

Federal and State Regulations

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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 will be able to verify eligibility for a fee waiver independently (see Public Act 96-0360 at <http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=096-0360&print=true&write>).

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. 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 http://www.isbe.net/forms_numerical1.htm.

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 http://www.isbe.net/nutrition/sbn_handbook/toc.htm 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 Mandate

Per 105 ILCS 126/15, every public school where at least 40 percent of the students were eligible for free or reduced-price lunches in October of the preceding year must operate a breakfast program. A school 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.

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.

Summer Food Service Mandate

Per 105 ILCS 126/20, every school district that has a school where at least 50 percent of the students are eligible for free and reduced-price school meals based on most recent October eligibility data 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. Two federal programs, the National School Lunch Program's Seamless Summer Option or the Summer Food Service Program (SFSP) are the only two options available for reimbursement of meals of a summer food program that meet this mandate. A school wishing to utilize the opt-out provision of the program for the upcoming summer must petition their regional superintendent by January 15 of the current school year. For additional guidance, please visit the [Summer Food Service Program](#) webpage.

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.

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.

Water During Meal Service

Schools participating in the National School Lunch Program must make potable water available to children at no charge in the place where lunch meals and afterschool snacks (if school participates in the Afterschool Snack Program) 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 which allows students to fill their own bottles or cups with drinking water. Whatever method is used, the water must be available without restriction in the location where meals are served.

While potable water is required to be made available to students, it is not considered part of the reimbursable meal and students are not required to take the water. Although, reimbursement is not available for this requirement, reasonable costs associated with the provision of potable water would be an allowable expense to the non-profit food service account.

Frequently asked questions regarding water during meal service

Location Requirement

Question: *The HHFKA requires potable water be “in the place where meals are served during meal service”. Can you provide additional detail on what this means?*

Answer: The location of the potable water must be in the foodservice area or immediately adjacent to the meal service area. For example, if a school has a water fountain that is immediately outside the door to the foodservice area (and accessible to all students during the lunch period) this could be considered sufficient. The water fountain must be operational and able to provide potable water to students in a reasonable time during their meal period.

Question: *If there is a water fountain in the food service area available to students during the meal period, would this meet the requirement?*

Answer: Yes. This meets the requirement, as long as the students have sufficient time to use the water fountain during their meal period. It is important to consider the amount of time it takes students to obtain water; children should not have to wait in long lines.

Question: *We have two water fountains in the courtyard outside the cafeteria. Would this be acceptable?*

Answer: Only if the water fountain is adjacent to the foodservice area and children are routinely allowed access to this area during the meal.

Question: *Is water required in each location if a school has multiple locations in which they are serving NSLP?*

Answer: Water must be available in each of the meal service locations.

Reasonable Costs

Question: *What is considered “reasonable costs associated with providing water would be an allowable charge to the non-profit food service account?” For example, constructing fixed water fountains, major plumbing renovations, purchasing water dispensers, providing bottled water throughout the school, reverse osmosis machines?*

Answer: A reasonable cost associated with providing water, in its nature and amount, is a cost that does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. The cost must be the result of sound business practice and competitive prices. The cost must be reasonable, necessary, and allocable to the Federal school meal programs to be an allowable cost. In determining whether a cost is a reasonable and necessary cost associated with providing water, a school food authority (SFA) should ask the following questions:

- Would a prudent person find the cost to be reasonable?
- Is this cost at a fair rate or do alternatives exist that may be more cost effective?
- Is the cost a significant deviation from the established practices of the SFA which may unjustifiably increase costs borne by the nonprofit school food service account?
- Could the SFA defend this purchase to the State agency (SA)?

For example, the cost of providing pitchers or cups that would be filled with potable water from the faucet or providing them to students to fill with potable water from a faucet is a reasonable cost. Some schools may want to provide water bottles to students or other alternatives; however, the SFA would need to determine whether such an option would meet the requirements for cost allow ability (i.e. necessary, reasonable, and allocable) and meet the specific needs of the SFA.

A cost is generally not reasonable if it adds materially to the value of the building and related facilities or appreciably prolongs its intended life, as those types of costs are capital expenditures and should be borne by the school district's general fund. The cost associated with major plumbing would likely add to the permanent value of the school and is typically a cost that should be borne by the school district's general fund, the addition of a water fountain to allow for compliance with the statutory potable water requirement makes the cost acceptable.

Equipment to filter water (e.g., a reverse osmosis filter system) could be reasonable depending on the cost, the need for such equipment, and if the SFA can show:

1. That it has sufficient funds;
2. That the district truly is lacking in capital improvement funding; and
3. That the expenditure is necessary to carry out the mission of the program.
4. It is difficult to assess reasonableness without knowledge of the specific cost and an understanding of that cost. Many costs have to be analyzed on a case-to case basis in order to determine if the cost is truly reasonable; in such cases, the SFA should consult with its SA for guidance.

Question: *Is the cost of a five gallon dispenser an allowable cost?*

Answer: This *could* be an allowable cost assuming that an SFA has determined this method of providing water to be cost efficient and practical.

Question: *Can a SFA charge the student for the cups in order to access water?*

Answer: No. Charging students for cups in order to access water would be considered restricting access to water.

Alternate Serving Areas

Question: *Would SFAs have to make potable water available to students on field trips where reimbursable meals are served to students?*

Answer: Field trips may be exempted from the water requirement; however, schools should make an effort to have water available for all school related functions including field trips.

Question: *What should an SFA do about meals that are served outside of the cafeteria, such as those served in a classroom, in-school suspension etc.?*

Answer: Schools must make water available for these students.

Program Questions

Question: *Is potable water required to be available during lunch at Seamless Summer sites?*

Answer: Yes.

Question: *Does the water requirement apply to non-school summer feeding sites?*

Answer: No, the water requirement only applies to seamless summer feeding sites at schools.

Question: *Is water required at breakfast?*

Answer: This provision specifically applies to the National School Lunch Program; however schools are encouraged to provide water during all meal service.

Question: *Is potable water required to be available during afterschool snacks?*

Answer: Yes. The Afterschool Snack Program falls under the jurisdiction of the National School Lunch Program.

Food Safety

Question: *Water dispensers must be monitored and probably refilled and cleaned. Who will do that? If left unattended in kitchen or cafeteria, safety is a big concern.*

Answer: School food service staff would be responsible for maintaining all of their equipment which would include dispensers.

General Questions

Question: *Can the water be served at room temperature? Does the water have to be ice water?*

Answer: The water does not have to be served chilled; water can be served at room temperature. Children may find water to be more palatable if served chilled.

Question: *How should water be provided to students under the American Disabilities Act (ADA)?*

Answer: The school should continue to follow the procedures documented in the IEP or the medical referral form.

Question: *Can I flavor the water? For example, can I add fruit or vegetables for flavor?*

Answer: No. The water must be served plain.

Question: *If a water fountain is used and children are required to "raise their hand" to get up and go to the fountain, would that be considered "unrestricted access"?*

Answer: Yes, although not ideal, as long as this is used to provide order and the student is not denied the opportunity to obtain water, this would be considered unrestricted access. All children should be able to use the water fountain in a timeframe that still allows enough time for consumption of the meal.

Question: *Must cups be provided and is there a minimum required size for cups (if provided)?*

Answer: The SFA must provide cups if providing water in a bulk container (other than a drinking fountain). Cups should be suitable for the age of the child.

Question: *Can SFAs require that children bring their own cups, bottles, drinking vessels?*

Answer: The SFA must provide cups at no cost to the child. Children cannot be required to bring their own cups for water provided in a bulk container.

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", or transferring food to other sites.

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 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.

Local Wellness Policy

Any school that participates in a program authorized under the National School Lunch Act or the Child Nutrition Act must establish a Local Wellness Policy with the objectives of:

- Setting goals for nutrition education, physical activity, and promoting student wellness
- Setting nutrition guidelines for all foods available on school campus during the school day
- Assuring nutrition guidelines for school meals will not be less restrictive than federal policy
- Establishing a plan for measuring effectiveness
- Involving physical education teachers, school health professionals, parents, students, and representatives from the SFA, school board, school administration, and the public in the development of the Local Wellness Policy

Beginning school year 2011-2012:

- Team of collaborators' purpose is expanded beyond the development of a local wellness policy to include the implementation of periodic review and updates.
- LEAs are to permit physical education teachers and school health professionals on the team of collaborators to develop and review local wellness policy.
- LEAs are to inform and update the public (including parents, students, and others in the community) about the content and implementation of the local wellness policies. LEAs are also required to make available to the public an assessment of the local wellness policy including:
 - The extent to which schools are in compliance with the local wellness policy;
 - The extent to which the LEA's local wellness policy compares to model local school wellness policies; and
 - The progress made in attaining the goals of the local wellness policy.

Acceptable methods for informing and updating the public may include dissemination of printed or electronic materials to families of school children and other members of the community at the beginning of the school year and/or posting 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 additional guidance on the requirements of the Local Wellness Policy including templates and the required evaluation process, visit http://www.isbe.net/nutrition/htmls/wellness_policy.htm.

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. (For a sample form schools can provide to a family for physician to complete, go to http://www.isbe.net/nutrition/pdf/67-48_physician.pdf.)
- 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) http://www.isbe.net/nutrition/pdf/special_dietary.pdf.

Guidelines for Managing Life-Threatening Food Allergies in Schools (IL guidance)

http://www.isbe.net/nutrition/pdf/food_allergy_guidelines.pdf. Additional information:

http://www.isbe.net/nutrition/htmls/food_allergy_guidelines.htm.

Use of Funds in the Nonprofit School Food Service Account

Revenues received by the nonprofit school food service area are to be used only for the operation or improvement of such food service, except that such revenues shall not be used to purchase land or buildings or to construct buildings.

The SFA shall limit its net cash resources to an amount that does not exceed three months average expenditures for its nonprofit school food service.

Costs charged to the nonprofit school food service account must be both necessary and reasonable. In some circumstances, the cost of minor quantities of FMNV used to decorate or enhance a food or menu item is allowable. Any other costs of FMNV for service in the food service area during meal periods must be disallowed.

If school food service account funds are used to purchase FMNV for sale outside a meal period(s) or outside a food service area(s) during meal periods, such purchases must be self-sustaining. This means funds must be deposited in the school food service account in an amount sufficient to cover all direct and indirect costs relating to the purchase and service of FMNV with school food service account funds. Records documenting the recovery of these costs must be maintained and available for review.

For more information on allowable costs, equipment depreciation, and indirect costs go to http://www.isbe.net/nutrition/pdf/afr_report.pdf.

Revenue from Non-Program Foods

School food service account funds are intended to purchase food for reimbursable meals. The Healthy Hunger Free Kids Act of 2010 establishes requirements for school district revenue when foods sold outside of reimbursable meals are purchased with school food service account funds. The purpose of the Non-Program Revenue requirement is to ensure revenues from the sales of non-program foods cover food cost in the SFA food service account.

Non-program food includes, but is not limited to:

- A la carte items
- Adult meals
- Fundraisers
- Vending machines
- Seconds of entrée items* (not fruits or vegetables)

- * This would not include accidental over production and service of meal items which total less than 10% of total meals prepared. (i.e. 100 meals prepared, only 90 kids eat lunch. The remaining 10 meals could be served as smaller portions to students at no cost.)

A Non-Program Food Revenue Tool was created to help SFAs calculate the amount of revenue required and is available at <http://www.fns.usda.gov/cnd/governance/Policy-Memos/2011/SP39-2011ar.xls>. Use the Non-Program Revenue Tool to:

- Ensure that a high enough fee is being charge to cover the cost of non-program foods.
- Ensure that enough money is being contributed from the general fund into the school food account to cover the cost of seconds.

Meal Pricing

Pricing of Free Meals

Children eligible for free meals must be offered one reimbursable meal at no charge. Second meals cannot be claimed for reimbursement.

Pricing of Reduced-Price Meals

Children eligible for reduced-price meals must be offered one reimbursable meal at reduced rate. Second meals cannot be claimed for reimbursement. The current maximum prices for reduced-price meal are:

- 40 cents for lunch
- 30 cents for breakfast
- 15 cents for after-school snacks

Pricing of Paid Meals

Meals under the Child Nutrition Program must be priced as a unit. Individual foods sold a la carte or priced individually cannot be claimed for reimbursement, even though the student may choose food items similar to a reimbursable meal.

Paid breakfast and after-school snack prices are at the discretion of the local SFA. Some basic considerations before establishing a price for a paid student: daily revenue, cost of food, cost of labor, including per hour fringe benefits, and cost of overhead and any other costs.

Paid lunch prices are established using the Paid Lunch Equity calculator. School Food Authorities must ensure that schools are providing the same level of support for paid lunches as they are for free lunches. Therefore, weighted average price across the SFA charged for paid meals must be at the least the difference between the current year's free and paid reimbursements. The SFA may however charge more for paid lunches.

If a district is charging on average less than \$2.65 [difference between federal reimbursement provided for free lunches (\$ 2.93) and the federal reimbursement provided for paid lunches (\$.28)] for a paid lunch in School Year 2013-2014, it must make up the difference in the level of funding to the program by either:

- 1) Gradually increase paid meal prices. The USDA cannot require a school to increase by more than \$0.10 per meal, however a district can increase by as much as it feels is warranted to meet program requirements. The district need not increase paid meal prices across all schools. In other words, paid lunch prices can vary by school (e.g. charging lower prices in lower-income area or charging lower prices in elementary vs secondary) as long as the average revenue requirement is met across the district.
OR
- 2) In lieu of raising prices, provide additional non-federal support (state and local funding) to the non-profit food service account to make up the difference between \$2.59 and what is currently being charged for a paid meal on average across the district.
OR
- 3) Combination of increasing price and contributing non-federal funds to the non-profit school food service account.

To determine how much a district is required to increase its weighted average paid meal price and/or how much non-federal funding it is required to contribute it must complete the Paid Lunch Equity Calculator. This calculator and an accompanying webinar is posted at http://www.isbe.net/nutrition/htmls/nslp_hhfka_implementation.htm.

Pricing of Non-program Foods and Beverages and Adult Meals

Any food or beverage sold in a participating school outside of the reimbursable meal and purchased using school food service funds is considered a competitive food including a la carte items, second entrees, vending, and school stores. (See section entitled *Sale of Foods and Beverages*.) The USDA requires that each SFA limit competitive foods to encourage consumption of the reimbursable meals.

Therefore, when pricing non-program items and adult meals, the SFA must set prices at a level high enough to:

- Encourage students to select the reimbursable school lunch or breakfast meal, and
- If food is purchased using school food service funds, generate at least the same proportion of SFA revenues as they contribute to the SFA food costs. The price must recover all the costs involved in the item including labor, overhead, paper supplies, value of USDA-donated foods used in preparation, etc. and should reflect a profit on the item.

Example:

IF:

The total operating costs (food, labor, paper products, overhead, etc) is \$800,000 of which \$400,000 is for food (\$50,000 non-program foods and \$350,000 reimbursable meals).

The total revenue is \$800,000.

THEN:

The proportion of non-program food cost is 12.5% ($\$50,000/\$400,000$). Therefore, the required revenue from non-program foods would need to be at least 12.5% of total revenue or \$100,000 ($.125 \times 800,000$).

Meals served to adults who are directly involved in the operation and administration of the school nutrition programs may, at the discretion of the school food authority, be furnished at no charge. As such their costs may be fully attributed to and supported by the nonprofit food service operation. Meals served to these adults may not be claimed for reimbursement or counted towards the donated foods entitlement.

All students must be charged the same price for each non-program food and beverage regardless of the eligibility status of the student; only the reimbursable meal must be provided free or at a reduced price for those that qualify. All students may be charged for second entrees according to the established price set by the SFA.

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 (<https://www.hbug.k12.il.us/pfs/>) 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.

Procurement

The United States Department of Agriculture has implemented regulations for the procurement of food and supplies for sponsors of the NSLP, SBP, SMP, and Fresh Fruit and Vegetable Program (FFVP). The chart below provides the specific citations and provisions in the law.

	Public Schools and Public Residential Child Care Institutions	Private Schools and Private Residential Child Care Institutions
Program Regulations	7 CFR Parts 210, 215, 220, and 245	7 CFR Parts 210, 215, 220, and 245
Procurement Rules Access on the U.S. National Archives and Records Administration website at http://www.gpoaccess.gov/fr/index.html .	Part 3016 Sections: 3016.36(b)–(i), 3016.60 2/, 3/	Part 3019 Sections: 3019.40–48
Allowable Cost Rules Access OMB Circulars on the Office of Management and Budget website at http://www.whitehouse.gov/omb/ .	A-87	A-122
Small Purchase Threshold	Lesser of \$150,000; state or local rules	Lesser of \$150,000 or organization's rules
Anticompetitive Practices	Potential contractors may provide information. Potential contractors cannot prepare procurement document or contract information.	Potential contractors may provide information. Potential contractors cannot prepare procurement document or contract information.
Geographical Preferences	Geographical preferences are prohibited.	Not applicable

Competitive bidding involves publicly soliciting sealed bids for a firm, fixed-price contract and awarding the contract to the responsive and responsible bidder whose bid is lowest in price.

Food Service Management Company/Vended Meals Contracts

There are separate bidding requirements, which are not discussed in detail here, for SFAs contracting with food service management companies (FSMC) for management services or vended meal services. Please visit our [website](#) for detailed information.

While NSLP regulation 7 CFR Part 210.16 permits an SFA to contract with an FSMC to manage its school food service operations, the regulations prohibit delegation of certain duties. It is the SFA's responsibility to ensure its food service operation is in conformance with the SFA's agreement under the program. The SFA is responsible for:

- Observing limits on the use of nonprofit food service revenues including the use of nonprofit food service account funds, to pay only allowable costs regardless of the costs billed by the FSMC;
- Determining and verifying the eligibility of children for free and reduced-price meals;
- Ensuring only reimbursable meals are included on the Claim for Reimbursement regardless of the number of meals billed by the FSMC; and

- Not permitting the accrual of all income and expenses to the FSMC.
- Ensuring the validity of meal counting and claiming systems at the schools under its jurisdiction. An SFA is required to have specific procedures in place to determine the validity of meals claimed for reimbursement, including conducting an [On-Site Review](#) of each school prior to February 1 of each school year. If the review identifies problems with a school's meal counting or claiming procedures, the SFA shall ensure the school implements corrective action and, within 45 days of the review, the SFA must conduct a Follow-Up Review to determine if the corrective action resolved the problems. Whether an SFA self-operates its food services or uses an FSMC, the SFA must conduct the On-Site Review and remains responsible for ensuring deficiencies are identified and effective actions are taken to correct any deficiencies found.

General Procurement

Federal regulations require SFAs receiving federal assistance to competitively purchase food and supplies, equipment, and services when the aggregate amount to be purchased is \$150,000 or more. **For public schools only**, Illinois School Code states that all purchases, except perishable food and beverages in excess of \$25,000 (or a lower amount as required by district board policy), must be competitively bid and awarded to the lowest responsible bidder. The \$25,000 level refers to aggregate purchases on an annual basis.

The chart below details when competitive bidding must be conducted.

TYPES OF ITEMS	ANNUAL AMOUNT OF PURCHASES
Milk or fresh dairy products	In excess of \$150,000
Fresh bread	In excess of \$150,000
Fresh produce	In excess of \$150,000
General groceries	In excess of \$150,000
Vended meals	In excess of \$150,000
Supplies	In excess of \$25,000
Equipment	In excess of \$25,000
Food service management services	In excess of \$25,000

The \$150,000 amount is determined by examining the manner in which food has been purchased in the past. If using vendors that supply only one particular type of product, such as bread, milk, or meat, the competitive bid process must be implemented when the amount of purchases is in excess of \$150,000 per type of product.

When multiple vendors, such as full-line vendors, supply various items such as canned, frozen, and dry goods, the total annual purchase amount for all the vendors must be added together. If this amount is in excess of \$150,000, the food must be competitively bid. However, if supplies, equipment, or any non-food items are purchased from the full-line vendor in addition to the food items, the \$25,000 threshold becomes applicable.

General Procurement Requirements

All procurement transactions must be conducted in a manner that provides maximum open and free competition. Procurement procedures must ensure they do not foster noncompetitive practices between firms, do not create organizational conflicts of interest, and do not restrict or eliminate competition. Procurement must not place unreasonable requirements on firms, require unnecessary experience, or establish unrealistic bonding requirements. Cost plus a percentage of purchase is not an allowable system. There must be descriptions of all products purchased, and identical instructions provided to all potential vendors.

Formal standards of conduct should govern the performance of officers, employees, and agents in the award and administration of contracts. These standards should provide that officers, employees, or agents should not solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties of sub-agreements.

SFAs must have written selection procedures for awarding contracts. Records should be maintained to detail the significant history of procurement. These records must include, but are not necessarily limited to, the following: rationale for the method of procurement, contractor selection or rejection, basis for the cost or price, and documentation for change orders.

Geographic Preferences

Federal regulations require procurements to be conducted in a manner that allows for free and open competition. Therefore, a school food authority (SFA) cannot impose geographic restrictions on potential bidders, with one exception. Geographic preference may **only** be applied to the procurement of unprocessed agricultural products which are locally grown and locally raised, and that have not been cooked, seasoned, frozen, canned, or combined with any other products. Some handling and preparation are allowable in order to present an agricultural product to an SFA in a useable form as long as the product retains its inherent character. Handling and preservation techniques that are permissible include: cooling; refrigerating; freezing; washing; packaging (such as putting eggs in a carton); vacuum packing and bagging (such as placing vegetables in a bag); drying/dehydration; applying high water pressure or “cold pasteurization”; butchering livestock, fish and poultry; pasteurizing milk; and adjusting the size through reduction made by peeling, chopping, cutting, slicing, dicing, grinding, and shucking. While a geographic preference may be used to encourage the purchase of locally grown and locally raised products by enabling SFAs to grant an advantage to local growers, this provision does not eliminate the requirement for procurements to be conducted in a manner that allows for free and open competition as noted previously. A geographic preference must not be defined in a manner that unnecessarily restricts free and open competition. In addition, while SFAs are permitted to apply a geographic preference for the procurement of locally grown and locally raised unprocessed agricultural products, SFAs are not required to do so. The SFA has the discretion to determine whether and how a geographic preference meets its needs.

Buy American

School food authorities are required to adhere to the Buy American provisions found in federal regulations (7 CFR Part 250.23). Actions an SFA should take to comply with these requirements are as follows:

- Include a Buy American clause in all procurement documents (product specifications, bid solicitations, purchase orders, etc.);
- Monitor contractor performance;
- Require suppliers to certify the origin of the product;
- Examine product packaging for identification of the country of origin; and
- Ask suppliers for information about the percentage of U.S. content in the food product.

Sample clauses for inclusion in procurement documents are available on the Nutrition Programs website at http://www.isbe.net/nutrition/htmls/contract_other.htm.

Requirements for Competitive Bidding

The following bid requirements must be implemented to ensure compliance with state statutes and federal regulations.

- The Invitation to Bid, including specifications and attachments, must define the items or services needed in order for the bidders to properly respond to the invitation.
- Bids must be solicited from an adequate number of known suppliers, defined as a minimum of three prospective suppliers; be sure to maintain full and open competition.
- The proposed procurement must be publicly advertised in at least one public notice at least ten days before the bid date in a newspaper of general circulation.
- Sealed bids are accepted.
- The bids must be publicly opened and read aloud.
- Award the contract to the responsible bidder whose bid, conforming to all the material terms and conditions of the Invitation to Bid, is lowest in price.
- Maintain all documents on file for potential audit purposes.

Informal Bidding Procedures

If the purchases for perishable foods and beverages do not exceed \$150,000 or the purchases for supplies and/or equipment do not exceed \$25,000 as described above, informal bidding procedures may be used. The following steps should be part of the informal bidding process:

- Develop a written purchase description of the services/items being solicited;
- Solicit quotes/bids from three or more potential vendors based on the purchase description; document vendor names along with the date and method of contact—be sure to maintain full and open competition;
- Record all quotes/bids received and any notification received from vendors declining to bid;
- Evaluate the quotes for conformance to the purchase description;
- Award the purchase/contract (record the justification for the award); and
- Maintain all documents on file for potential audit purposes.

Bid Document Development

Federal regulations, 7 CFR Part 3016.36(b), prohibit the awarding of contracts to any person or entity that develops or drafts specifications, requirements, statements of work, invitations for bids, requests for proposals, contract terms and conditions or other procurement documents. In failing to fulfill its responsibilities to draft its own specifications and procurement documents, an SFA which copies a list of features or evaluation and ranking criteria drafted by a potential vendor and then permits that potential vendor to submit a bid has violated federal regulation 7 CFR Part 3016.60(b). This pertains to all child nutrition program procurements, including software acquisitions.

While SFAs have broad discretion in gathering information for use in connection with procurements, information from potential bidders must be appropriately modified to develop tailored specifications; otherwise these bidders must be excluded from competing for such procurements. This is to ensure objective contractor performance and eliminate unfair competitive advantage.

Multi-Year Contracts

Multi-year contracts with price changes in the second and subsequent years are allowed provided that:

- The original contract is formally bid and competitively solicited in accordance with federal and state regulations.
- The Invitation to Bid document clearly states price changes will be permitted after the first year of the contract.
- The maximum duration of the contract is specifically stated in the Invitation to Bid document.
- All terms and conditions of the contract remain constant during the duration of the contract.
- The contract specifically states federal funding is not guaranteed beyond the end of the federal fiscal year.
- Strict limitations are placed on any price escalation by linking price increases to a recognized measurable index (such as the consumer price index or a market index). Flat percentages may not be used to define a maximum allowable increase, but may be used to cap or limit an increase that is linked to a recognized measurable index.
- Vendors are required to document, through cost/price analysis, the need for price increases.

Bid Protests

Any action which diminishes open and free competition seriously undermines the integrity of the procurement process and may subject an SFA to bid protests. SFAs are responsible for properly responding to protests and concerns raised by potential contractors. Pursuant to 7 CFR 3016.36(b)(12), SFAs must have protest procedures in place to handle and resolve disputes relating to their procurements and must in all instances disclose information regarding a protest to the Illinois State Board of Education Nutrition Programs Division.

Questions and Answers

Question: Do I have to solicit competitive sealed bids for perishable food and beverages that totals \$150,000 or less in a fiscal year?

Answer: No. Since the state regulation (Illinois School Code) exempts purchases of perishable foods and beverages from competitive bidding, the federal threshold takes precedence. If purchases are in excess of \$150,000, they must be competitively bid. If purchases are \$150,000 or less, then an informal procurement must be conducted, and obtain price quotes from a minimum of three potential suppliers. Contracts for purchasing only prepared foods from vendors must adhere to the \$150,000 threshold.

Question: If I purchase FSMC services or supplies for the food service program, at what level is a competitive sealed bid required?

Answer: Since the Illinois School Code requires competitive sealed bids at the \$25,000 level, food service management company services and supplies must be competitively bid when the value of the contract is in excess of \$25,000 (or a lower amount as required by district board policy). In addition, if a contract for food purchases also includes supplies (such as paper goods, cleaning products, or other non-food items), the \$25,000 threshold is applicable.

Question: Can SFAs split up large purchases into smaller amounts in order to fall below the small purchase threshold?

Answer: No, SFAs cannot intentionally split purchases in order to fall below the Federal, State, or local small purchase threshold in an effort to avoid more rigorous procurement practices.

Question: An SFA is able to conduct procurement under the small purchase threshold. Can the SFA procure unprocessed locally grown or locally raised agricultural products directly from a local farmer or local market?

Answer: Yes; however, the procurement must be conducted in a manner that maximizes full and open competition. According to Federal regulations, the SFA can conduct procurement under the small purchase threshold if the procurement is under \$150,000 in value which is also allowable for perishable foods per the Illinois School Code. The SFA should put the number, quality, and type of goods in writing before contacting any potential offerors. When using the small purchase threshold, quotes must be obtained from at least three sources who are eligible, able, and willing to provide the unprocessed locally grown or locally raised agricultural product. Contacting a minimum of three sources ensures that an adequate number of potential offerors will be afforded the opportunity to respond to the solicitation, maximizing full and open competition. Refer to the section on *Informal Bidding Procedures* above.

Competitive Procurement and Private Grants for School Food Programs

The United States Department of Agriculture recently brought to our attention that some school districts may be applying for or participating in grant programs that are aimed at assisting schools with start-up or expansion of the Child Nutrition Programs, specifically the School Breakfast and Summer Food Service Programs. The foundations sponsoring the grants are associated with companies that provide goods and services to the school meals programs. Review of these grant programs revealed that at least some contain a mandatory purchasing component, requiring recipients to purchase and use a vendor's specified product for a stipulated amount of time.

Please remember, all SFAs must comply with the federal procurement requirements set forth in program regulations and require that procurements are conducted in a competitive manner.

Due to the proprietary purchasing requirements imposed by these grant programs, an SFA would be unable to participate in the grant while adhering to all required program regulations, specifically those addressing procurement activities. SFAs that have already received such a grant must take immediate steps to curtail the grant or to ensure that all purchases made as a result of the grant requirements come only from non-program funding sources. The SFA may not go forward with the grant purchasing requirements using nonprofit school food service account funds.

Civil Rights Requirements

The purpose of this information is to notify participants of the Federal School-Based Child Nutrition Programs of program policies regarding civil rights and provide guidance on nondiscrimination in the administration of these programs.

This information outlines specific responsibilities, requirements, and procedures for federally-assisted programs to ensure federal, state, and local compliance with the provision of Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973.

After each specific responsibility/requirement is identified, suggested ways to meet the responsibility/requirement are listed.

SFA Responsibilities

Data Collection

- Collect and maintain data regarding the target population by racial/ethnic category. Examples include fall housing report, census data, demographic maps, and data provided by child nutrition program participation approval letter.
- Collect and maintain racial/ethnic participation documentation. Methods include staff observation or voluntary self-identification by applicants on the free and reduced-price application forms.
- Maintain all program information for three years plus the current year. Safeguards should be exercised to ensure the data is available only to authorized personnel.

Program Operations

- Denied free and reduced-price applicants should not be disproportionately composed of minority groups.
- Admission procedures should not restrict enrollment of minority persons.
- Program operations should not discriminate against participants based on race, color, national origin, sex, age, or disability. Examples include seating arrangements, serving lines, assignment of eating period, and selection of applications for verification.

Training

- Must provide civil rights training to their sub recipients, including *front-line staff*, on an annual basis. To assist in training, PowerPoint presentations and a sample training documentation form are available at http://www.isbe.net/nutrition/htmls/civil_rights.htm.
- *Frontline staff* is defined as those who interact with program applicants or participants and those persons who supervise frontline staff.
- Specific subject matter for training must include: collection and use of data, effective public notification systems, complaint procedures, compliance review techniques, resolution of noncompliance, requirements for reasonable accommodation of persons with disabilities, requirements for language assistance, conflict resolution, and customer service.

Public Notification

- Display in a prominent place a USDA poster containing the nondiscrimination statement and the federal procedure for filing a complaint. Posters may be obtained by contacting Nutrition Programs, Illinois State Board of Education at 800.545.7892 or cnp@isbe.net.

All printed school nutrition program informational materials, such as free and reduced-price meal notification letters and public releases, must include the following nondiscrimination statement and complaint procedures:

The U.S Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.) If you wish to file a Civil Rights program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](http://www.ascr.usda.gov/complaint_filing_cust.html), found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish). For any other information dealing with Supplemental Nutrition Assistance Program (SNAP) issues, persons should either contact the USDA SNAP Hotline Number at (800) 221-5689, which is also in Spanish or call the [State Information/Hotline Numbers](http://www.fns.usda.gov/snap/contact_info/hotlines.htm) (click the link for a listing of hotline numbers by State); found online at http://www.fns.usda.gov/snap/contact_info/hotlines.htm. USDA is an equal opportunity provider and employer

- If the material is too small to permit the full statement above, the material, at a minimum, must include the following statement in font size no smaller than the text of the material. *This institution is an equal opportunity provider.*
- Provide information in the appropriate translation concerning the availability and nutritional benefits of the school nutrition program, as needed. This requirement can be met through the use of bilingual staff members, volunteers, and/or informational materials in appropriate languages.
- Provide school nutrition program information to the parents and local minority and grassroots organizations upon request; examples include letters, brochures, and public releases.

- Develop and implement a procedure to process civil rights complaints. A civil rights complaint procedure may be developed by the SFA. Persons who believe they have been discriminated against in any USDA-related activity may be advised to write: *USDA, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call toll free (866) 632-9992 (Voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).*

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 <http://www.isbe.net/nutrition/htmls/safety.htm>.

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.