in Question 5.</b>
39-2011	-- Attachment: Paid Lunch Equity Pricing Tool	10/24/2011	
39-2011	-- Attachment: Nonprogram Revenue Tool	10/24/2011	
38-2011	<u>FNS-640 Data Report School Year 2008-2009</u>	6/8/2011	
37-2011	<u>Child Nutrition Reauthorization 2010: Enhancing the School Food Safety Program</u>	5/23/2011	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 Hazard Analysis and Critical Control Point (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. 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 Special Milk, the Fresh Fruit and Vegetable Program and afterschool snack or supper programs.
36-2011	<u>Restricted Open Sites and Summer Schools</u>	5/23/2011	Schools offering summer school programs can be reimbursed for serving meals during the summer in two ways. If the school only wants to serve meals to children enrolled in the summer school program, then it can continue its participation in the National School Lunch Program (NSLP) and School Breakfast Program (SBP). If, in addition to serving children enrolled in summer school, the school also wants and is eligible to serve children in the community at large, then it can operate an open site through the SFSP or the Seamless Summer Option under the NSLP.
35-2011	<u>Clarification on the Use of Offer Versus Serve and Family Style Meal Service</u>	5/23/2011	This memorandum clarifies use of offer versus serve (OVS) and family style meal service in institutions participating in the Child and Adult Care Food Program (CACFP) and that serve meals prepared by school food authorities (SFAs) participating in the National School Lunch (NSLP) and School Breakfast Programs (SBP).
34-2011	<u>Child Nutrition Reauthorization 2010: Implementation of Section 361, Full Use of Federal Funds, FAQ 2</u>	5/13/2011	Memo for state agencies
33-2011	<u>Child Nutrition Reauthorization 2010: Direct Certification Performance Awards and Use of Funds</u>	4/28/2011	Memo for state agencies
32-2011	<u>Child Nutrition Reauthorization 2010: Direct Certification Benchmarks and Continuous Improvement Plans</u>	4/28/2011	Memo for state agencies
31-2011	<u>Frequency of Direct Certification Matching Activities Beginning in School Year 2011-2012</u>	4/27/2011	The provision, found at 7 CFR 245.6(b)(3), requires that direct certification matching activities with SNAP be done at least three times per school year: At or around the beginning of the school year; Three months after the initial effort; and Six months after the initial effort. We expect those State agencies and LEAs unable to accomplish SNAP direct certification at least three times in School Year (SY) 2011-2012, to work toward this goal and comply with the requirement no later than SY 2012-2013.
30-2011	<u>Child Nutrition Database Release 15</u>	4/15/2011	The Child Nutrition Database Release 15 (CN15) was made available at the Healthy Meals Resource System website on April 1, 2011. Computer software companies with software approved by the Department of Agriculture (USDA) for Nutrient Standard Menu Planning (NSMP) are required to update their software customers with CN15. This release can be downloaded by visiting: <a href="http://healthymeals.nal.usda.gov/cndatabase.html">http://healthymeals.nal.usda.gov/cndatabase.html</a> .

Policy #	Title	Issue Date	Summary
29-2011	<u>Nutrition Requirements for Fluid Milk</u>	4/14/2011	To offer milk variety consistent with this recommendation, school food authorities must offer at least two choices from the following: fat-free milk, low-fat (1%) milk, fat-free or low-fat lactose reduced milk, fat-free or low-fat lactose free milk, fat-free or low-fat buttermilk, and fat-free or low-fat acidified milk. Such products must be pasteurized fluid milk that meets State and local standards, as currently required in 7 CFR 210.10(m)(1)(ii).
28-2011	<u>Water Availability During National School Lunch Program Meal Service (revised)</u>	7/12/2011	Section 203 of the Act amends section 9(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(a)) by requiring that schools participating in the NSLP make potable water available to children at no charge in the place where lunch meals are served during the meal service. There are a variety of ways that schools can implement this requirement. For example, schools can offer water pitchers and cups on lunch tables, a water fountain, or a faucet that allows students to fill their own bottles or cups with drinking water. Whatever solution is chosen, the water must be available without restriction in the location where meals are served. Schools should be working toward developing a reasonable method to implement this requirement. Therefore, we encourage schools to comply with this requirement as soon as possible, but not later than the beginning of School Year 2011-12.
27-2011	<u>Expansion of Opportunities for Additional States to Apply for Direct Certification Planning and Implementation Grants</u>	4/7/2011	Memo for state agencies
26-2011	<u>Eligibility of Children Evacuated from Japan and Bahrain</u>	4/1/2011	The local educational agency (LEA) official responsible for determining free/reduced price meal eligibility should contact the LEA's homeless liaison to determine if these children are considered homeless under the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.). If these children have been determined homeless by the liaison, they are categorically eligible for free meals under the NSLP/SBP and are eligible for the school year and for the first 30 operating days in the next school year.
25-2011	<u>Child Nutrition and WIC Reauthorization 2010: Implementation of Section 361, Full Use of Federal Funds, FAQ 1</u>	3/29/2011	Memo for state agencies
24-2011	<u>Fresh Fruit and Vegetable Program Allocation of Funds for School Year 2011/12</u>	3/22/2011	Memo for state agencies
23-2011	<u>Community Eligibility Option: Guidance and Process for Selection of States for School Year 2011-2012</u>	3/16/2011	Memo for state agencies
22-2011	<u>Child Nutrition Reauthorization 2010: Cooperation with Program Research and Evaluation of Child Nutrition Programs</u>	3/8/2011	Section 305 of the Act amends section 28 of the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1769i) to clarify that State agencies, local educational agencies, schools, institutions, facilities and contractors participating in the Child Nutrition Programs authorized under the NSLA and Child Nutrition Act of 1966 are required to cooperate with the Department of Agriculture officials and contractors conducting evaluations and research.
21-2011	<u>FY 2011 Reallocation of State Administrative Expense (SAE) Funds</u>	2/23/2011	Memo for state agencies
20-2011	<u>Child Nutrition and WIC Reauthorization 2010: Section 361, Full Use of Federal Funds</u>	2/18/2011	Memo for state agencies

Policy #	Title	Issue Date	Summary
19-2011	<u>Child Nutrition Reauthorization 2010: Privacy Protection and the Use of Social Security Numbers in Child Nutrition Programs</u>	2/15/2011	Section 301 of the Act amends section 9(d)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(d) (1)) by removing the requirement that the adult household member who signs a household application for free and reduced-price meals also must provide his or her complete SSN, as a condition of eligibility. As amended by the Act, Section 9(d)(1) now requires that <b>only the last four digits of the SSN must be provided on the application. The Act also removes the requirement that the SSN of each household member be collected to verify applications. The new requirements increase privacy protections.</b>
18-2011	<u>Procurement Geographic Preference Q&amp;As</u>	2/1/2011	In light of recent Farm to School efforts to connect schools with local or regional farmers and the need for guidance and technical assistance on the State and local levels, we have created Q&As to further explain the geographic preference option. Does the geographic preference option for the procurement of unprocessed agricultural products apply to all Federal Child Nutrition Programs? <b>Institutions receiving funds through the Federal Child Nutrition Programs may apply an optional geographic preference in procurement of unprocessed locally grown or locally raised agricultural products, including the National School Lunch Program (NSLP), School Breakfast Program (SBP), Fresh Fruit and Vegetable Program (FFVP), Special Milk Program (SMP), Child and Adult Care Food Program (CACFP) and Summer Food Service Program (SFSF).</b>
17-2011	<u>Child Nutrition Reauthorization 2010: Categorical Eligibility of Foster Children (revised)</u>	3/16/2011	Section 102 of the Act amends Section 9(b)(12)(A) of the Richard B. Russell National School Lunch Act (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, <b>without application, if the local educational agency or other child nutrition program institution obtains documentation from an appropriate State or local agency indicating the status of the child as a foster child whose care and placement is the responsibility of the State or that the foster child has been placed with a caretaker household by a court. These provisions are effective October 1, 2010.</b>
16-2011	<u>Child Nutrition Reauthorization 2010: State Food Safety Inspection Reporting Requirements</u>	1/25/2011	Memo for state agencies
15-2011	<u>Child Nutrition Reauthorization 2010: Outreach to Households on the Availability of Summer Food Service Program Meals</u>	1/25/2011	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 State agency that administers the National School Lunch Program (NSLP), to the maximum extent practicable, ensures that school food authorities (SFAs) cooperate 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, which provide information on the availability and location of SFSP meals. Other activities to promote the availability and location of SFSP meals <u>may be approved by the State agency.</u>
14-2011	<u>Prototype Checklists for School Food Authorities (SFAs) for Conducting Annual On-site Reviews</u>	1/24/2011	Every school year (as defined in 7 CFR Part 210.2, July 1 to June 30), each SFA with more than one school must perform no less than one on-site review of the lunch counting and claiming system in operation at each school administered by the SFA. The on-site review must take place prior to February 1 of each school year. If the review discloses problems with a school's meal counting and claiming procedures, the SFA must ensure that the school implements corrective action, and within 45 days of the review, conduct a follow-up on-site review to determine that the corrective action resolved the problems
13-2011	<u>Child Nutrition Reauthorization 2010: <a href="http://www.fns.usda.gov/cnd/governance/Policy-Memos/2011/SP13-2011_os.pdf">http://www.fns.usda.gov/cnd/governance/Policy-Memos/2011/SP13-2011_os.pdf</a> Letter Method for Direct Certification <a href="http://www.fns.usda.gov/cnd/governance/Policy-Memos/2011/SP13-2011_os.pdf">http://www.fns.usda.gov/cnd/governance/Policy-Memos/2011/SP13-2011_os.pdf</a></u>	1/14/2010	Section 101(c) of the Act amends section 9(b)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(4)) to clarify that in meeting the direct certification requirements for children in SNAP households, households cannot be required to provide the local educational agency (LEA) with any letter notifying the household of eligibility for direct certification or eligibility for free meals. This provision is effective October 1, 2010.

Policy #	Title	Issue Date	Summary
12-2011	<u>Child Nutrition Reauthorization 2010: Fiscal Year 2010 National School Lunch Program Equipment Assistance Grants - Legislative Revision</u>	12/20/2010	Memo for state agencies
11-2011	<u>Effects of Busing on Area Eligibility in the Child and Adult Care Food Program, the Summer Food Service Program, and the Afterschool Snack and the Seamless Summer Option served through the National School Lunch Program</u>	12/6/2010	Program sponsors may determine a site to be area eligible in situations as described above only if the school food authority is able to document the percentage of children eligible for free and reduced-price meals at each school before and after students are reassigned. The same method of determining site eligibility must be used for all sites participating under that program sponsor to avoid duplicate counting.
10-2011	<u>School Year 2009-2010 Direct Certification Report List of States Eligible for 2nd Round Planning or Implementation 2010 Direct Certification Grants</u>	11/19/2010	Memo for state agencies
09-2011	<u>Clarification of Competitive Foods and Foods of Minimal Nutritional Value</u>	11/12/2010	A "competitive food" is defined by 7 CFR 210.11 and 220.12 as any food item that is sold in competition to the reimbursable school meal. A "food of minimal nutritional value" is a food that fits into specific categories defined in the Competitive Food Services regulation also known as "foods of minimal nutritional value." This regulation, 7 CFR Parts 210.11, and 220.12, along with Appendix B to Parts 210 and 220, requires that "State agencies and school food authorities prohibit the sale of foods of minimal nutritional value in food service areas during meal periods." The term "food service areas" is anywhere school meals are being served or consumed, including classrooms and multipurpose rooms that double as cafeterias during meal periods.
08-2011	<u>Teacher Modeling in the Fresh Fruit and Vegetable Program (FFVP)</u>	11/5/2010	In response to several inquiries, this memorandum provides guidance on the allowable consumption of FFVP fruits and vegetables by teachers.
07-2011	<u>Additional Administrative Reviews and State Retention of Improperly-Paid Funds in SY 2010-2011</u>	11/1/2010	Memo for state agencies
06-2011	<u>Use of State Administrative Expense Funds in the Fresh Fruit and Vegetable Program</u>	10/27/2010	Memo for state agencies
05-2011	<u>Further Clarification in Crediting for, and Use of, Donated Foods in Contracts with Food Service Management Companies</u>	10/22/2010	In accordance with 7 CFR 250.51(a), the FSMC, in its contract with a school food authority (SFA), must credit the SFA for the value of all donated foods received for use in the SFA's meal service in a school year. The FSMC must provide such credit whether or not the donated foods are used in the year of receipt. Such requirement ensures that the SFA may continue to utilize single inventory management under its contract with the FSMC. In a single inventory management system, donated foods are stored and tracked together with purchased foods, rather than separately, which reduces the time and labor expended in inventory management.

Policy #	Title	Issue Date	Summary
04-2011	<u>Eligibility of Expanded Learning Time Programs for Afterschool Snack Service in NSLP and CACFP (revised)</u>	1/21/2010	Therefore, a school operating longer than the traditional school day may be eligible for afterschool snack reimbursement through the NSLP or CACFP, provided that it operates a school day that is at least one hour longer than the minimum number of school day hours required for the comparable grade levels by the local educational agency in which the school is located. Thus, in determining an expanded learning program's eligibility for reimbursement, a State agency should first use school day hour data from the particular school's local educational agency (LEA) as the standard to determine the minimum number of school day hours required. In LEAs in which all schools operate an expanded learning time program, or in single-school LEAs, the State's average length of the school day or the average length of the school day of surrounding LEAs may be used to determine the standard minimum number of school day hours.
03-2011	<u>State Agency Reports on School Food Safety Inspections, FY09</u>	10/8/2010	Memo for state agencies
02-2011	<u>Salad Bars in the National School Lunch Program (revised)</u>	1/21/2011	USDA encourages the use of salad bars in the school meal programs. Salad bars have the potential to improve nutrition and encourage the consumption of fruits, vegetables and legumes. In addition to the nutritional benefits, salad bars may lower plate waste in school feeding programs. While we recognize the many benefits of salad bars, we are cognizant that salad bars are not always a viable option in some school food service operations. <b>We encourage school food authorities (SFAs) to incorporate salad bars into their school food service operations when possible, and to explore other creative options when salad bars are not an option.</b> When planning a salad bar as part of a reimbursable meal for Food Based Menu Planning, the minimum portion sizes must be consistent with the meal pattern for the age/grade group.