

Miscellaneous Regulations

Federal and State Regulations

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Additional Resources

- [ISBE Rules and Waivers Division](#)
- [ISBE Local School Wellness Policy Information Website](#)
- [ISBE Accommodating Children with Special Dietary Needs Website](#)
- [ISBE Child Nutrition Program Food Safety Information Website](#)
- [USDA Professional Standards for School Nutrition Professionals Website](#)

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. 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 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 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 PA 99-0850, 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 whatever 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](#) 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 what 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 2016-2017 (fiscal year 2017), use the October 2015 (fiscal year 2016) data. You can access the data at http://www.isbe.net/nutrition/htmls/eligibility_listings.htm.

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.

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 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 are served to be retrieved for re-service is permitted under local and State health and food safety codes. The Instruction also states that 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 available to Program operators interested in 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

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 non-program foods used to decorate or enhance a food or menu item is allowable. Any other costs of non-program foods for service in the food service area during meal periods must be disallowed.

If school food service account funds are used to purchase non-program foods 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.

If school food service account funds are used to purchase equipment*, districts must seek approval prior to purchase UNLESS the equipment is on the [pre-approved equipment list](#). If a district seeks to purchase equipment not on this pre-approved list, they must email details of the item for purchase, along with cost, to cnp@isbe.net. If during a review, any equipment purchases are identified as unallowable, ISBE is required to disallow these purchases and implement their debt collection procedures.

* Equipment is defined as tangible personal property (including information technology systems) having a useful life of one year or longer and a per-unit acquisition cost that equals or exceeds the lesser capitalization level established for financial statement purposes (the lesser of \$5,000 or local level regulations).

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/guidance-paid-lunch-equity-and-revenue-nonprogram-foods>. 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.

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.

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 by July 1, 2016. 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.

USDA 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 following are the most commonly asked questions thus far in Illinois, along with answers that help explain the hiring and training standards that are effective July 1, 2015. Also, to help with the implementation of the new standards, SNA created resources that are available at: <https://schoolnutrition.org/Cert/USDAProfessionalStandards>.

Q1: 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.

A1: 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. Program director duties 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>.

Q2: Who has to meet the training standards for program director when the school nutrition program manager carries out the duties of the program director but another individual holds the title of program director?

A2: Job duties and job titles may differ from district to district. If the school nutrition program director duties are performed by the program manager, then both the director and the manager would be responsible for meeting the training standards for the program directors. SFAs should discuss unique situations with the State agency to determine the appropriate course of action.

Q3. For SFAs in unique situations, such as those consisting of one site or those with less than 500 students and no designated program director, must the person responsible for the food service operation meet the training standards for a school nutrition program director?

A3: Yes. The training standards for school nutrition program directors are intended to apply to the individual who plans, administers, implements, monitors, and evaluates all aspects of the school nutrition program for an SFA, regardless of the number of sites in the SFA or the LEA student enrollment size. The training standards are intended to ensure that the person responsible for the school nutrition program has the knowledge and skills to manage the program as required.

Q4: Do the definitions established in the final rule apply to volunteers serving as school nutrition program managers?

A4: The final rule does not establish professional standards for volunteers but gives the State agency discretion to extend the training standards to volunteers at all levels, including those serving as school nutrition program managers.

Q5: What staff members need to complete annual training?

A5: The term “school nutrition program staff” refers to individuals without managerial responsibilities who are involved in the day-to-day operations of the school food service for a school participating in the NSLP or SBP. Program staff would generally include individuals such as cooks, cashiers, and others who are involved in the preparation and service of school meals; individuals that are involved in other program operations such as eligibility determinations, meal

counting and claiming, etc.; and support staff that may have an impact on the safety of school meals. However, a person who provides support to, but is not specifically involved in, the operation of the school nutrition program, such as the cleaning custodian, is not required to meet the training standards (even if they are paid using nonprofit food service account funds). The program director or manager must examine the job duties of program staff to determine what job-specific training they need to perform their jobs effectively and in compliance with program regulations.

Q6: 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?

A6: 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 (4 hours in SY 2015-16). Staff working less than 20 hours per week must complete 4 hours of annual training.