

Miscellaneous Regulations

Miscellaneous Federal and State Regulations

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Additional Resources

- ISBE Rules and Waivers Division
<https://www.isbe.net/Pages/School-Fee-Waivers.aspx>
- ISBE Local School Wellness Policy Information Website
<https://www.isbe.net/Pages/Local-School-Nutrition-Wellness-Policy.aspx>
- ISBE Accommodating Children with Special Dietary Needs Website
<https://www.isbe.net/Pages/School-Nutrition-Special-Dietary.aspx>
- ISBE Child Nutrition Program Food Safety Information Website
<https://www.isbe.net/Pages/Child-Nutrition-Program-Food-Safety-Information.aspx>
- USDA Professional Standards for School Nutrition Professionals Website
<https://www.isbe.net/Pages/Nutrition-Standards.aspx>

School Fee Waivers and the Verification Process

Under Illinois law, school districts are required to waive charges for textbooks and other fees for children whose families are unable to afford them, including children eligible for the federal free lunch and breakfast program, and for any other extenuating circumstances for which the school board will waive fees as communicated in its adopted policy (e.g., reduced-price lunch or medical emergencies). [105 ILCS 5/10-20.13 and 34-21.6]

Currently, a school district is obligated to waive at least the cost of textbooks and instructional materials for any student whose family income is within the federally established guidelines for free meals, regardless of the student's participation in the federal meals program (i.e., National School Lunch, School Breakfast, Special Milk or After-School Snacks). In addition, the district cannot verify the eligibility to receive a school fee waiver of a student who is receiving free meals outside of the verification requirements established for the federal meals program.

School districts may however establish a process for requesting school fee waivers that is separate and apart from the application process for the federal meals program for which the district will be able to verify eligibility for a fee waiver independently (see [Public Act 96-0360](#)).

There are two options for collecting eligibility applications:

Option 1: Use of a student's application for free meals under the federal program as the basis for granting a school fee waiver; or

Option 2: Establishment of a separate application process to determine a student's eligibility for school fee waivers based upon the income guidelines established by the federal meals program that does not rely on a student's application for, eligibility for or participation in the free meals program.

Under Option 1, a school board that participates in a federally funded, school-based child nutrition program and uses a student's application for that program as the basis for waiving fees must follow the federal requirements for verifying a student's eligibility for both the meals program and waiver of school fees. This means that if a child is eligible for free meals, his or her school fees are automatically waived based on the meals application; however, federal requirements restrict the school district to verifying only 3% of the approved meal applications on file as of October 1, unless it has established just cause. No further verification **of the student's eligibility for the fee waiver** can be made. A child who is "directly certified" (i.e., is receiving SNAP/Food Stamps or TANF) or is "categorically eligible" (i.e., is homeless, foster child, migrant or runaway or in Head Start) would automatically receive school fee waivers as well under this option and would likewise have his or her receipt of free meals and a school fee waiver subject to the federal verification limitations.

It should be noted that a school board that chooses to use the federal meals application as the basis for granting school fee waivers also must have a school fee waiver application available for

families who wish to apply only for the fee waiver and not the free meals program. A sample form entitled Household Income Form (#69-72) is available in both English and Spanish on [ISBE's Forms website](#). Verification of school fee waiver eligibility for any student not applying for the federal meals program may be conducted in accordance with Option 2 below.

Under Option 2, a school board must establish an application process for determining and verifying eligibility for school fee waivers that is completely independent from the process for determining and verifying eligibility for free meals.

While a student would still qualify to have his or her school fees waived based on the federal income guidelines, the granting of school fee waivers could not be made based on the student's application for free and reduced price meals. The new state law relieves a district using a separate process from the verification thresholds set by the federal program. Instead, a school district may verify a student's eligibility for a school fee waiver no more often than every 60 calendar days. If information obtained during the school fee waiver verification process determines that the student's family income is not within the federal income guidelines for free meals, and then the fee waiver can be denied. However, the school district cannot use the information received under this process to deny a student's participation in the free meals program. A discrepancy between the school fee waiver application and the free meal application is not sufficient evidence ("just cause") to allow a school district to verify the meal application. In other words, a district cannot verify the meal application based on information obtained through verification of a fee waiver. It is important to note, however, that a child who is "directly certified" (i.e., is receiving SNAP/Food Stamps or TANF) or is "categorically eligible" (i.e., is homeless, foster child, migrant or runaway or in Head Start) would automatically receive school fee waivers as well under this option and would likewise have his or her receipt of free meals and a school fee waiver subject to the federal verification limitations.

A sample form for processing fee waivers under Option 2 is available as Forms 69-72 and 69-72S at <https://www.isbe.net/Pages/ISBE-Forms.aspx>.

Although state law does not require school districts to waive fees for students receiving reduced-price meals, school districts that choose to do so are subject to the verification restrictions outlined under each application option above.

Questions regarding the processing or verification of federal meal program applications?

Visit <https://www.isbe.net/Pages/SchoolNutritionAdminHandbook.aspx> or contact Nutrition Programs Division at 800-545-7892 or cnp@isbe.net.

Questions about fee waivers?

Contact the Rules and Waivers Division at 217-782-5270.

Meal Service Mandates

Illinois Free Lunch and Breakfast Programs Mandate

Per [105 ILCS 125/4](#) and [23 Illinois Administrative Code 305.10](#), every public school, including public special education facilities, must have a free lunch program that provides free lunches (and free breakfasts if a school offers breakfast) to students eligible to receive free meals.

State reimbursement to offset a portion of the cost of the meal is available if a site serves a reimbursable meal to a student eligible for a free meal and the site is enrolled in the Illinois Free Breakfast and Lunch Programs. Sites participating in a federally-funded school meals program, National School Lunch Program (NSLP), and/or School Breakfast Program (SBP) are automatically enrolled in the corresponding Illinois Free Program.

School Breakfast Program Mandates

Breakfast - Per [105 ILCS 126/15](#), every public school in which at least 40 percent of the students were eligible for free or reduced-price lunches in October of the preceding year* must operate a [school breakfast program](#).

State reimbursement to offset a portion of the cost of the meal is available if a site serves a reimbursable meal to a student eligible for a free meal and the site is enrolled in the Illinois Free Breakfast and Lunch Programs. Both state and federal reimbursement is available if a site enrolls in the National School Lunch Program (NSLP), and/or School Breakfast Program (SBP).

A district wishing to utilize the [opt-out provision](#) of this mandate for the upcoming school year, must petition their regional superintendent of education no later than February 15 of the current school year.

Breakfast After the Bell – Per [105 ILCS 126/16](#), every public school in which at least 70 percent of the students were eligible for free or reduced-price lunches in October of the preceding year* must operate a breakfast after the bell program. Breakfast after the bell means breakfast is provided to children after the instructional day has officially begun and does not prohibit schools from also providing breakfast before instructional day begins. Schools may choose whichever delivery model that best suits the students. Typical options include:

- **Breakfast in the Classroom:**
Food is delivered (by staff, students or volunteers) to each classroom after school begins and students are permitted to eat breakfast in the classroom.
- **Grab and Go:**
Students pick-up bagged or boxed breakfast from carts or specified areas and are permitted to eat in either designated areas or the classroom.

- Breakfast After First:
An extended passing or breakfast period is offered in the cafeteria, following the first or second period of the day.
- Other options include serving breakfast during an early recess or outdoor lesson. As long as breakfast is offered to all students after the instructional day has begun, schools and districts have great flexibility in serving breakfast after-the-bell.

State reimbursement to offset a portion of the cost of the meal is available if a site serves a reimbursable meal to a student eligible for a free meal and the site is enrolled in the Illinois Free Breakfast and Lunch Programs. Both state and federal reimbursement is available if a site enrolls in the National School Lunch Program (NSLP), and/or School Breakfast Program (SBP).

Schools participating in the School Breakfast Program must inform families of the availability of breakfasts just prior to the beginning of the school year and throughout the school year via routine methods of communicating with families, such as website posting, weekly messages, public address system, etc.

Districts may be relieved from this Breakfast After the Bell requirement if they demonstrate either:

- 1) they are delivering a school breakfast effectively, as defined by 70% or more of the free and reduced-price students participating in the School Breakfast Program,
or
- 2) due to circumstances specific to that school district, the expense reimbursement would not fully cover the costs of implementing and operating a breakfast after the bell program. District must submit cost analysis to district's board of education, district board holds public hearing, and district board passes a resolution that district cannot afford to operate a breakfast after the bell program. District must post date, time, place, and subject matter of meeting on its website; notify ISBE by emailing cnp@isbe.net at least 14 days prior to the hearing; and submit final resolution approving the breakfast after the bell exemption to ISBE by emailing cnp@isbe.net upon passage.

Summer Food Service Mandate

Per [105 ILCS 126/20](#), every public school in which at least 50 percent of the students were eligible for free and reduced-price lunches in October of the preceding year* AND has a summer program operating during the summer months must provide a [summer breakfast and/or lunch program](#) for the children in that community. The plan must be implemented each year so long as the above criteria are met and must operate for the duration of the school's summer school program. A school wishing to utilize the opt-out provision [105 ILCS 126/20 (d)] of the program for the upcoming summer must petition their regional superintendent by January 15 of the current school year.

Federal reimbursement to offset a portion if not all of the cost is available if a site serves a reimbursable meal to a child and site is enrolled in either the National School Lunch Program's Seamless Summer Option (SSO) or the Summer Food Service Program (SFSP).

*** Determining if Site is Required to Operate Meal Service Programs**

All public schools must offer the IL Free Lunch/Breakfast Program. However school boards must determine which schools must operate the School Breakfast Program and Summer Food Service Program.

To assist school boards, the Illinois State Board of Education has two sources of data available online:

If the site(s) participates in the NSLP, school boards should use the previous year's October claim data collected annually by the Nutrition Programs Division. For example, for school year 2018-2019 (fiscal year 2019), use the October 2018 (fiscal year 2018) data. You can access the data at <https://www.isbe.net/Pages/Seamless-Summer-Option-Meal-Eligibility.aspx>.

1. Locate the name of the school.
2. Locate the percentage free and reduced-price eligible.
 - If the site is at least 50% free and reduced-price eligible, that site is mandated to operate a School Breakfast Program as well as Summer Breakfast/Lunch program, in addition to the IL Free Lunch and Breakfast Program.
 - If the site is at least 40% free and reduced-price eligible, that site is mandated to operate a School Breakfast Program in addition to the IL Free Lunch and Breakfast Program.
 - If the site is less than 40 percent free and reduced-price eligible, then the site is mandated to operate only the IL Free Lunch and Breakfast Program.

If the site(s) does not currently participate in the National School Lunch Program (NSLP), school boards should use low income data reported on the previous year's fall housing report. You can access the data at http://www.isbe.net/research/htmls/fall_housing.htm.

1. Click on School Summary Data.
2. Locate the name of the school/site.
3. Divide *low-income* by *K-12 enrollment* to determine the low income percentage.
 - If the site is at least 50% free and reduced-price eligible, that site is mandated to operate a School Breakfast Program as well as Summer Breakfast/Lunch program, in addition to the IL Free Lunch and Breakfast Program.

- If the site is at least 40% free and reduced-price eligible, that site is mandated to operate a School Breakfast Program in addition to the IL Free Lunch and Breakfast Program.
- If the site is less than 40 percent free and reduced-price eligible, then the site is mandated to operate only the IL Free Lunch and Breakfast Program.

Meal Service Times and Access

Schools participating in the National School Lunch and/or School Breakfast Programs must offer lunch between 10:00 am and 2:00 pm, unless exempted by USDA through ISBE, and breakfast at or close to the beginning of the child’s school day. Schools are encouraged to provide sufficient lunch periods that give all students enough time to be served and to eat their lunches; at least ten minutes after receiving breakfast and twenty minutes after receiving lunch.

Schools must provide access to meals to all students who are enrolled and present during meal services. Meal(s) must be served on days when school is in session for 300 minutes (5 hours) or more.

Expanded Learning Time Snacks

A school operating longer than the traditional school day may be eligible for afterschool snack reimbursement during their school day through the School Nutrition Programs (SNP) or CACFP. Eligibility to participate in an expanded learning time snack would be available to schools that:

- Operate 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
- Schools that participate in the NSLP
- Schools that offer an afternoon snack, served after lunch, towards the end of the “expanded learning time” school day.

Meal Service Oversight Options

Sponsors have three options for the oversight of their meal services, all of which must be reviewed and approved by ISBE:

- 1) Operate as your own sponsor/School Food Authority (SFA).
- 2) Operate as a site under the public district with which you are associated that participates in a federal meal or milk program. This option is available only to charter schools.
- 3) Operate under an Alternate Agreement in which legal and financial authority is officially transferred from one SFA to the other. The contract between the SFAs must state that SFA #1 is accepting total legal and financial responsibility for the newly incorporated School Food Authority’s (SFA #2’s) meal program(s). Some examples include paying over-claims as

a result of administrative reviews, utilization of USDA Foods and complying with program regulations. The contract must state that the incorporated School Food Authority (SFA #2) is relinquishing its authority to operate the specified school meal program(s) to SFA #1. The Alternate SFA Arrangement is different than a “School to School Agreement” where an SFA provides meals, serving as a meal vendor for nearby SFAs or schools that it does not control.

Meal Service Delivery Options

Sponsors have five options for delivery of meal services, the first four of which must be reviewed and approved by ISBE:

- 1) Food Service Management Company Contract – For more information on this option, refer to the *Procurement* section of this handbook.
- 2) Vended Meals Contract – For more information on this option, refer to the *Procurement* section of this handbook.
- 3) School-to-School Agreement – For more information on this option, refer to the *Procurement* section of this handbook.
- 4) Alternate Agreement – This option is an agreement between the SFAs which must state that SFA #1 is accepting total legal and financial responsibility for the newly incorporated School Food Authority’s (SFA #2’s) meal program(s), including not only paying over-claims as a result of administrative reviews, utilization of USDA Foods, and complying with program regulations, but daily meal service.
- 5) Self-prep – Under this option, the SFA/sponsor of federal meal program purchases, prepares and serves on their own following Child Nutrition Program regulations.

Record Retention

Documentation related to the school-based child nutrition program must be maintained on file at the site or the SFA office for the current year, plus three years prior. In the case of an audit or investigation which extends beyond the three years plus current year, documents must be kept until the audit or investigation is completed. Documentation refers to any materials related to certification, verification, benefit issuance and claiming, including but not limited to, Household Eligibility Applications, verification letters to families, verification documents received from families, submitted menus, production records, and procurement.

Cooperation with Research and Evaluation

Institutions participating in Child Nutrition Programs are required to cooperate with the Department of Agriculture officials and contractors conducting evaluation and research.

Leftover Foods

Schools should plan and prepare meals with the goal of serving one reimbursable lunch, and if applicable one reimbursable breakfast, per child per day. However, with fluctuations in attendance and participation, leftovers are likely. If a school has leftovers on a frequent basis, menu planning and production practices should be adjusted to reduce leftovers. All alternatives permitted by program regulations and State and local health and sanitation codes should be exhausted before discarding food. Options may include:

- using leftovers in subsequent meal services
- offering “sharing tables” -

FNS recognizes that, for various reasons, children may not always want to consume certain food or beverage items included in their meal. “Share tables” are tables or stations where children may return whole food or beverage items they choose not to eat, if it is in compliance with local and State health and food safety codes. These food and beverage items are then available to other children at no cost who may want additional servings. Food or beverage items left on the share table may be served and claimed for reimbursement during another meal service (i.e., during an afterschool program when leftover from a school lunch). When the milk carton is unopened and the proper temperature is maintained and other meal components that were served may be for re-service if such a practice is permitted under local and State health and food safety codes. Food or beverage items should only be reused in situations where it is necessary to prevent food waste. It is important to note that when using a share table, CNP operators are able to claim the reimbursable meal at the point of service even if a child then puts one or more of the meal components on the share table. When food items are left on the share table at the end of the meal service, that food can be used in later meals that are claimed for reimbursement. Operators choosing to use share tables must follow the food safety requirements outlined in 7 CFR 210.13, 220.7, 226.20(l), and 225.16(a), respectively. In addition, CNP operators must be aware of all applicable local and State health and food safety codes to ensure their use of share tables does not violate any of those codes. It is important to keep in mind that local and State health and food safety codes may be more restrictive than the FNS requirements, or may place specific limitations on which food or beverage items may be reused. To ensure compliance with food safety requirements, CNP operators should discuss plans for a share table with their local health department and State agency prior to implementation. Further, schools must ensure that their policies for saving and sharing food or beverage items are consistent

with the LEA's Hazard Analysis and Critical Control Point (HACCP) plan. Please see [section 3-306.14](#) of the 2013 the Food and Drug Administration (FDA) Food Code for more information about food safety considerations when re-serving food.

- transferring food to other sites operating federal school meal program; or
- where it is not feasible to reuse leftovers, excess food may be donated to a nonprofit organization, such as a community food bank or homeless shelter or other non-profit 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), e.g. soup kitchens or homeless shelters. This is called gleaning. The cost of such donated food is an allowable operating cost of the school foods service account. If schools choose to donate leftovers, documentation of the quantity and costs of the foods that were donated, as well as the name(s) of the receiving organization(s) must be kept, and ensure local health department rules and regulations. For further information, see [SP 41-2016](#), [SP 11-2012](#), and [Guidance on the Food Donation Program in Child Nutrition Programs](#).
- FNS has additional resources for reducing food waste in the CNPs:
 - Creative Solutions to Ending School Food Waste: <http://www.fns.usda.gov/school-meals/creative-solutions-ending-school-food-waste>
 - Join the Food Waste Challenge: <http://www.usda.gov/oce/foodwaste/join.htm>
 - The Smarter Lunchroom Movement: <http://smarterlunchrooms.org/>
 - [SP 41-2014](#), *Clarification of the Policy on Food Consumption Outside*

Local Wellness Policy

A Local School Wellness Policy is a written document that sets the framework for a healthy school environment through goal setting and policy making. Local Wellness Policies were established by the Child Nutrition and Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Reauthorization Act of 2004. In 2010, the requirements of Local Wellness Policies were strengthened by the Healthy, Hunger-Free Kids Act (HHFKA). Under 7 CFR 210.31(a), all sponsors participating in the National School Lunch Program (NSLP) and/or School Breakfast Program (SBP) are required to have a Local Wellness Policy for all schools under their jurisdiction.

Policy Content

7 CFR 210.31(c) requires, at a minimum, that the content of the Local Wellness Policy must include:

- Specific goals for 1) nutrition promotion, 2) nutrition education, 3) physical activity, and 4) other school-based activities that promote wellness

- Standards for all food and beverage items sold to students on the school campus during the school day, including meals provided through the NSLP and/or SBP as well as competitive food items sold outside the NSLP and SBP. NSLP and/or SBP meals must meet the school meal nutrition standards and competitive food items must meet Smart Snacks in School nutrition standards.
- Standards for all foods and beverages provided, but not sold to students, on the school campus during the school day
- Policies for food and beverage marketing allowing only the marketing of food and beverage items that meet the Smart Snacks in School standards on the school campus during the school day
- Identification of the position of the school or organization official(s) responsible for the implementation and oversight of the Local Wellness Policy
- A description of how parents, students, SFA representatives, teachers, school health professionals, school board members, school administrators, and the general public are provided an opportunity to participate in the development, implementation, review, and updates of the Local Wellness Policy
- A description of the assessment plan of the Local Wellness Policy and the manner in which policy content and assessment results will be reported to the public

Triennial Assessment

Requirements at 7 CFR 210.31(e) state that sponsors must assess each schools' compliance with the Local Wellness Policy at least once every three years (i.e., triennial assessment). The first triennial assessment is due June 30, 2020. The triennial assessment must measure:

- The extent to which schools are in compliance with the Local Wellness Policy
- The extent to which the Local Wellness Policy compares to model policies
- A description of the progress made in attaining the goals outlined in the policy

Public Notification

Under 7 CFR 210.31(d), sponsors are required to inform the public about the content and implementation of the Local Wellness Policy, and make the policy and any updates available to the public on an annual basis. Sponsors are also required to inform the public about progress made toward meeting the goals of the Local Wellness Policy, including compliance with the policy by making the results of the triennial assessment available to the public in an accessible and easily understood manner.

Recordkeeping

Sponsors are required to maintain record of the Local Wellness Policy. This includes keeping a copy of the current wellness policy on file and maintaining documentation of 1) the most recent assessment of the policy, 2) availability of the wellness policy and assessments to the public, and

3) efforts to review and update the policy, including the individuals involved and the efforts made to notify stakeholders of their ability to participate in the process.

Resources

ISBE has developed several resources to assist schools with Local Wellness Policy implementation, all of which can be found on ISBE's [Local Wellness Policy webpage](#):

- Local Wellness Policy Template for Schools
- Local Wellness Policy Template for Residential Child Care Institutions (RCCIs)
- Local Wellness Policy Content Checklist
- ISBE Triennial Assessment Template

Required Poster on Choking

The *Emergency Care for Choking Poster* is required to be displayed in all food establishments, including school cafeterias. This poster can be downloaded from the Illinois Department of Public Health's (IDPH) website at <http://www.idph.state.il.us/about/choking.htm>.

Student Workers

In order for students to work in the food service area during meal periods, school staff must obtain prior written consent from the individual who legally enrolled the student in school. Under no circumstances may an eligible student be required to work for his or her meals. If a student worker is provided a reimbursable meal for their work at no charge to them, the SFA must claim such meal in the eligibility category (free, reduced price, or paid) of the student. Such meals may not be claimed "free" unless that is the eligibility category of the student.

Accommodating Children with Disabilities and/or Special Dietary Needs

If a requested substitution meets the meal pattern requirements under any school-based child nutrition program, the substitution can be made, but is not required.

For a student with a disability

Substitutions must be made to the regular meal, including milk for any child with disabilities (i.e. a life-threatening reaction when exposed to the food and/or beverage) when the following two requirements are met:

- A licensed physician’s statement is required. Pursuant to Section 27-8.1 of the School Code, the licensed physician that may perform student health examinations is a physician licensed to practice medicine in all of its branches. Physicians can complete a [sample form](#).
- The statement must include the child’s disability, explanation as to how the disability restricts the child’s diet, the major life activity affected by a disability, and food(s)/beverage(s) to be omitted and foods/beverages to be substituted.

For a student without a disability

Substitutions may be made to the reimbursable meal for any child who has a food intolerance or allergies that do not rise to the level of a disability when the following two requirements are met:

- A signed statement from a “medical authority” is required. A medical authority would include licensed physicians, chiropractic physicians, physician assistants, and nurse practitioners.
- The statement must include the medical or special dietary reason for the substitution, the food(s)/beverage(s) to be omitted, and food(s)/beverage(s) to be substituted.
- If a non-dairy milk substitute (e.g. soy milk) is served, it must meet the nutritional standards of milk as outlined below.

For a student without a disability requesting fluid milk substitution

Any fluid milk substitution that meets these requirements may be made by the SFA for non-disabled students when the following requirements are met:

- A signed statement from a medical authority, parent or guardian which includes the medical or other special dietary reason for the need for substitution. Any reasonable request could be accepted (e.g. milk allergy, vegan diet, and religious, cultural or ethical reasons). If a request only states that a child does not like milk, the student can be offered flavored milk instead of a milk substitute.

- The SFA may choose the nondairy beverage to be provided, as long as the substituted beverage includes the following nutrients:

Nutrient	Per Cup
Calcium	276 mg
Protein	8 g
Vitamin A	500 IU
Vitamin D	100 IU
Magnesium	24 mg
Phosphorus	222 mg
Potassium	349 mg
Riboflavin	0.44 mg
Vitamin B-12	1.1 mcg

Because the Nutrition Facts Label on food products does not list all the required nutrients listed above, the food service operation must request documentation from the product manufacturer to confirm the presence of all required nutrients at the proper level. NOTE: Lactose-free milk provides the same nutrients found in regular cow’s milk; therefore, it can be served as part of the reimbursable meal without documentation/written statement.

- Expenses that exceed program reimbursements must be paid by the SFA for fluid milk substitutions.
- The SFA must inform the State agency of schools that choose to offer fluid milk substitutes for non-disabled students.
- The substitution request must remain in effect until the request is revoked or the school changes its fluid milk substitution policy for non-disabled students.

Schools can receive reimbursement for meals without milk if they operate Offer versus Serve (OVS), under which milk or other meal component(s) could be declined by a student. If a school does not however operate OVS, a non-disabled child with a medical or special dietary need must take the regular fluid milk or an acceptable milk substitute provided by the school in order for school to claim meal for reimbursement.

Accommodation Guidance

Accommodating Children With Special Dietary Needs in the School Nutrition Programs (USDA guidance) <https://www.isbe.net/Pages/School-Nutrition-Special-Dietary.aspx>.

Guidelines for Managing Life-Threatening Food Allergies in Schools (IL guidance) <https://www.isbe.net/Pages/Food-Allergy-Guidelines.aspx>.

Reimbursement for Off-Site Meal Consumption

Program regulations clearly intend for meals reimbursed under the programs to be served and consumed as part of the school program, on school or school-related premises. Sponsors that have adequate monitoring staff may allow a single item of fruit, vegetable, or grain to be taken off-site for later consumption, provided that this is in compliance with state and local health and safety codes, e.g. must be an unopened pre-packaged item or an unaltered, whole fruit or vegetable, to assist in preventing contamination. The food item taken off-site must be from the child's own meal or left on a "share table" by another child who did not want it. The ISBE may prohibit individual sponsors on a case-by-case basis from using this option if there is a question regarding whether the sponsor will be able to provide adequate oversight related to food safety and Program integrity.

Meals must always be served to students that have been determined to be eligible for free meals under federal income guidelines if the student attends an Illinois public school or attends a non-public school that participates in a school-based child nutrition program. This includes students on field trips, involved in work study programs, and placed in alternative settings. Meals served to any students off-site may only be claimed for reimbursement under the following conditions:

School Supervised Field Trips

The school may be reimbursed for meals served on a field trip if the function is a part of the curriculum (not an extra-curricular activity) and the meal meets the meal pattern requirements (including milk). Meals served off-site should be subject to especially stringent sanitary and precautionary measures to avoid contamination and spoilage. If all students are offered the reimbursable meal, the school may claim National School Lunch (federal) reimbursement. If however, a school opts to serve only students eligible for free meals (per IL Free statute), the school may only claim IL Free (state) reimbursement.

Work Study Programs

The school may be reimbursed for meals served to students who are enrolled in one school but attend another work-study site for the part of the day that includes the meal hour. The meal served must meet the meal pattern requirements (including milk). Those students applying for free or reduced-price meals should do so through their home school. The work/study school is responsible for the service of the meals, the record keeping for the meals served, and the Claims for Reimbursement and therefore should obtain a copy of any free and reduced-price meal applications from the home school. If the work/study site does not participate in the federal meal programs, take-out school meals meeting program requirements may be served to such students and claimed for reimbursement by their enrolling school.

Pupil Placements (Special education facilities, alternative schools, safe schools, etc.)

All NSLP/SBP reimbursable meals are claimed where the student is enrolled unless such student is "tuitioned" to another facility. As such, in the instance of pupil placement situations, federal

reimbursement is allowable only if the site in which the student is “tuitioned” participates in the NSLP and/or SBP. The school in which the student is “tuitioned” must be an approved site and must claim the meal for NSLP/SBP federal reimbursement. If a student is “tuitioned” to a [private special education facility](#) from a public school district and the private special education facility does not participate in the meal programs, the home school needs to provide the child with a lunch each day and if the home school is in the IL Free Program, then they can claim the meal for IL Free reimbursement. Please ensure that benefit issuance documentation contains all required information for students in this category.

- If a student is tuitioned to a facility that participates in NSLP/SBP, that facility collects HEA, counts child in NSLP/SBP enrollment, and claims fed and state.
- If a student is tuitioned to a facility that does not participate in any meal program, meals cannot be claimed for reimbursement.
- If a student is sent (not tuitioned) from a school that participates in NSLP/SBP to a facility that participates in NSLP/SBP, the facility serves the meals, keeps accurate meal count, and reports the meal counts back to the enrolling school, who in turn claims the meals.
- If a student is sent (not tuitioned) from a school that does not participate in NSLP/SBP to a facility that participates in NSLP/SBP, the facility can process the applications and serve, count, and claim the meals.
- If a student is sent (not tuitioned) from a school that does not participate in NSLP/SBP to a facility that does not participate in NSLP/SBP, meals cannot be claimed for reimbursement.
- If a free student is sent or tuitioned to a facility that participates in IL Free only, the enrolling school, if public, must ensure the free child gets free meals. Either the enrolling school or the facility could claim state reimbursement if the meal meets the meal pattern requirements.
- If a free student is sent or tuitioned to a facility that does not participate in any meal program, the enrolling school, if public, must ensure a free child gets a free meal. The enrolling school can claim state reimbursement if in IL Free if the meal meets the federal meal pattern requirements.

Food Safety Plan

SFAs are responsible for developing a comprehensive food safety plan for food preparation and service site(s) that is based Hazard Analysis and Critical Control Point (HACCP) principles and must conform to guidance issued by the USDA. Standard operating procedures for safe food handling must 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 for SBP, NSLP, SMP, FFVP, and afterschool snack programs.

A school food safety program must include the following elements:

- A Written Food Safety Plan –

A food safety plan must be developed for each food preparation and service site. The food safety plan must include how to apply HACCP principles by doing the following:

- Documenting recipe/menu items in the appropriate HACCP process category
- Documenting Critical Control Points of food production
- Monitoring
- Establishing and documenting corrective actions
- Record keeping
- Reviewing and revising the overall food safety plan periodically

- Documented Standard Operating Procedures (SOPs) –

SOPs are a very important factor in developing an effective food safety plan. An SOP serves as a specific food safety process and is designed to control hazards not outlined specifically in the general HACCP plan. For example, soiled and un-sanitized surfaces of equipment and utensils should not come into contact with raw or cooked (ready-to-eat) food. Proper procedures to prevent this should be covered by an SOP.

Each of these required elements is explained in more detail in the USDA's *Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles*. Training materials, including food safety templates, USDA guidance documents, and sample SOPs are available at <https://www.isbe.net/Pages/Child-Nutrition-Program-Food-Safety-Information.aspx>.

Food Sanitation Inspections

Each school year, an SFA must obtain two food sanitation inspections for each site where food is prepared or served. For most counties, the local health department will conduct such inspections. If the SFA is not in a county that has a local health department then the SFA must contact neighboring county health departments to conduct food sanitation inspections. Copies of these inspections must be maintained at the SFA or at the site. The most recent food sanitation report must be posted in a predominant location that is viewable by the general public; i.e., eating area or near the school office.

SFAs that have not received a food sanitation inspection several months into the school year must write a letter to the [local health department](#), requesting the required two food service inspections for each site where food is prepared or served. The letter must be maintained at the SFA or at each site as documentation of the attempt to comply with two food inspections as required by USDA regulations. A [sample letter](#) is available.

Food Handler Training

The Food Handler Training Enforcement Act requires all food service area employees or food handlers that work with open/unpackaged foods, food service equipment or utensils, or any food contact surfaces to receive an approved food handler training.

This training requirement includes school food service staff. School food services are classified as being “non-restaurant” facilities. Food handlers working in non-restaurant facilities must complete an approved training program. Additional information regarding the Food Handler Training Enforcement Act is available at

http://www.idph.state.il.us/about/fdd/FSSMC_FoodHandler_FAQ_V5_07072014.pdf.

Notice to Households of Program Availability

Schools participating in the School Breakfast Program (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. For example, information about the SBP should be posted on the school’s website.

School food authorities (SFAs) must also cooperate with Summer Food Service (SFSP) 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. An SFA can distribute information to households such as the location of nearby SFSP meal sites, times of service, and SFSP service institution contact information. The SFAs may distribute the information through means normally used to communicate with the households of enrolled children. The SFSP Outreach Toolkit for Sponsors and Feeding Sites includes fliers, letters to parents, and other materials that may help schools raise program awareness among students and their families. The SFSP Toolkit is available at www.summerfood.usda.gov/library/toolkit.pdf.

USDA Professional Standards for School Nutrition Professionals

USDA released Professional Standards for school foodservice directors, managers, school nutrition staff and state agency directors that went into effect on July 1, 2015. The standards seek to ensure that State and local school nutrition program personnel in the National School Lunch and School Breakfast Programs have the knowledge and skills to manage and operate the programs correctly and successfully. The USDA established hiring standards for persons that are hired as the School Nutrition Programs Director in all LEAs. The USDA also established annual training hour requirements for all School Nutrition Program staff. A [summary of the requirements](#) is available online as well as included on the following pages.

The USDA Professional Standards Training Resource Center contains links to a variety of training that school district professional may use to meet requirements: <https://professionalstandards.fns.usda.gov/>.

In addition to the summary of professional standards, the USDA has issued clarifying Q&As, with those available online at <https://www.isbe.net/Documents/SP38-2016-QA.pdf>. The following are the most commonly asked questions thus far in Illinois, along with answers that help further explain these requirements.

Frequently Asked Questions

- 1. If the school nutrition program director role is shared between multiple people (for example, a business manager, and an administrative assistant and principal), how do the hiring standards for new program directors apply?**

The individual who plans, administers, implements, monitors, and evaluates all district-wide aspects of the school nutrition program is generally considered a school nutrition program director. In some SFAs, district-level program responsibilities are divided into several positions. In these instances, only the person hired to perform the majority of the program director duties must meet the hiring standards. Subordinates, such as individuals operating the NSLP afterschool snack service under the supervision of the program director, are not expected to meet the hiring standards but must complete the annual training standards that are appropriate for their positions.

Duties of the program director generally include sanitation, food safety, and employee safety; nutrition and menu planning; food production; facility layout and design and equipment selection; procurement; financial management and recordkeeping; program accountability; marketing; customer service; nutrition education, general management; personnel management; and computer technology. See a sample job description for a program director at: <http://www.nfsmi.org/ResourceOverview.aspx?ID=161>.

Professional Standards for All School Nutrition Program Employees

Summary of the Final Rule Effective July 1, 2015

USDA has established minimum professional standards requirements for school nutrition professionals who manage and operate the National School Lunch and School Breakfast Programs.

The standards, another key provision of the Healthy, Hunger-Free Kids Act of 2010 (HHFKA), aim to institute minimum education standards for new State and local school nutrition directors as well as annual training standards for all school nutrition professionals. These new standards will ensure school nutrition personnel have the knowledge, training, and tools they need to plan, prepare, and purchase healthy products to create nutritious, safe, and enjoyable school meals. This final rule will:

- Create minimum hiring standards for new school food authority (SFA) directors based on a school district's size;
- Establish minimum hiring standards for new State directors of school nutrition programs and State directors of distributing agencies; and
- Require minimum annual training for all new and current school nutrition professionals.

A comprehensive Professional Standards Web site provides a database of training options. School nutrition staff can search for training that meets their learning needs in one easy-to-use location: <http://professionalstandards.nal.usda.gov/>

Training Standards for All School Nutrition Program Employees (All Local Educational Agency Sizes)

All Directors	For School Year 2015-2016 ONLY: at least 8 hours of annual continuing education/training. Beginning school year 2016-2017: at least 12 hours of annual continuing education/training. This required continuing education/training is in addition to the food safety training required in the first year of employment.
All Managers	For School Year 2015-2016 ONLY: at least 6 hours of annual continuing education/training. Beginning school year 2016-2017: at least 10 hours of annual continuing education/training.
All Other Staff <small>Other than the Director or Manager who works an average of at least 20 hours per week</small>	For School Year 2015-2016 ONLY: at least 4 hours of annual continuing education/training. Beginning school year 2016-2017: at least 6 hours of annual continuing education/training.
Part-Time Staff <small>Work <20 hours per week</small>	Each year, at least 4 hours of annual continuing education/training, regardless of the number of part-time hours worked. Note: If hired January 1 or later, an employee must only complete half of the above required training hours.

Training Requirements for All State Agency Directors

State Director of School Nutrition Programs	State Director of Distributing Agencies
Each year, at least 15 hours of annual continuing education/training. Must PROVIDE , or ensure that State agency staff receives, annual continuing education/training. Must also PROVIDE a minimum of 18 hours of training to SFAs each year.*	Each year, at least 15 hours of annual continuing education/training. Must PROVIDE , or ensure that State food distribution staff receives, annual continuing education/training.*
<i>*Training is an approved use of State Administrative Expenses (SAE) funds and a variety of training formats are allowed. States may use contractors or partner with other organizations (School Nutrition Association and National Food Service Management Institute, etc.) to provide training.</i>	

Hiring Standards for New School Nutrition Program Directors

New directors — those hired on or after July 1, 2015 — are subject to the new education requirements below. Existing directors will be grandfathered in their current positions as well as in the Student Enrollment category where they currently are working. (School Nutrition Program Directors are the individuals responsible for the operation of school nutrition programs for all schools under the local educational agency (LEA).)

Minimum Requirements for Directors	Student Enrollment 2,499 or less	Student Enrollment 2,500-9,999	Student Enrollment 10,000 or more
<p>Minimum Education Standards</p> <p>See the final rule for additional preferred educational standards for new directors</p>	<p>Bachelor's degree, or equivalent educational experience, with academic major in specific areas;*</p> <p>OR</p> <p>Bachelor's degree in any academic major, and State-recognized certificate for school nutrition directors;</p> <p>OR</p> <p>Bachelor's degree in any academic major, and at least 1 year year of relevant school nutrition programs experience;</p> <p>OR</p> <p>Associate's degree or equivalent educational experience, with academic major in specific areas,* and at least 1 year of relevant school nutrition programs experience;</p> <p>OR</p> <p>High school diploma (or GED) and at least 3 years of relevant experience in school nutrition programs.</p> <p>(For an LEA with less than 500 students, the State agency may approve a candidate who meets the educational standards but has less than the required 3 years experience.)</p>	<p>Bachelor's degree, or equivalent educational experience, with academic major in specific areas;*</p> <p>OR</p> <p>Bachelor's degree in any academic major, and State-recognized certificate for school nutrition directors;</p> <p>OR</p> <p>Bachelor's degree in any academic major and at least 2 years of relevant school nutrition programs experience;</p> <p>OR</p> <p>Associate's degree or equivalent educational experience, with academic major in specific areas,* and at least 2 years of relevant school nutrition programs experience.</p>	<p>Bachelor's degree, or equivalent educational experience, with academic major in specific areas;*</p> <p>OR</p> <p>Bachelor's degree in any academic major, and State-recognized certificate for school nutrition directors;</p> <p>OR</p> <p>Bachelor's degree in any academic major and at least 5 years experience in management of school nutrition programs.</p> <p>* Specific majors/areas of concentration: food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field.</p>
Minimum Prior Training Standards	At least 8 hours of food safety training is required either not more than 5 years prior to their starting date or completed within 30 days of the employee's start date.		

Hiring Standards for New State Directors

	State Director of School Nutrition Programs	State Director of Distributing Agencies
Education	Bachelor's degree with an academic major in areas including food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field.	Bachelor's degree with any major.
Knowledge & Experience	Extensive relevant knowledge and experience in areas such as institutional food service operations, management, business, and/or nutrition education.	
Skills & Abilities	Additional abilities and skills needed to lead, manage, and supervise people to support the mission of school nutrition programs.	

Frequently Asked Questions (continued)

2. May training taken between April 1 and June 30 count toward the current or next school year?

At the discretion of the State agency (*ISBE allows this option*), completion of training may occur over a period of two school years. This flexibility is helpful for employees that take most of their training at the end of a school year. Documentation of this allowance should be kept on file as supporting documentation for the both the Administrative Review and Management Evaluation processes. Training completed each year may only be counted once, for one year, and not for both the current and next school years.

3. May the SFA and school nutrition employees select any training topic they want?

Annual training must focus on the day-to-day management and operation of the school nutrition programs. Training must be job-specific and intended to help employees perform their duties well. Training needs are best assessed by an employee in consultation with their manager, the SFA director, or the State agency. Employees should always seek guidance from a supervisor before taking a specific training course to meet the professional standards requirements.

4. How do the training standards apply when the program director duties are divided between three or four staff members, and no one clearly meets the definition of program director? For example, an administrative assistant completes the meal applications, a cook serves the meals, a secretary or teacher runs the point of service and prints out reports, and another staff person submits the claims for reimbursement.

The individual(s) who plans, administers, implements, monitors, and evaluates all aspects of the school nutrition program is generally considered the school nutrition program director. Depending on the size of the school nutrition operation, these program responsibilities may be divided into one or more positions. Only the person who performs the majority of these duties must meet the training standards for program directors. If duties are split evenly, one person needs to be designated as the program director. In both situations, the person(s) not designated as the director must still meet the training requirements for either managers or staff/part-time staff, as appropriate. This would include subordinates operating the NSLP afterschool snack service under the supervision of the program director. These individuals in the snack service must complete annual training, as appropriate for their positions.

5. Do the professional standards apply to a staff such as a secretary or an office assistant who processes free and reduced-price meal applications during the fall months only?

No. Office staff members that process free and reduced-price meal applications or that provide other support for the school nutrition program for a short period of time during the school year are not required to meet the annual training standards. However, these

individual should receive adequate training specific to the task they will perform. This situation is different from office staff working on Program activities 20 hours or more per week throughout the school year; in that situation, staff must complete 6 hours of annual training. Staff working less than 20 hours per week must complete 4 hours of annual training.

6. What professional standards records must be kept for the Administrative Review?

The Professional Standards regulations do not require specific records or a specific recordkeeping system. According to the Administrative Review Manual, supporting documentation for all completed trainings, such as agendas, sign-in sheets, certificates of completion, etc., must be maintained on file and may be used to demonstrate compliance with the annual training standards. Reports from the USDA downloadable training tracking tool (or similar alternative training tracking tool) also are acceptable documentation to demonstrate compliance. Alternative training tracking tools may be developed by the State agencies and/or SFAs but must include at a minimum the required fields listed in the USDA Professional Standards Training Tracker Tool. These fields would include Key Areas, Key Topics and Training.

To demonstrate compliance with the hiring standards, program directors hired on or after July 1, 2015, must provide documentation showing completion of required education. The SFA must retain appropriate records for a 3-year period.

7. If an FSMC staff person performs food service director type duties, but reports to a district business manager who is responsible for the school district's school food service activities, who is required to comply with the hiring and training standards for program directors?

The SFA maintains oversight and responsibility for planning, administering, implementing, monitoring, and evaluating the school meal programs; therefore, the role of program director must remain with the SFA. The SFA-State agency permanent agreement names the individual considered the SFA director or contact. This is the person, or any other designated staff who fulfills those duties, that must meet the hiring standards for new directors. Thus, in some cases, both the SFA contact and FSMC staff person must meet the hiring standards, depending on the duties of these individuals. With regard to training, both individuals would be responsible for meeting the training standards for program directors as they share director responsibilities. Discuss unique situations with your State agency to seek guidance.