



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

GRETCHEN WHITMER
GOVERNOR

MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

FOOD DISTRIBUTION

ADMINISTRATIVE POLICY NO. 2 SCHOOL YEAR 2012-2013

SUBJECT: Donation of Leftover Food and USDA Foods

DATE: November 19, 2012

This memorandum provides policy and guidance regarding school districts' ability to donate leftover, un-served food to nonprofit agencies. This policy also clarifies the usage and re-donation policy for USDA Foods (commodities).

Donating Prepared Food

The Richard B. Russell National School Lunch Act (NSLA) was recently amended and now states that schools and institutions participating in the Child Nutrition Programs, including the National School Lunch Program (NSLP), School Breakfast Program (SBP), Child and Adult Care Food Program (CACFP), and Summer Food Service Program (SFSP), may donate any un-served prepared food, including those containing USDA Foods (commodities) to a community food bank, homeless shelter, or other nonprofit charitable organization when it is not feasible to reuse the leftover food within their school. The prepared food must be considered wholesome and must be donated within time and temperature parameters.

Schools and institutions must follow the FDA Food Code safe food handling requirements, as well as all state and local health and sanitation codes. The revised statute also extends protections against civil and criminal liability for organizations 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. For more information, please refer to:

[USDA Policy Memo SP 11-2012, CACFP 05-2012, SFSP 07-2012](#)

Donating USDA Foods

When schools and institutions are unable to use a USDA Foods item, they may donate that food, up to \$500 in value, to a community food bank, homeless shelter, or other nonprofit charitable organization. If the value is more

STATE BOARD OF EDUCATION

PAMELA PUGH – PRESIDENT • ELLEN COGEN LIPTON / TIFFANY D. TILLEY – CO-VICE PRESIDENTS
JUDITH PRITCHETT – SECRETARY • MARSHALL BULLOCK II – TREASURER
MITCHELL ROBINSON – NASBE DELEGATE • TOM MCMILLIN • NIKKI SNYDER

than \$500, please contact the Michigan Department of Education (MDE) Food Distribution staff at 517-335-3792 for further instruction. Depending on the circumstances, a school may need to replace the value of the donated USDA Foods. In the event of a major dietary change within the school (example: peanut-free campus), MDE may opt to locate another school or agency that may be in need of that particular food item.

As a reminder, per 7 CFR part 250.50, USDA Foods are meant to be served to students as the primary audience. However, there may be times when prepared meals that contain USDA Foods are served to large groups of non-students. In this case, the food service program will need to replace the value of that food or credit the value of that food to their non-profit food service account. Schools that have questions about this or any other USDA Food related topic may call 517-241-3792.