



**CHILD NUTRITION  
DIRECTOR'S  
CONFERENCE  
2021**

<https://adesandbox.arkansas.gov/iframe?v=NWlzC TgwZjU0YTdkZTJyTzJg3ODU5UWZiYWZiYzBmNzE>

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# 60 YEARS OF CHILD NUTRITION

[Celebration of Manager's Training Program \(arkansas.gov\)](http://arkansas.gov)

CIVIL RIGHTS UPDATES

ADRIAN JESSE



DIVISION OF ELEMENTARY  
& SECONDARY EDUCATION



Johnny Key

Secretary | [Read Bio](#) ▶  
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## Child Nutrition Unit

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## Civil Rights

### Compliance

Civil Rights compliance in USDA Child Nutrition Programs includes requirements for the following:

1. **Public Notification** – The public purpose of the public notification is to inform applicants, participants, and potentially eligible persons of the program availability, program rights and responsibilities, the policy of nondiscrimination and the procedure for filing a complaint. School Food Authorities are provided a media release each year as part of the Annual Agreement (or Renewal of the Agreement) with the Arkansas Department of Education (ADE), Child Nutrition.
2. **Racial and Ethnic Data Collection** – SFA's are required to obtain data by race and ethnic category on potentially eligible populations, applicants, and participants in their program service area. This data is collected from the district by ADE and applicants self report on the application for free and reduced priced meals.
3. **Proper Handling of Complaints of Discrimination** – All NSLP complaints alleging discrimination on the bases of race, color, national origin, age, sex, and/or disability must be handled in accordance with the following requirements: [Arkansas Department of Education \(ADE\), Child Nutrition](#)



SFA/School District:

LEA #:

### Civil Rights Assurances

"The program applicant hereby agrees that it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), the Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.); all provisions required by the implementing regulations of the Department of Agriculture; Department of Justice Enforcement Guidelines, 28 CFR Part 50.3 and 42; and FNS directives and guidelines, to the effect that, no person shall, on the grounds of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied benefits of, or otherwise be subject to discrimination under any program or activity for which the program applicant receives Federal financial assistance from FNS; and hereby gives assurance that it will immediately take measures necessary to effectuate this agreement."

"By accepting this assurance, the Program applicant agrees to compile data, maintain records, and submit reports as required, to permit effective enforcement of nondiscrimination laws and permit authorized USDA personnel during hours of program operation to review such records, books, and accounts as needed to ascertain compliance with the nondiscrimination laws. If there are any violations of this assurance, the Department of Agriculture, FNS, shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Program applicant, its successors, transferees, and assignees as long as it receives assistance or retains possession of any assistance from USDA. The person or persons whose signatures appear below are authorized to sign this assurance on the behalf of the Program applicant."

This assurance is given in consideration of and for the purpose of obtaining any and all Federal financial assistance, grants, and loans of Federal funds, reimbursable expenditures, grant, or donation of Federal property and interest in property, the detail of Federal personnel, the sale and lease of, and the permission to use Federal property or interest in such property or the furnishing of services without consideration or at a nominal consideration, or at a consideration that is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale, lease, or furnishing of services to the recipient, or any improvements made with Federal financial assistance extended to the Institution by USDA. This includes any Federal agreement, arrangement or other contract that has as one of its purposes the provision of cash assistance for the purchase of food, cash assistance for purchase or rental of food service equipment, or any other financial assistance extended in reliance on the representations and agreements made in this assurance.

# Civil Rights

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- School Food Authorities must follow USDA Civil Rights regulations to ensure **all eligible persons** receive benefits in a non-discriminatory manner.
  - Discrimination: **Difference in treatment (either intentional or by neglect) that makes the distinction of one person or group of persons from others based on a protected class.**

# Protected Classes

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1. Race
2. Color
3. National origin
4. Age
5. Sex
6. Disability

# Examples of Discrimination

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- Refusing a person's enrollment in a program based on disability.
- Failure to provide reasonable accommodation to disabled individuals.
- Serving meals at a time, place, or in a manner that is discriminatory.
- Failing to provide materials that give non-English speaking persons full and equal opportunity to receive benefits.



# Civil Rights Checklist

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1. Public Notification
2. Racial and Ethnic Data Collection
3. Handle Complaints of Discrimination
4. Resolution of Noncompliance
5. Accommodation of Children with Disabilities
6. Services to persons with Limited English Proficiency (LEP)
7. Yearly Civil Rights Training

# Regulations

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- Civil Rights Act of 1964: landmark act prohibiting discrimination on the basis of race, color, and national origin in **any programs receiving Federal financial assistance**.
- Code of Federal Regulations ([CFR](#)): 7 CFR 15
- FNS Instruction 113-1

□ <https://dese.ade.arkansas.gov/Offices/child-nutrition-unit/civil-rights>

# 1. Public Notification

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Required to inform the public about your program:

1. Program availability
2. Complaint information
3. Nondiscrimination Statement & “And Justice for All” poster

# USDA Nondiscrimination Statement:

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint>, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

1. mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;
2. fax: (202) 690-7442; or
3. email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.





United States Department of Agriculture



# AND JUSTICE FOR ALL

In accordance with Federal law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, disability, and reprisal or retaliation for prior civil rights activity. (Not all prohibited bases apply to all programs.)

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, and American Sign Language) should contact the responsible State or local Agency that administers the program or USDA's TARGET Center at (202) 726-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form, which can be obtained online, at

[www.usda.gov/sites/default/files/documents/usda-program-discrimination-complaint-form.pdf](http://www.usda.gov/sites/default/files/documents/usda-program-discrimination-complaint-form.pdf), from any USDA office, by

calling (866) 632-9992, or by writing a letter addressed to USDA.

The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

mail:  
U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; or  
fax:  
(833) 256-1665 or (202) 690-7442;

email:  
program.intake@usda.gov.  
This institution is an equal opportunity provider.

Form AD-3027 - Revised Title/Format, September 2019

Conforme a la ley federal y las políticas y regulaciones de derechos civiles del Departamento de Agricultura de los Estados Unidos (USDA), esta institución tiene prohibido discriminar por motivos de raza, color, origen nacional, sexo, edad, discapacidad, venganza o represalia por actividades realizadas en el pasado relacionadas con los derechos civiles (no todos los principios de prohibición aplican a todos los programas).

La información del programa puede estar disponible en otros idiomas además del inglés. Las personas con discapacidades que requieren medios de comunicación alternativos para obtener información sobre el programa (por ejemplo, Braille, letra agrandada, grabación de audio y lenguaje de señas americano) deben comunicarse con la agencia estatal o local responsable que administra el programa o con el TARGET Center del USDA al (202) 726-2600 (voz y TTY) o comunicarse con el USDA a través del Servicio Federal de Transmisión de Información al (800) 877-8339.

Para presentar una queja por discriminación en el programa, el reclamante debe completar un formulario AD-3027, Formulario de queja por discriminación del programa del USDA, que se puede obtener en línea, en

[www.usda.gov/sites/default/files/documents/usda-program-discrimination-complaint-form.pdf](http://www.usda.gov/sites/default/files/documents/usda-program-discrimination-complaint-form.pdf), en cualquier oficina del USDA,

llamando al (866) 632-9992, o escribiendo una carta dirigida al USDA. La carta debe contener el nombre, la dirección y el número de teléfono del reclamante, y una descripción escrita de la supuesta acción discriminatoria con suficiente detalle para informar al Subsecretario de Derechos Civiles (ASCR, por sus siglas en inglés) sobre la naturaleza y la fecha de la presunta violación de los derechos civiles. La carta o el formulario AD-3027 completado debe enviarse al USDA por medio de:

correo postal:  
U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; o  
fax:  
(833) 256-1665 o (202) 690-7442;

correo electrónico:  
program.intake@usda.gov.

Esta institución ofrece igualdad de oportunidades.

Esta institución ofrece igualdad de oportunidades.

## 2. Racial and Ethnic Data Collection

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"By accepting this assurance, the Program applicant agrees to compile data, maintain records, and submit reports as required, to permit effective enforcement of nondiscrimination laws and permit authorized USDA personnel during hours of program operation to review such records, books, and accounts as needed to ascertain compliance with the nondiscrimination laws. If there are any violations of this assurance, the Department of Agriculture, FNS, shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Program applicant, its successors, transferees, and assignees as long as it receives assistance or retains possession of any assistance from USDA. The person or persons whose signatures appear below are authorized to sign this assurance on the behalf of the Program applicant."

## 2. Racial and Ethnic Data Collection

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- Have method for data collection

### Examples:

- Ethnic/racial group options on Free/reduced meal applications
  - Observation or personal knowledge
  - \*DO NOT ASK A CHILD HIS OR HER RACE OR IDENTITY
- Keep on file for 5 years
  - Make available for State and Federal agencies

# 3. Handling Discrimination Complaints

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- \* **Make sure your district has a policy for handling complaints!**
- Determine who at your district handles CR complaints
  - Documents complaint and obtains additional information
  - Maintain confidentiality
    - Eg. locked cabinet
  - Within 5 working days→ Forward complaints to either USDA Office of Civil Rights, FNS Office of Civil Rights, USDA Southwest Regional Office or ADE Child Nutrition



## USDA Child Nutrition Programs in Arkansas

District: \_\_\_\_\_

Civil Rights Complaint Official: \_\_\_\_\_

### **Procedures for Handling a Civil Rights Complaint**

1. Civil rights complaints related to the National School Lunch Program, School Breakfast Program, Afterschool Care Snack Program, Summer Food Service Program, or Child and Adult Care Food Program are written or verbal allegations of discrimination based on USDA protected classes of race, color, national origin, sex, age, and disability.
2. Any person claiming discrimination has a right to file a complaint within 180 days of the alleged discrimination. A civil rights complaint based on the protected classes above must be forwarded to the address on the nondiscrimination statement.
3. All complaints, whether written or verbal, must be accepted by the School Food Authority (SFA) and forwarded to USDA at the address or link on the nondiscrimination statement. An anonymous complaint should be handled the same way as any other. Complaint forms may be developed, but their use cannot be required. If the complainant makes the allegations verbally or in a telephone conversation and is reluctant or refuses to put them in writing, the person who handles the complaint must document the description of the complaint.
4. There must be enough information to identify the agency or individual toward which the complaint is directed and indicate the possibility of a violation. Every effort should be made to obtain at least the following information:
  - Name, address and telephone number or other means of contacting the complainant;
  - The specific location and name of the organization delivering the program service or benefit;
  - The nature of the incident(s) or action(s) that led the complainant to feel there was discrimination;
  - The basis on which the complainant feels discrimination occurred (race, color, national origin, sex, age, or disability);
  - The names, titles, and addresses of people who may have knowledge of the discriminatory action(s); and
  - The date(s) when the alleged discriminatory action(s) occurred or, if continuing, the duration of such action(s).
5. USDA is the cognizant agency for the Child Nutrition Programs listed and therefore is the first contact for the protected classes listed above for complaints received within 180 days. The link for submission of a complaint is: [program.intake@usda.gov](mailto:program.intake@usda.gov)

## 4. Resolution of Noncompliance

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- “Findings” (60 days) Corrective Action

## 5. Accommodation of Children with Disabilities

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- “Disability”
    - A physical or mental impairment that substantially limits one or more major life activities of such individual
- \* *medical statements signed by a state-licensed medical authority should be taken at face-value.*

## 5. Accommodation of Children with Disabilities: Meal Modifications

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- Medical Statement is required for meal modification if outside to USDA Meal Pattern
  - Information about the child's physical or mental impairment that is sufficient to allow the school to understand how it restricts the child's diet;
  - An explanation of what must be done to accommodate the child's disability; and,
  - The food or foods to be omitted and recommended alternatives, in the case of a modified meal.
- physician, chiropractor, podiatrist, nurse practitioner, dentist, or physician assistant (not RD)
- \* Food preferences ≠ disabilities

Schools must notify families of the process for requesting meal modifications for a child with a disability, as well as the person responsible for coordinating modifications.



## 5. Accommodation of Children with Disabilities: **Meal Modifications**

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Commissioners Memo:

**CNU-18-036:** Milk Substitutions in Child Nutrition Programs

<https://adecm.ade.arkansas.gov/ViewApprovedMemo.aspx?Id=3519>

## 6. Services to Persons with Limited English Proficiency (LEP)

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### Considerations for LEP language services:

- Applicants and participants **cannot be asked to bring their own interpreters.**
- Children should NOT be used as interpreters.
- Use qualified, competent language resources. Examples include:
  - Qualified, competent bilingual staff,
  - Telephone interpreter lines,
  - Oral interpretation services,
  - Written language services, and
  - Qualified, competent community organizations and volunteers.

# 7. Civil Rights Training

## □ All “Frontline Staff”

— Anyone who interacts with applicants or participants

- Teachers if Breakfast in the classroom
- Virtual meal delivery personnel

□ <https://dese.ade.arkansas.gov/Offices/child-nutrition-unit>

□ “Civil Rights” tab

**Civil Rights Training for Frontline Staff**

*ANS Instructions 113-1. Local agencies are responsible for training their subrecipients, including “frontline staff.” “Frontline staff” who interact with program clients or participants, and those persons who supervise “frontline staff,” must be provided civil rights training on an annual basis.*

Read this entire handout front and back. Sign the training log to certify that you read the information in its entirety and understand your civil rights responsibilities as frontline staff.

**POSE OF CIVIL RIGHTS TRAINING:** Civil rights training upholds compliance, enforcement, and prohibition of discrimination in USDA-Funded Child Nutrition Programs, like the School Breakfast Program operating in the classroom. Training all frontline staff and volunteers in Civil Rights ensures that program recipients receive equal access and are treated without discrimination while participating in the USDA Meal programs. Civil Rights training must occur before staff and volunteers begin their duties in USDA Meal programs, and annually thereafter.

**Civil rights are in place to protect children and families from being discriminated against while participating in USDA meal programs.**


**CRIMINATION**

**Discrimination occurs when participants are:**

- DENIED benefits or services that others receive.
- DELAYED in receiving benefits or services that others receive.
- Treated DIFFERENTLY than others, resulting in a disadvantage.

**Examples of discrimination:**

- Refusing a person’s enrollment in a program based on disability.
- Failure to provide reasonable accommodation to disabled individuals.
- Serving meals at a time, place, or in a manner that is discriminatory.
- Failing to provide materials that give non-English speaking persons full and equal opportunity to receive benefits.



**PROTECTED CLASSES**

Protected class is a group of people with a common characteristic who are legally protected from discrimination on the basis of that characteristic. The selected classes recognized in USDA programs are race, color, national origin, age, sex, and disability.

**BLIC NOTIFICATION SYSTEMS**


Issuers of the USDA meal programs are required to notify the public about the availability of their program in the following ways:

- Prominently displaying the “And Justice for All” poster in all offices where there is a USDA presence and where it may be read by customers.
- Including non-discrimination statements on all media mentioning USDA meal programs, including menus, flyers, internet pages, and other food related program announcements.
- Providing information in other formats for those with disabilities. An example of this may be providing large print or braille menus for those who are visually impaired.
- Conveying equal opportunity when using photographs to include a good representation of various ages, races, genders, etc.

**COLLECTION AND USE OF DATA**

Issuers of the USDA Programs are required to collect participant data by ethnic and racial category one per program year to help determine areas of potential need and help prevent any discrimination of the recipients. Frontline staff will not be involved with this data collection.

**ONE MAY ASK A CHILD HIS OR HER RACE OR ETHNICITY.**





# **CNU Program Operations Update**

**Sheila Chastain**





**USDA continues to  
release guidance for  
SY 2021–2022.**



# **Certified Food Protection Manager**

## **Meeting the Requirement**



# What is the Requirement?

At least one EMPLOYEE that has supervisory and management responsibility and the authority to direct and control FOOD preparation and service shall be a certified FOOD protection manager who has shown proficiency of required information through passing a test that is part of an ACCREDITED PROGRAM.

Existing RETAIL FOOD ESTABLISHMENTS have 1 year from the effective date of THIS REGULATION to comply.



**ADH indicated earlier this  
summer that each **facility**  
needs the **Certified Food  
Protection Manager****

**Contact your local health inspector if  
you have questions.**



# What is the Timeline?



**September 7, 2019 - 2013 Food Code effective date**

**Effective date extended until.....**

**July 1, 2021**





**CNU**

**Response**



# STUDY GROUP

~ 5 weeks

~ 85 to 99 participants per week

~ 34 Districts

~ Over 883 contact hours



# TESTING

- **10 sites**
- **92 examinees**
- **52 passed (56.5%)**







# Observations and Next Steps



# Observations



**01**

**Some test takers could not read to take the exam**



**02**

**Some test takers said they could not read the book**



**03**

**Some test takers said they did not have the book**

# How to Help Those with Reading Difficulties....

Helping persons with reading difficulties during testing –

Apply for **TEST ACCOMMODATION** to have the test read to the test taker at least 8-10 weeks prior to anticipated test date

Helping persons with reading difficulties during test preparation –

**OPTION #1** – On-line Training which includes embedded videos, does not require reading, 90-day access, then deactivated, \$125.

**OPTION #2** – eBook, which will read the book, with embedded videos, available expected July 1, cost unknown.



# Success on the Test



**You Can Count on These 2 Things:**

**~ Everything (I do mean EVERYTHING) in the book is on the test.**

**And**

**~ Everything on the test is in the book!**





# **Interest and Needs Survey**

**Child Nutrition Directors will receive a Google Survey today to help CNU gauge interest and need for additional assistance in helping district staff become Certified before school starts. Please take a few moments to share your level of need.**



# Where can I find a test proctor besides CNU?


Check with the following.....

- **Health Inspector**
- **Family / Consumer Science Teachers**
- **Cooperative Extension Service**
- **Educational Service Cooperative**
- **Food Vendor**





# Claims and Claiming Update

- ~ During SY 2019–2020 – 42 claim revisions
  - ~ During SY 2020–2021 – 20 claim revisions (so far)
  - ~ Some claim revisions were not processed – already used 1 time exception in 36 months (resulting in loss of funding)
  - ~ Accurate claiming **MUST** be a priority.
- 

# Highest Free Reimbursement Rates

**SY 2020–2021**

**NSLP / SBP / ASP\***

**SSO @ SFAP Rate\*\***

**Breakfast**

**\$2.26**

**\$2.4625**

**Lunch**

**\$3.53**

**\$4.3175**

**Snack**

**\$0.96**

**~~~~~**

**\*Reimbursement Rates for SY 2021–2022 have not been released yet.**

**\*\* SFSP Rates will change in January.**

# Claiming Meals for SY 2021–22



## NSLP/SBP

- Use “REGULAR” when you file claim
- Claim meals at F/R/P rates
- Take applications, process as usual, including 30 day carryover, verification, etc.

## SSO @ SFSP Rate

- Use “SSO” when you file claim
- Claim meals at the FREE rate
- Make applications available as needed to certify newly eligible students for SY 2021-22 and Summer 2022 P-EBT
- Complete verification on number of approved application on file as of October 1, 2021





# Counting Meals for SY 2021–22



- **Counting meals is the same no matter if claimed under NSLP or SSO**
- **MUST have a point of service meal count, (one meal to one child)**
- **Does not have to be on the computer**
- **As the Administering Agency, CNU has decided to not allow “tick marks” because of claim accuracy issues, instead a roster with student’s name.**





# Claim System Survey / Update

**136 directors responded to the survey about the claim system.**

**~ 37 - working just fine the way it is**

**~ 80 - make the additions, having everything in one place would be good**

**~ 8 - add Severe Need Application**

**~ 6 - add FFVP Claim Form**

**~ 4 - add the Claim Revision Request Form**

**~ 1 - add the Agreement**







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<https://adesandbox.arkansas.gov/iframe?v=NWLjOTgwZjU0YTdlZTc1Zjg3ODU5OWZiYWZiYzBmNzE>

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# WELLNESS UPDATES

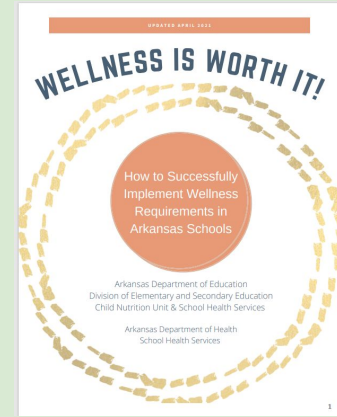
# WELLNESS UPDATES

- New Resources and Training
- Wellness Memos
- Wellness & the Administrative Review
- Triennial Assessment



# NEW AND UPDATED RESOURCES

- *Wellness is Worth It! Workbook*
- *Smart Snacks Cheat Sheet*
  - Should be available on the DESE website soon
    - Under the Wellness tab



# NEW AND UPDATED RESOURCES

- Digital Learnings:
  - ***Wellness***
  - ***Smart Snacks***
- *Where are they located?*
  - **DESE.ade.arkansas.gov**

## April 2020 Digital Learning Videos

Wellness

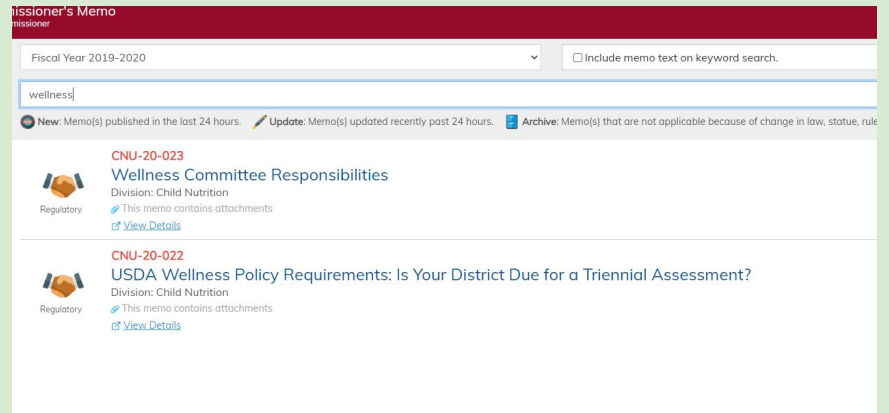
Smart Snacks

Quiz: April Digital Learning

**Offices → Child Nutrition Unit → Training → Digital Education**

# WELLNESS RELATED MEMOS

- **CNU-20-023:** *Wellness Committee Responsibilities*
- **CNU-20-022:** *USDA Wellness Policy Requirements: Is Your District Due for a Triennial Assessment?*
- **Where can you find these?**
  - <https://adecm.ade.arkansas.gov>



The screenshot displays the 'Commissioner's Memo' search interface. At the top, there is a red header with the text 'Commissioner's Memo' and 'Commissioner'. Below this, a search bar contains the text 'wellness'. To the right of the search bar, there is a dropdown menu for 'Fiscal Year 2019-2020' and a checkbox labeled 'Include memo text on keyword search.' Below the search bar, there are three status indicators: 'New: Memo(s) published in the last 24 hours.', 'Update: Memo(s) updated recently past 24 hours.', and 'Archive: Memo(s) that are not applicable because of change in law, statute, rule'. The search results are listed below, showing two entries:

- CNU-20-023**  
**Wellness Committee Responsibilities**  
Division: Child Nutrition  
Regulatory  
This memo contains attachments  
[View Details](#)
- CNU-20-022**  
**USDA Wellness Policy Requirements: Is Your District Due for a Triennial Assessment?**  
Division: Child Nutrition  
Regulatory  
This memo contains attachments  
[View Details](#)

# WELLNESS & ADMINISTRATIVE REVIEWS

**What can you expect?**

# WELLNESS & ADMINISTRATIVE REVIEWS

## What can you expect?

- Does the district Wellness Committee meet quarterly?
  - Is it documented
  - Discussed NSLP standards and requirements?
  - Provide written recommendations to CND regarding school menus?
    - Even if you use a FSMC or Vendor you must discuss menus



# WELLNESS & ADMINISTRATIVE REVIEWS

- Did each school complete all five of the required sections of the School Health Index (set goals in Indistar)
- Did each school submit their Wellness Priority district and school reports via Indistar by **October 1st**?
  - Did it include goal setting for **nutrition** education and promotion?
  - Did it include goal setting for **physical activity**
  - Did it include goal setting for other school-based activities to promote student wellness?

**\*\* Keep in mind that School Health Services will be checking Indistar and goals more in depth**

# WELLNESS & ADMINISTRATIVE REVIEWS

- Are the 9 Special Event Days listed in the eSchool calendar?
- Are the amount of funds received and expenditures made from competitive food and beverages made available to the public annually?
- Does superintendent approve all food/beverage fundraisers prior to them happening?
- Did the school complete the Triennial Assessment?

# TRIENNIAL ASSESSMENT

Completed every 3 years

Due Date: June 30, 2021 with waiver

## Resources:

- Wellness Committee Checklist
- Triennial Assessment Cheat Sheet
- Wellness is Worth It! Workbook
- CNU-20-022: *USDA Wellness Policy Requirements: Is Your District Due for a Triennial Assessment?*

### Wellness Triennial Assessment

The Triennial Assessment is a requirement of the United States Department of Agriculture Child Nutrition Programs that allows districts to conduct an in-house review of their wellness program at least once every three years. However, Arkansas Act 1220 and the 2020 Public Governance Revision, Physical Activity, and BMI influence the annual and triennial requirements for wellness in the state. In order for your district's Triennial Assessment to be complete, the district will conduct the following tasks:

- Wellness Committee Checklist Part 1, annually
- Wellness Committee Checklist Part 2, at least once every three years
- Six required School Health Index (SHI) Modules for each school in the district, annually
- BMI Assessments, annually
- Goals for nutrition, physical activity and Wellness, annually
- Health and Wellness School Improvement Priority Report, annually
- Health and Wellness District Improvement Priority Report, annually
- Public Notification of Wellness Policy Updates and Triennial Assessment (legally, meeting with notes, printed copy in the parent center, posted to website, etc.), at least once every three years
- Maintain documentation at the local level for the next Child Nutrition Administrative Review

**STEP 1**  
Federal Regulation states that the Triennial Assessment must check the district's **compliance** with the Local School Wellness Policy.  
Complete Wellness Committee Checklist Part 1 to assess compliance with each of the state and federal requirements.

**STEP 2**  
Federal Regulation states that the Triennial Assessment must **compare** the Local School Wellness Policy to model policies.  
In Arkansas, a model policy includes each of the state and federal requirements outlined in Part 1 of the Wellness Committee Checklist.  
To determine if the Local School Wellness Policy includes each required piece of an Arkansas model policy, complete Part 2 of the Wellness Committee Checklist.

**STEP 3**  
Federal Regulation states that the Triennial Assessment must **evaluate** the progress made in **attaining** the goals of the Local School Wellness Policy.  
Even though USDA requires the Triennial Assessment only every three years, this portion is completed and reported in Arkansas annually by October 1 through the School Improvement Reporting Process (SIRP).  
Each school year, typically in the spring, wellness committees complete the 6 required modules of the CDC's School Health Index (SHI) for each school in the district. Schools also complete the annual BMI assessments.  
Using these two sets of data, schools develop goals for nutrition, physical activity, and wellness that are reported in **reports** for each school under the Health and Wellness School Improvement Priority Report.  
Districts identify Wellness Committee members and Wellness Leadership under the Health and Wellness District Improvement Priority Report.  
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### WELLNESS POLICY TRIENNIAL ASSESSMENT

As part of the Wellness Policy's evolution plan, the USDA Final Rule requires districts to conduct a Triennial Assessment of the Wellness Policy every three years, or in between, to determine:

- compliance with the wellness policy
- how the wellness policy compares to model wellness policies
- and progress made in attaining the goals of the wellness policy.

Arkansas has incorporated many pieces of the Triennial Assessment since the passing of Act 1220 in 2005 and the approval of the Arkansas Rules Governing Nutrition, Physical Activity and BMI. Therefore, some pieces of the Triennial Assessment will be required to be completed on an annual basis to meet the strictest Arkansas regulations.

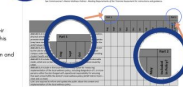
The best practice will be for districts to complete each of the three components of the Triennial Assessment on an annual basis.

**Step 1 of the Triennial Assessment: Wellness Committee Checklist Part 1**  
The Triennial Assessment requires districts to assess their compliance with the Wellness Policy. In order to meet the standards, districts are required to complete the Wellness Committee Checklist to assess implementation and compliance on an annual basis.

**Step 2 of the Triennial Assessment: Wellness Committee Checklist Part 2**  
Secondly, the Triennial Assessment requires districts to compare their wellness policy to model wellness policies. Many sample policies are available through non-profit and professional organizations. These sample policies can help with ongoing evaluation when schools are developing or updating their own policies. However, in order to document compliance with the areas of the Triennial Assessment, districts are required to complete the Wellness Committee Checklist "Is it in My Policy?" Section (not just updates to the Wellness Policy when changes are needed). The checklist includes federal requirements (in gray) and state requirements that will be the culture of all Arkansas Wellness Policies.

**Step 3 of the Triennial Assessment: Indicator / BMI & SHI**  
Finally, the Triennial Assessment requires districts to document progress made in attaining the goals of the Wellness Policy. Arkansas schools will continue to meet these requirements by completing the health and Wellness Priority Report and public reports to include and including BMI Data and required modules of the School Health Index in the reports annually. The Arkansas Department of Education, Division of Elementary and Secondary Education, School Health Services will continue to review and make suggestions on the Wellness Priorities reports for both the district and school, with input from the Child Nutrition Unit and the Arkansas Health Department.

**Public Updates:**  
Districts are required to make the Triennial Assessment, including progress toward meeting the goals of the policy, available to the public. Most districts post the Triennial Assessment documents (checklist and list to Indicator Report) on the district website with the updated Wellness Policy.



Find a copy of the Wellness Committee Checklist on the Child Nutrition Unit webpage under "Wellness."

# QUESTIONS?





**CHILD NUTRITION  
DIRECTOR'S  
CONFERENCE  
2021**



<https://adesandbox.arkansas.gov/iframe?v=MjVlODdlhYjhhMTZlZnM4ZWY2NmI5ODUzNDk0ZjlyMjc>

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# USDA Foods Processing



Linda Hubeny  
Food Distribution Division

# USDA Foods Processing

- State Agency Approved
- Commercial vs Processed
- Proper Procurement



# USDA Foods Processing Program

- National Processing Agreement (NPA)
- End Product Data Schedule (EPDS)
- Summary End Product Data Schedule (SEPDS)
- Surety Bond or Letter of Credit
- State Participation Agreement (SPA)
- Monthly Performance Report (MPR)



# USDA Foods Processing

- Processors sell commercial product to SFAs and build demand for product(s)
- SFAs request processor to use USDA Foods to offer product with a discount



# USDA Foods Processing

- Menu Continuity
- Food Safety
- Labor/Training issues





# Value Pass Through (VPT) Systems

- Direct Discount
- Rebate
- Fee For Service (FFS)
- Modified Fee For Service (aka FFS through distributor)
- Net Off Invoice (NOI)



# USDA Foods Processing

- Must be Competitively Solicited
- Compare Solicitation Prices with USDA Food Value
  - Include Processing Fees
  - Distribution Fees
  - Administrative Costs



# USDA Responsibilities

- Approve:
  - National Processing Agreement(s) (NPA)
  - End Product Data Schedule(s) (EPDS)
  - Summary End Product Data Schedule(s) (SEPDS)
  - Monitor USDA Foods Inventories
- Set bond level for processors
- Maintain updated list of national approved processors



# State Distributing Agency Responsibilities

- Determine Value Pass Through (VPT) options for approval
- Sign State Participation Agreement(s) (SPA)
  - Make SEPDS available for RAs
  - Provide a list of eligible RAs to processors
- Communicate processor approvals to Recipient Agencies (RA)



# State Distributing Agency Responsibilities

- Regular communication with processors and RAs
- Manage entitlement, transfer to RAs that can use, utilize pounds year diverted
- Review Monthly Performance Reports:
  - Months-on-hand and carryover inventory
  - Use carryover pounds first (First-In-First-Out (FIFO))
  - USDA Foods inventory direct delivery compliment processed end products
  - Future sales orders in WBSCM
  - Transfer pounds to RAs or another SDA that can utilize in the same school year



USDA Foods  
in Schools



# NPA Processor Responsibilities

- Submit NPA agreements to USDA
  - Submit EPDS to USDA for approval
  - Submit updated information to USDA
  - Secure bonds
- Submit SPAs to states
- Monitor USDA Foods inventories, 6-month or less
- Frequent Communication with SDAs and SFAs



# School Food Authorities Responsibilities

- Accurate forecasting of end products for school year
- Request USDA Foods through WBSCM or state system
- Follow proper procurement procedures
- Monitor inventory balances at distributor and processor
- Purchase correct end products
- Utilize whole bird, order balance of white and dark end products
- Communicate with processor when products no longer meet needs
- Recognize pounds may be transferred if not used timely



# End Product Procurement Requirements

- 1) The price to be charged for the end product or other processing service
- 2) The method of end products sales that will be utilized and assurance that crediting for donated foods will be performed in accordance with the applicable requirements for such method sales in 7 CFR 250.36
- 3) The value of the donated food in the end products
- 4) The location for the delivery of end products



# Food Service Management Companies

FSMC:

- Must credit the Recipient Agency (RA) for the value of all USDA Foods received for use in the RA's meal service in a school year
- Includes crediting for value of USDA Foods in processed end products

---

**USDA**  
**Foods**



USDA Foods  
in Schools



# Distributor Responsibilities

- Respond to RA solicitations
- Store and deliver products per contracts
- Maintain tracking system for finished products received, stored, and delivered
- Report sales to third-party monitoring systems or processor's inventory system





Questions?

USDA  
**Foods**



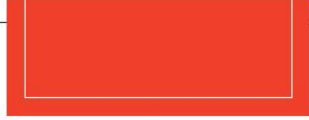
USDA Foods  
in Schools

*USDA is an equal opportunity provider, employer, and lender.*



# PROCUREMENT PROCESSES

Rachel McDaniel



# MICRO-PURCHASE PROCUREMENT



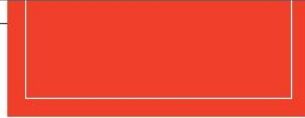
## Micro Purchase

- Was each transaction with the vendor below \$10,000?
- Were purchase prices reasonable?
- Did the SFA spread purchases equitably among all qualified sources?

# Applying the Micro-Purchase method

- No purchase transaction may exceed \$10,000
- Purchase from qualified sources equitably (not just favorites)
- Prices should be reasonable





# SMALL PURCHASE PROCUREMENT

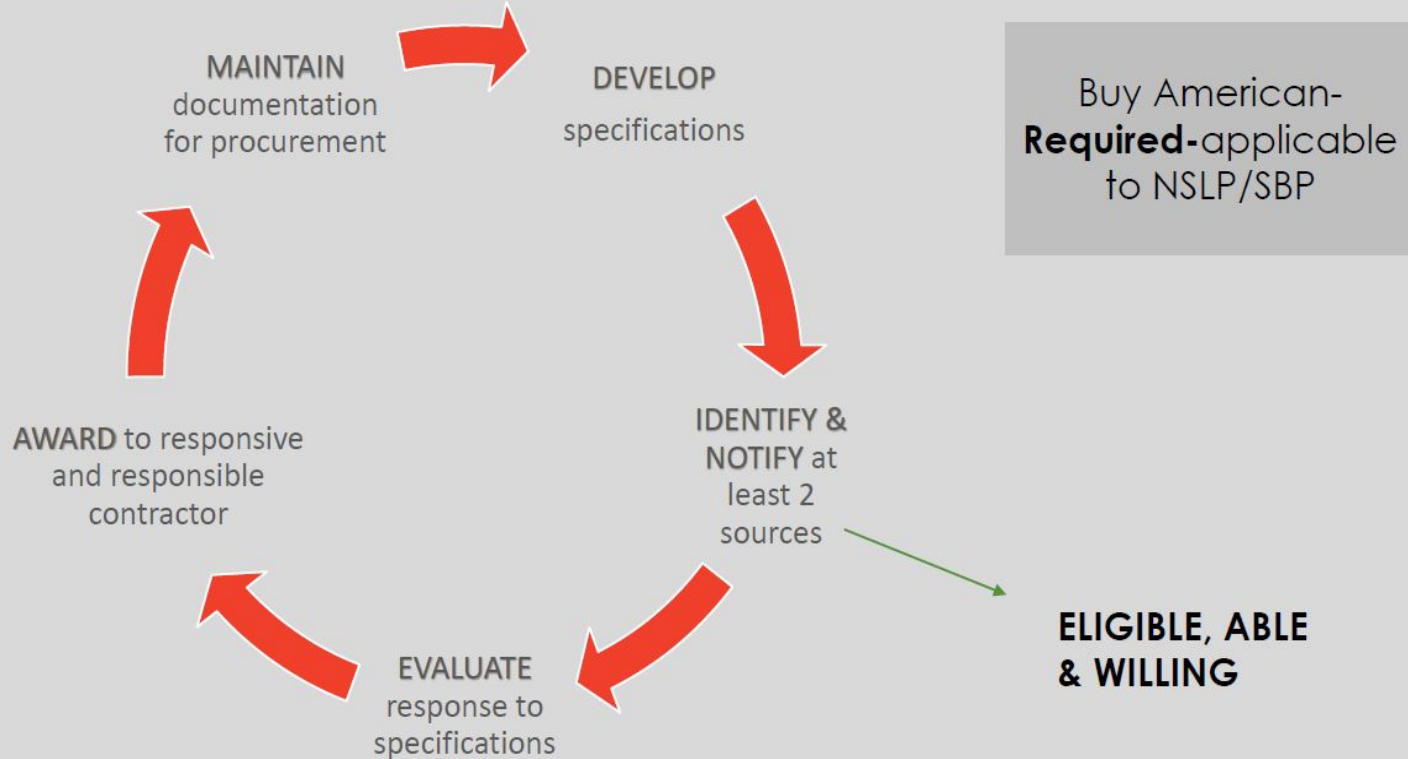
# Small Purchase Procurement

- Small purchase Procedures (\$10,000 - \$250,000 or more restrictive threshold)
- Obtain quotes (may be email, catalogs, website, telephone, oral)
- Documented
- More than one source

# Applying the Small Purchase Method

- Obtain more than one price using:
- Supplier website/catalogs for prices
- Call/email/in-person/mail suppliers for price quotes
- Document all correspondence

# Small Purchase Procedures Process

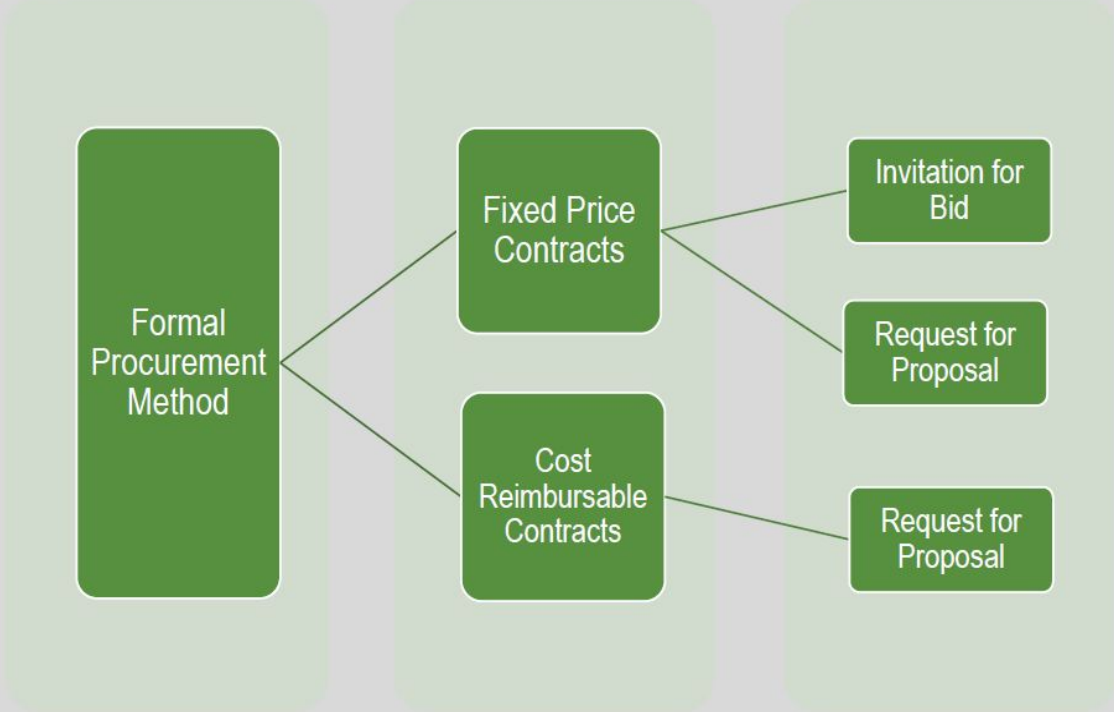




# FORMAL PROCUREMENT



# Types of Formal Procurement



# Price/Cost Analysis

- A cost price analysis must be conducted according to 2 CFR 200.324

(a) ...perform a cost or price analysis in connection with every procurement action **in excess of the Simplified Acquisition Threshold** including contract modifications.

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the non-Federal entity must make independent estimates before receiving bids or proposals (*forecasting*).

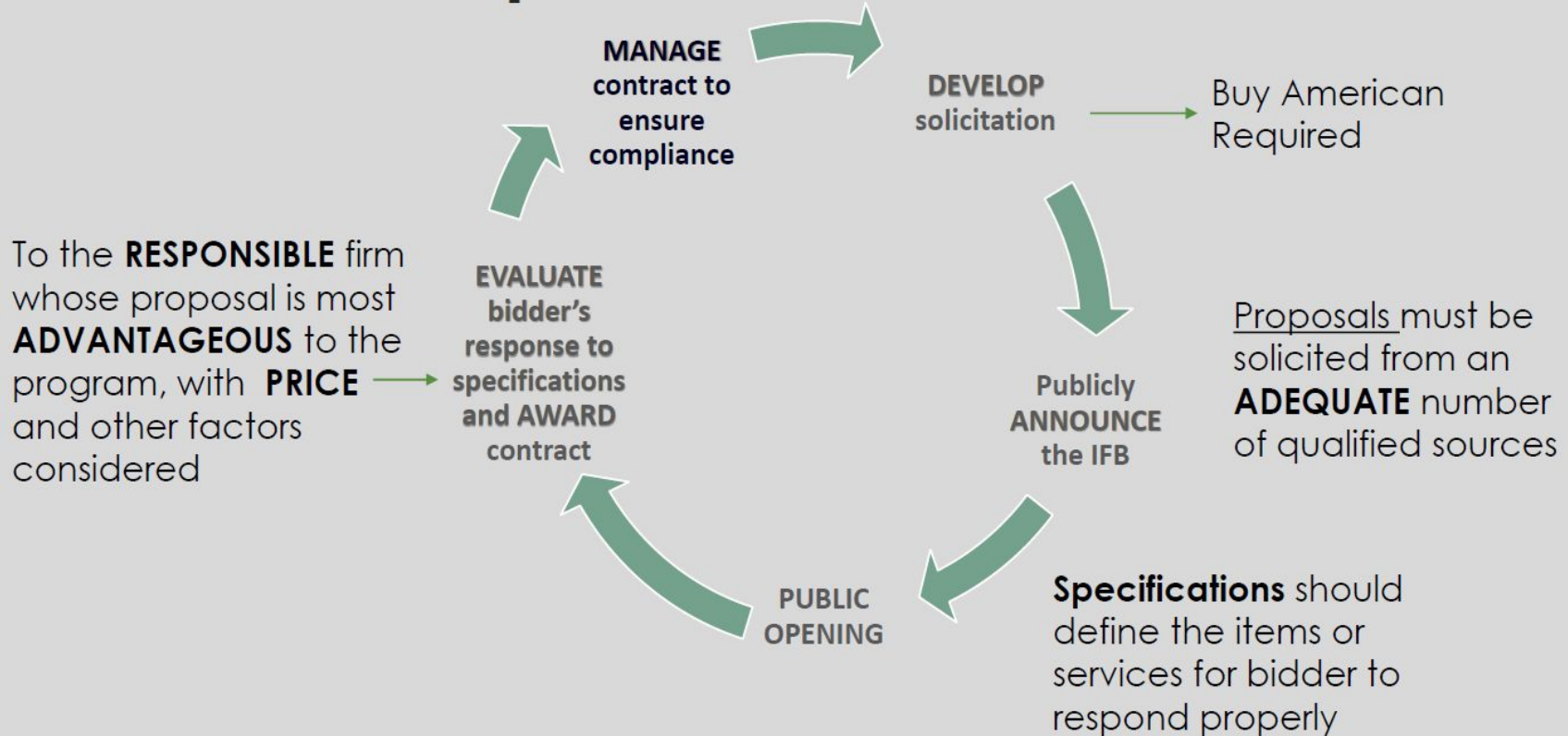
# Select Method

- When the value of the purchase is expected to exceed the simplified acquisition threshold, use one of the following:
  - Competitive Sealed Bidding(2 CFR 200.320(b)(1))
  - Competitive Proposals(2 CFR 200.320(b)(2))

# Formal Procurement Method-Sealed Bids

- (Exceeds \$250,000, or most restrictive threshold)
- Contract award is a **firm fixed-price** with/without cost adjustment tied to a standard index
- Lowest responsive and responsible bidder wins award
- Documents include a complete, adequate, and realistic specification/description
- 2 or more bidders available that are willing and able to compete
- Publicly advertised from a number of suppliers with sufficient response time for bid opening
- Public opening at time and place identified in document
- Bids may be rejected for sound documented reason

# Components of Sealed Bids





# Formal Procurement method- Competitive Proposals(RFP)

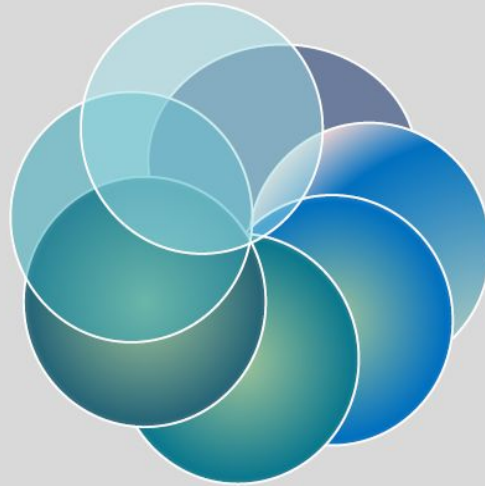
- More than one source submits an offer
- Contract award is either fixed-price or cost-reimbursable
- Used when sealed bid not appropriate
- Publicized with evaluation factors and relative importance
- Qualified sources (more than one)
- Written method of conducting technical evaluations included
- Awarded to responsible firm most advantageous to Program  
with price and other factors considered

# Components of Competitive Proposals

Contract Type-Fixed price or Cost Reimbursable

Evaluation and Scoring  
Criteria

Technical  
Requirements



Timelines & Procedures

Introduction/Scope-  
Buy American must  
be included in  
solicitation

Specifications

Include terms, conditions,  
required contract provisions

# **Additional Provisions when a Cost-Reimbursable Contract is to be Awarded (7 CFR Part 210.21(f))**

- Only allowable costs will be paid from the nonprofit school food service account to the contractor minus of all:
  - Discounts
  - Rebates
  - Any other credits that may apply
- Contractors must separately identify each cost submitted for payment to the SFA
- The amount of that cost that is allowable (can be paid from the nonprofit school food service account) and the amount that is unallowable (cannot be paid from the nonprofit school food service account)

# Additional Provisions when a Cost-Reimbursable Contract is to be Awarded (7 CFR Part 210.21(f))

- The contractor must exclude all unallowable costs from its billing documents and certify that only allowable costs are submitted for payment
- Records should be maintained to visibility identify unallowable costs, including those that are directly associated with contract cost determination and verification
- They also must individually identify the amount as a discount, rebate, or in the case of other applicable credits, the nature of the credit
- The contractor must identify the method by which it will report discounts, rebates and other applicable credits allocable to the contract that are not reported prior to conclusion of the contract
- **If approved by the State agency, the school food authority may permit the contractor to report this information on a less frequent basis than monthly, but no less frequently than annually**



# Additional Requirements for Formal Procurement

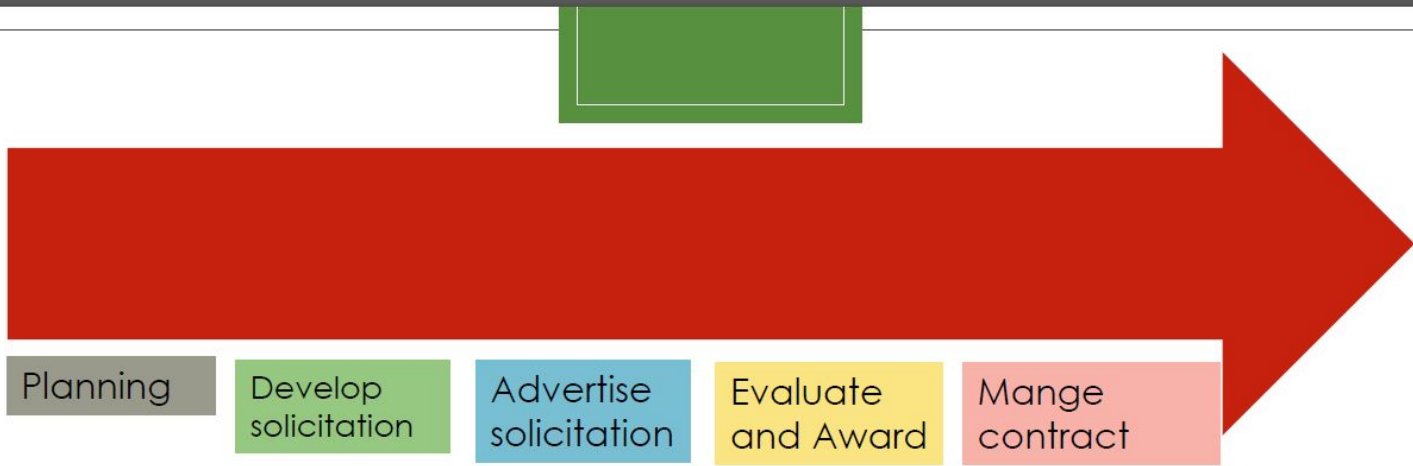
- **2 CFR part 200.327 Contract provisions/ Appendix II to Part 200**
- Administrative/contractual/legal remedies -**Exceeds \$250K**
- Termination for cause & convenience - **Exceeds \$10K**
- Equal Employment Opportunity
- Davis-Bacon Act – **Exceeds \$2,000**
- Contract Work Hours/Safety Standards Act – **Exceeds \$100K**
- Rights to Inventions Made Under Contract
- Clean Air Act – **Exceeds \$150K**
- Energy Policy and Conservation Act
- Debarment and Suspension- 2 CFR 200.212 & 2 CFR 200.213
- Byrd Anti-Lobbying Amendment - **Exceeds \$100K**



# Noncompetitive Proposals

## **Only allowed if:**

- Item only available from one source
- Public exigency or emergency
- Authorized by FNS or State agency due to written request
- After solicitation from a number of sources, competition is deemed inadequate



Planning

Develop  
solicitation

Advertise  
solicitation

Evaluate  
and Award

Mange  
contract

## Procurement Process Flow

# Develop and Publicize Solicitation

Will the solicitation result in a fixed-price or cost-reimbursable contract?

- Fixed price contracts
  - Either an Invitation for Bid or Request for Proposal may be used when soliciting for a fixed price contract
- Cost-reimbursable contracts
  - Only a Request for Proposal may be used when soliciting for a cost-reimbursable contract.

# What is the difference in contract types?

- **Fixed Price** contract:
  - Provides a stated price that is fixed for the duration of the contract
  - Provides the maximum incentive for the contractor to control costs and perform effectively
  - Imposes the **least administrative burden** on the contracting parties
  - May contain an economic price adjustment tied to an appropriate index
  - Price adjustments authorization and procedures, if any must be included in the solicitation, must be tied to a standard index such as the Consumer-Price index, and the frequency of adjustment included
  - Contract duration may be less than one year depending on market conditions.

# What is the difference in contract types?

- **Cost Reimbursable** contract:
  - Provides for payment of allowable costs incurred in performing the contract
  - Use when there are uncertainties involved in the contract performance affecting price estimates
  - Frequently occur in the School Nutrition Programs as cost plus fixed fee contract
  - Provides for the reimbursement of allowable costs plus the payment of a fixed fee to the contractor



# Elements of a Solicitation

- Evaluation factors:
  - Price
  - Experience
  - References
  - Geographic Preference
- Identify all requirements which responders must fulfill and the criteria to be used in evaluating bids or proposals

# Terms and conditions provisions

- **Appendix II Contract Provisions for 2 CFR Part 200.** These are the same as before, so you know these as:
  - Administrative, contractual, or legal remedies-**Exceeds \$250K**
  - Termination clause-**Exceeds \$10K**
  - Equal Employment Opportunity Executive Order 11245
  - Copeland Anti-Kickback"
  - Davis-Bacon- **Exceeds \$2,000**
  - Contract Work Hours and Safety Standards-**Exceeds \$100K**
  - Debarment Suspension- 2 CFR 200.212 & 2 CFR 200.213
  - Byrd Anti-Lobbying Amendment- **Exceeds \$100K**

# Buy American Provision



## 7 CFR 210.21(d)

- Solicitations should have language which includes the Buy American provision to ensure contractors understand foods must be products of the U.S. and territories; and
- Methods for contractors to request exceptions or recommend domestic alternatives available as a substitute not automatically request exceptions

## **Additional provisions to include in your solicitation: 7 CFR Part 210.21(g) Geographic Preference**



The SFA may apply a geographic preference when procuring unprocessed locally grown or locally raised agricultural products.

# Terms and Provisions

## **2 CFR Part 200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms**

### **Affirmative steps must include:**

- (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section



# Terms and Conditions Provisions

## Common terms to put in the solicitation:

- Vendor Invoicing requirements
- SFA payment frequency and method
  - (every 2 weeks, 2/month, 30 days, other)
- Delivery requirements, if any, and frequency
- Installation
  - Equipment (provide the utility requirements in the specifications!)
  - POS equipment
- Others?

# Elements that could be considered too Restrictive

- (1) Placing unreasonable requirements on firms in order for them to qualify to do business;
- (2) Requiring unnecessary experience and excessive bonding;
- (3) Noncompetitive pricing practices between firms or between affiliated companies;
- (4) Noncompetitive contracts to consultants that are on retainer contracts;

# Additional Elements Restricting Competition

- (5) Organizational conflicts of interest;
- (6) Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
- (7) Any arbitrary action in the procurement process.

# Receive and Evaluate Responses

## Within:

- Fixed price contracts:
  - Bids received sealed
  - Public bid opening
  - Evaluation is for lowest responsive and responsible vendor along with **no other criteria than price**
  
- Cost reimbursable contracts:
  - 2 part to responses- Price and technical
  - Not necessarily public
  - Evaluation – document review of best technical response according to evaluation criteria and scoring as stated in solicitation
  - Negotiate with top responders
  - Review of price – **PRIMARY CONSIDERATION** in scoring



# Award and Execute Contract

- Once evaluated, a contract may be awarded, and the contract executed.
- Remember, contracts for FSMCs require prior approval by the State agency
- Any pre-issuance requirements by the State agency also apply.
- Does your State agency have pre-issuance requirements in place?



# Manage Contracts



- 2 CFR Part 200.318(b) Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders



Questions  
???





**CHILD NUTRITION  
DIRECTOR'S  
CONFERENCE  
2021**

<https://adesandbox.arkansas.gov/iframe?v=MjVlODdlhYjhhMTZlZnM4ZWY2NmI5ODUzNDk0ZjlyMjc>

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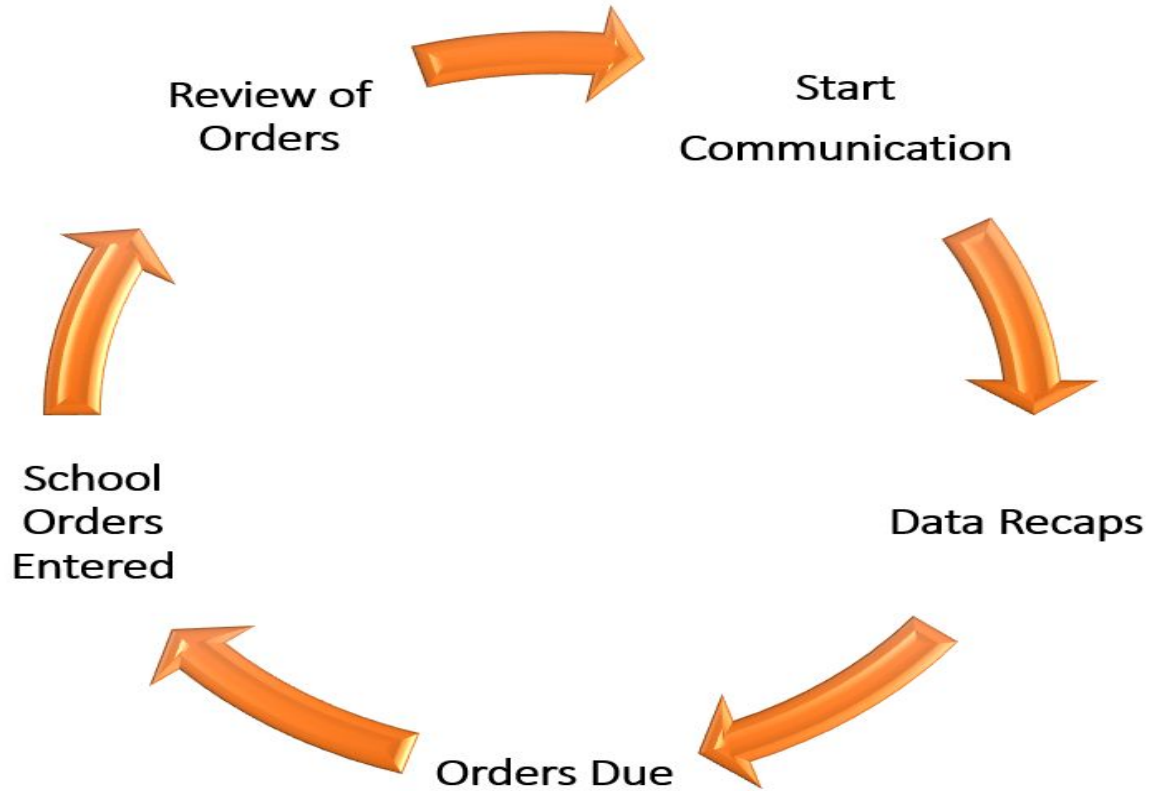


## Processing Program



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# Flow of Processing







# Processing



**Number of processors**



**How are processors approved**



**No in State processors**



**Procurement**



Approved SY21-22 Arkansas  
Commodity Processors as of:

January-21



Processor	Phone Number Contact	Commodity	Value Pass Through
 <p>Alpha Foods Co.</p>	<p>Danny Bowen dbowen@alphafoodsco.com</p> <p>800-733-3535</p>	<u>Mozz Cheese</u>	<p>direct sales, NOI*</p> <p>fee for service-processor</p>
 <p>Albie's</p>	<p>Kristin Howarth khowarth@fse.us.com</p> <p>501-570-0838</p>	<u>Mozz Cheese</u>	NOI*
 <p>Asian Food Solutions, Inc</p>	<p>Dan Wallgren dan.wallgren@asianfoodsolutions.com</p> <p>605-376-0650</p>	<u>Chicken</u>	<p>NOI*</p> <p>fee for service-processor</p>
 <p>Bake Crafters</p>	<p>Dana West dwest@lakelandlr.com</p> <p>501-758-2600</p>	<p><u>American Cheese</u></p> <p><u>Beef</u></p>	NOI*
 <p>Basic America Foods</p>	<p>Deniece Ledin dledin@baf.com</p> <p>925-472-4139</p>	<p><u>Dehy Potatoes</u></p> <p><u>Refried Beans</u></p>	Direct Sales, NOI*
 <p>Bongards Creameries</p>	<p>Jill Ponder Jill.Ponder@Bongards.com</p> <p>800-932-3031 or 952-466-3582</p>	<u>American Cheese</u>	<p>Direct Sales, NOI*</p> <p>Fee for Service-Processor</p>
 <p>Brookwood Farms</p>	<p>Ashley Wood ashleywood@brookwoodfarms.com</p> <p>919-663-3612</p>	<p><u>Pork</u></p> <p><u>Turkey</u></p>	Fee for Service-Processor

## 2021-2022 National Approved Processors

Company Name	First Name	Last Name	Email	Phone
Albie's Food Products, LLC	Heather	Sawicki	<a href="mailto:heather@albies.com">heather@albies.com</a>	(989) 732-2800
Alpha Foods Co.	Danny	Bowen	<a href="mailto:DBowen@alphafoodsco.com">DBowen@alphafoodsco.com</a>	(936) 372-5858
Ardella's (Richandre, Inc.)	Hap	Frank	<a href="mailto:hapfrank@ardellas.com">hapfrank@ardellas.com</a>	(310) 762-1560
Bake Crafters Food Company	Cliff	Coggins	<a href="mailto:cliff@bakecrafters.com">cliff@bakecrafters.com</a>	(423) 443-4233
Basic American Foods	Deniece	Ledin	<a href="mailto:dledin@baf.com">dledin@baf.com</a>	(925) 472-4139
Bernatello's Pizza Inc	Denny	Terrance	<a href="mailto:dterrance@bernatellos.com">dterrance@bernatellos.com</a>	(920) 883-7851

- **Cheese:** Alpha Foods, Bake Crafters, Bongards, ES Foods, High Liner, Maid-rite, JTM, Nardone Bros., Riches, Schwan's, Tasty Brands, Tyson and Wild Mikes.
- **Chicken:** International Foods/Comida Vida (formally Asian Foods), Gold Creek, Gold Kist Farms (Pilgrims), Tyson and Yang's 5<sup>th</sup> Taste.
- **Turkey:** Brookwood Farms, JTM, Jennie O, and Cargill Meat Solutions.
- **Beef & Pork:** Bake Crafters, Don Lee Farms, JTM, Maid-rite and Tyson.
- **Pollock Fish:** High Liner
- **Oil:** Mrs. Clarks\*
- **Egg:** Cargill Kitchen and Michael Foods
- **Flour:** Richs and Schwan's
- **Peanuts:** Smucker's
- **Potatoes:** Basic American, Cavendish, McCain and Simplot
- **Fruits:** National Food Group and Peterson Farms
- **Tomato Paste:** Red Gold and Schwan's

# Value Pass Throughs

**Direct Discounts**

**Fee for Service**

**Net Off Invoice**



# Transfers



**State to State**



**Processor State Account  
to Schools**



**School to School**



**Processor to Processor**

# Sweeps

- The State does not allow carryover. Unused pounds are swept from the school account to the state account in June of every year.
- There has not been any changes to the sweep policy due to COVID-19.





# Donated Food Inventories

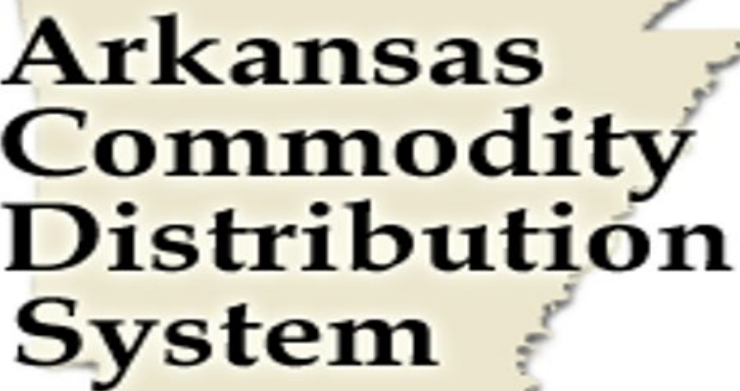
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Processor inventory is monitored monthly to avoid excess inventory.

**ACDS**

<https://dhs.arkansas.gov/dco/acds/>

Welcome to the



**Arkansas  
Commodity  
Distribution  
System**

# Tracking Pounds in ACDS

## Donated Food Account

Processor	Donated Food Item	Commodity Name	Customer	Carryover	Allocated	Beginning	Utilized	Balance
Peterson Farms Fresh, Inc	110149	Apples, Bulk		0.00	44251.92	44251.92	38491.92	5760.00
United Commodity Group / (National Food Group)	110149	Apples, Bulk		0.00	13460.00	13460.00	13460.00	0.00
Yangs 5th Taste	100113	CHIX LEGS CHILL A518		0.00	15369.55	15369.55	15369.55	0.00

## Commodity Request Screen

USDA Shipments on Order: \$0.00

USDA Shipments Received: -\$455,872.73

Basic Foods on Order: \$0.00

Basic Foods Received: -\$122,314.82

Processing on Order: -\$1,729.23

Processing Received: -\$23,318.74



# We Care. We Act. We Change Lives.

Questions???

Contact Information:

**Jim Ponzini**, Program Administrator

[James.Ponzini@dhs.arkansas.gov](mailto:James.Ponzini@dhs.arkansas.gov)

501-371-1400

**Patricia Ellison**, Program Manager

[Patricia.Ellison@dhs.arkansas.gov](mailto:Patricia.Ellison@dhs.arkansas.gov)

501-371-1412



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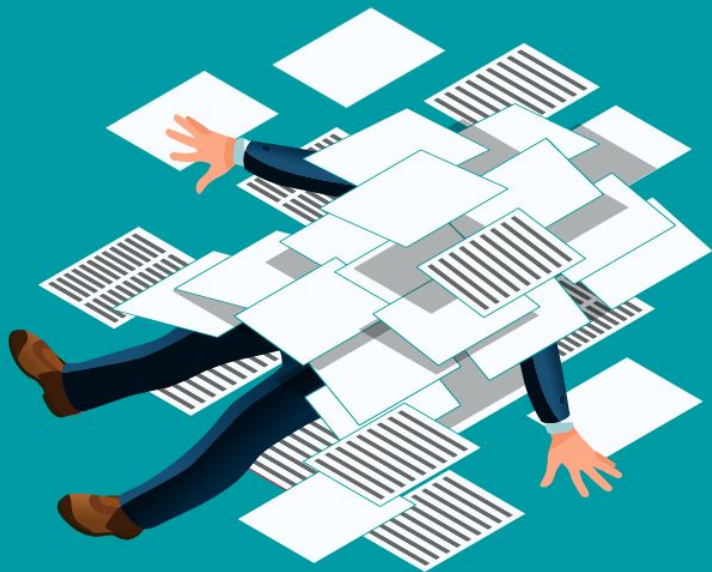
[humanservices.arkansas.gov](http://humanservices.arkansas.gov)



**CHILD NUTRITION  
DIRECTOR'S  
CONFERENCE  
2021**

[Kindergarten Lunchroom Duty and Emergency Cafeteria Cashiers... - Bing video](#)

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# WAIVERS

**School year 2021-2022**



# SCHEDULE D

Arkansas Child Nutrition Unit has opted into the following waivers and flexibilities to increase funding, support access, and balance operational needs with the goal of providing nutritious meals for school year 2021-2022.

Checking yes below will opt the entire SFA into each waiver whether they administer them now or in the future.

Code:	Waiver:	Yes	No
Covid-19 CN Response #85	Nationwide Waiver to Allow the Seamless Summer Option (SSO) through School Year 2021-2022	<input type="checkbox"/>	<input type="checkbox"/>
Covid-19 CN Response #86	Nationwide Waiver to Allow Summer Food Service Program Reimbursement Rates in School Year 2021-2022	<input type="checkbox"/>	<input type="checkbox"/>
Covid-19 CN Response #87	Nationwide Waiver to Allow Non-Congregate Meal Service for School Year 2021-2022	<input type="checkbox"/>	<input type="checkbox"/>
Covid-19 CN Response #88	Nationwide Waiver of Meal Times Requirements for School Year 2021-2022	<input type="checkbox"/>	<input type="checkbox"/>
Covid-19 CN Response #89	Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children for School Year 2021-2022.	<input type="checkbox"/>	<input type="checkbox"/>
Covid-19 CN Response #90	Nationwide Waiver to Allow Specific School Meal Pattern Flexibility for School Year 2021-2022	<input type="checkbox"/>	<input type="checkbox"/>
Covid-19 CN Response #92	Nationwide Waiver to Allow Offer Versus Serve Flexibility for Senior High Schools in School Year 2021-2022	<input type="checkbox"/>	<input type="checkbox"/>
Covid-19 CN Response #93	Nationwide Waiver of Area Eligibility in the Afterschool Programs in School Year 2021-2022	<input type="checkbox"/>	<input type="checkbox"/>

If the SFA opted-in to Response #85, all students 18 and under may be offered meals for reimbursement in an open SSO site. If the site will be closed, meals may only be offered to students enrolled in the SFA and visiting students.  
 Select: Open:  Closed:

I understand that the SFA must have a written plan outlining how students will be offered meals. I understand that the district must have an accurate point of sale meal count by student. I understand that these waivers apply when school is in session under the traditional school calendar.

Superintendent Name (print):	Child Nutrition Director Name (print):
Signature:	Signature:
Date:	Date:

# #85: NATIONWIDE WAIVER TO ALLOW SSO IN SY21-22

This waiver allows the National School Lunch Program (NSLP) SSO to operate when school is open during the regular school year.

- SFAs must opt in to this waiver in order to be eligible for any subsequent waivers.
- All meals will served at no cost to households.





# OPEN OR CLOSED SITES

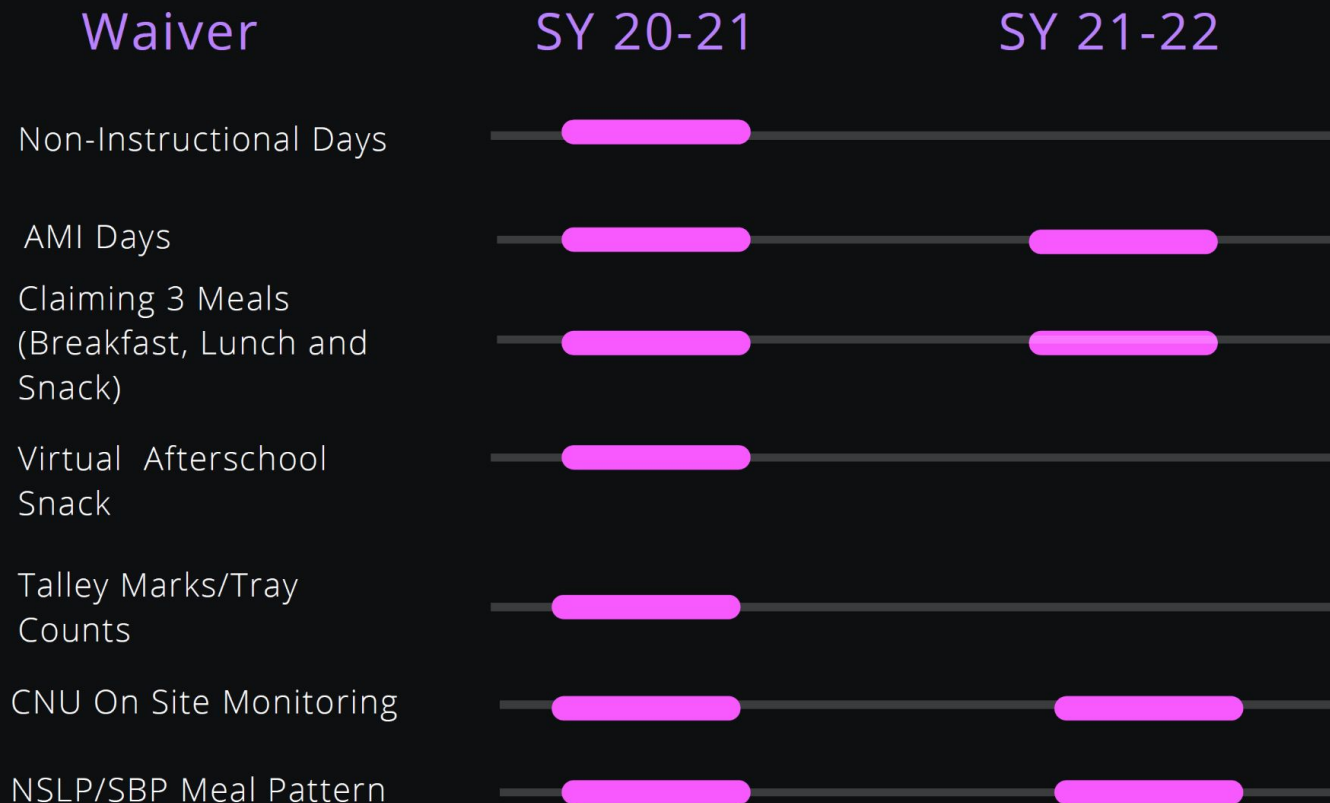
Open: Meals may be serve to all children 18 and younger.

- SFAs must have a plan to ensure program integrity and means of accurate counting and claiming.

Closed: Meals may only be offered to students enrolled in the SFA and visiting students.



# Comparison of Waivers



# #86: SFSP REIMBURSEMENT RATE

Waiver allows for breakfast and lunch meals to be reimbursed at the SFSP rate.

	SFSP	NSLP/SSO (Includes severebeed, safety net and PBR)
Breakfast	\$2.46	\$2.26
Lunch	\$4.31	\$3.60

\*\* Meal reimbursement rates are based on SY 20-21. Updated rates are expected to be released this summer.

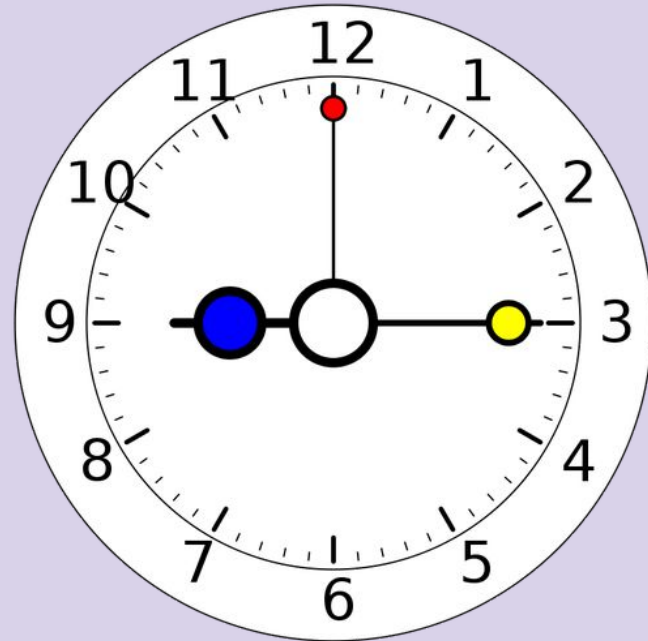
# #87 NON- CONGREGATE MEAL SERVICE

This waiver allows the SFA to provide non-congregate meals on days when children are participating in school remotely. This waiver is necessary for meal pick-up options for students learning virtually.



# #88: MEAL SERVICE TIMES

This waiver allows flexibility of meal service times. This will allow for safe, efficient, and socially distant meal services.





# #89 PARENT/GUARDIAN MEAL PICK UP

This waiver allows the SFA to distribute meals to a parent or guardian to take home to eligible children receiving virtual or AMI instruction.

- SFAs must have a plan to maintain accountability and program integrity. The plan should support the goal of only allowing 1 meal per student per program per day.
- SFAs must opt in to #87(non-congregate meals).





# #90 SCHOOL MEAL PATTERN FLEXIBILITY

Schools can opt into this waiver to allow the following flexibilities:

- Continue in target 1 sodium requirements
- All grains served must be whole grain rich\*
- Allow schools to request waivers for subsequent meal pattern flexibility\*

\*Schools must apply for these waivers and submit justification. These are not guaranteed approval.

# Meal Pattern Flexibility Request form



SFA/School District: \_\_\_\_\_

LEA #: \_\_\_\_\_

## Request for Waiver to Allow Meal Pattern Flexibility in the 2021-2022 School Year (Covid-19 CN Response #90)

This form is required for each specific meal pattern requirement that is requested to be waived. Return this form to CNU by email to ADE.CNU-A-PS@ade.arkansas.gov.

Arkansas CNU expects schools to meet the meal standards to the best of their ability, but recognizes that, in some situations, it might not be possible to meet every component of the meal pattern requirements. If supply chain issues occur and SFAs have exhausted all means to meet meal pattern, a request for waiver may be filled out and submitted to CNU.

When reviewing requests from School Food Authorities (SFAs), Arkansas CNU will consider requests that are targeted and justified with a demonstrated need in providing access to nutritious meals. Be specific in the justification.

**What meal pattern requirement is being requested to be waived?**

\_\_\_\_\_  
\_\_\_\_\_

**Describe why this waiver request is targeted and justified with a demonstrated need in providing access to nutritious meals:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Describe what measures the SFA has taken to try to meet the meal pattern requirement:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**How long does the SFA request this waiver** (requests are only allowed in 2021-2022 school year)?

\_\_\_\_\_

**CNU USE ONLY:**

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

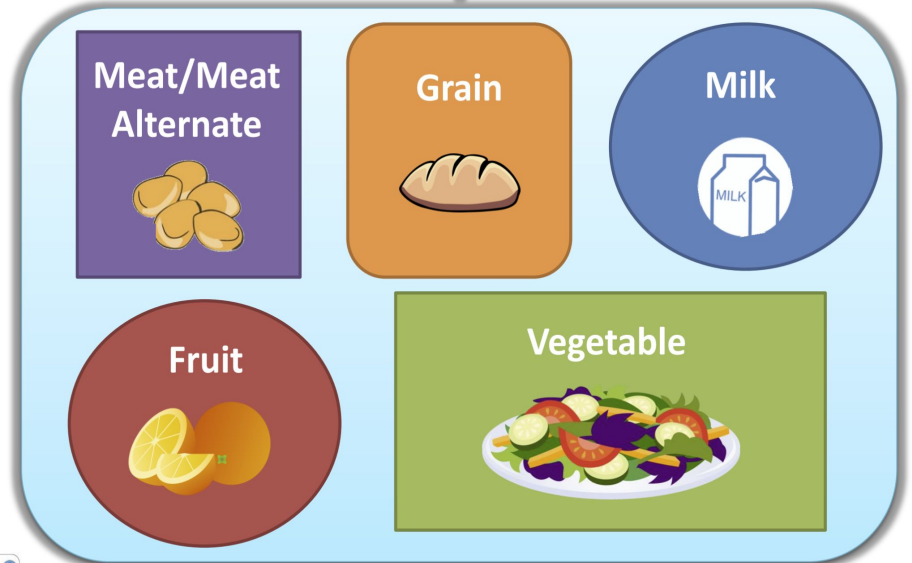
Expiration for Waiver Request: \_\_\_\_\_

CNU approved by: \_\_\_\_\_ Date: \_\_\_\_\_

# #92 OVS FLEXIBILITY FOR HIGH SCHOOL

This waiver allows the SFA to waive the offer versus serve requirement at lunch for students in senior high schools (9-12).

- Opting into this waiver indicates that you will NOT participate in OVS at the senior high level.
- All meals must include a full reimbursable tray (Meat/Meat Alternative, Grain, Fruit, Vegetable, and Milk)



# #93 AFTERSCHOOL SNACK

Opting into this waiver allows for all schools to be area eligible and can claim all Afterschool Snacks at the free rate. All Afterschool snacks must be consumed on site and served alongside an enrichment program to be claimed for reimbursement.





# WAIVER JUSTIFICATION

- Waiver justification must be kept on file at the district.
- CNU will provide a sample form.
- Area Specialist will be available to help assist in completing justifications.

District Name: \_\_\_\_\_

District LEA: \_\_\_\_\_

## **Waiver Justification #87, 88, 89, & 92**

Please select which of the following waivers your district has opted in to and complete the justification for those selected.

\_\_\_\_\_ #87 Nationwide waiver to allow non-congregate meal service

\_\_\_\_\_ #88 Nationwide waiver of meal times requirements

\_\_\_\_\_ #89 Nationwide waiver to allow parent and guardians to pick up meals for children

\_\_\_\_\_ #92 Nationwide waiver to allow offer versus serve flexibility for senior high school

#87 Non-congregate meal service Justification: Should include which students will be fed in a non-congregate site and where meals will be picked up.

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#88 Meal times flexibility justification: Should include which students will be utilizing this waiver and what meals will be affected.

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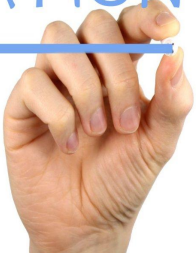
# MONITORING

- CNU will continue to monitor child nutrition programs across the state through Administrative and Procurement Reviews.
- Additional Information on review formatting will be released as more information becomes available.



Questions?

APPLICATION



ELIGIBILITY

School Year 2021-2022

# STUDENT MEAL ELIGIBILITY STATUS



The United States Department of Agriculture (USDA) will allow school districts to “opt in” to a nationwide waiver to serve meals under the Seamless Summer Option (SSO) for school year (SY) 2021-2022 (waiver #85). Under the SSO, meals are served to students without charge to the family and reimbursed at the free rate, even if a meal application is not completed.

If you do not opt into Waiver #85, you must operate normal SBP, NSLP and make meal eligibility determinations.





## SP 15-2021: USDA Q & A



29. Should LEAs collect school meal applications if they are operating SS0?

Generally, the school meal application is used to determine eligibility for free or reduced price meals. By extension, eligibility for school meals is used to determine eligibility for P-EBT. LEAs must make school meal applications available as needed to certify children for free and reduced-price meals, and that information may be used to qualify newly eligible children for SY 2021-2022 and summer 2022 P-EBT benefits.



## SP 15-2021: USDA Q & A



30. If LEAs operating SSO choose to collect applications, are they required to conduct verification?

Yes. LEAs that collect household applications in SY 2021-2022 are required to conduct verification, regardless of the reason the applications were collected and/or the Child Nutrition Program they are operating. The sample size used to conduct verification activities must be based on the number of approved applications on file as of October 1, 2021.

## SPECIAL PROVISION: CEP, PROVISION 2

- Applications are not required
- 100% of meals are claimed at the free rate
- CEP validation for new elections are ongoing
- Provision 2 extensions are still in place

# SPECIAL PROVISION: CEP 4 YEAR CYCLE EXAMPLE

- June 1, 2020 - Election Submitted
- August/2020 - Validation Completed and district approved for 4 year cycle
- SY 2020-2021 - Year 1 (Claimed 100% meals at free rate with waivers)
- SY 2021-2022 - Year 2 (Claimed 100% meals at free rate with waivers)
- SY 2022-2023 - Year 3 (Claimed 80% free and 20% paid - no waivers)
- SY 2023-2024 - Year 4 (Claimed 80% free and 20% paid - no waivers)
  - (Re-elect 2024)

## Public Media Release

[Standard Counting & Claiming](#)

[Base Year Provision 2](#)

[Safety Net Eligible List](#)

## SAMPLE PUBLIC RELEASE – SY 2021-2022

## Public Media Release

[CEP](#)

[Provision 2 non-base Year](#)

[Safety Net Eligible List](#)

# PUBLIC RELEASE

### COMMUNITY ELIGIBILITY PROVISION SAMPLE PUBLIC RELEASE SCHOOL YEAR 2021- 2022

The [redacted] School District is pleased to announce the district will participate in the Community Eligibility Provision (CEP) during the 2021 - 2022 school year providing meals, regardless of eligibility category, at NO CHARGE for all students at the following schools [redacted] that participate in the National School Lunch Program or School Breakfast Program. CEP is made possible through the United States Department of Agriculture (USDA) Special Assistance Certification and Reimbursement Community Eligibility Provision. Federal reimbursement for meals is based on the identified Student Percentage (ISP) established by the District. The information used to establish the ISP will be made available only to State and Federal officials for review. All adults, e.g., visitors, teachers, support staff members, and administrators of the district must assume the full cost of the meal which is \$ [redacted] for breakfast and \$ [redacted] for lunch.

**Nondiscrimination Statement:** This explains what to do if you believe you have been treated unfairly. In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#) (AD-3027) found online at: <https://www.usda.gov/nasrc/how-to-file-a-program-discrimination-complaint>, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.

for school year 2021-2022. Children from households whose income is at or below the levels shown are eligible for free or reduced price meals.

Household Size	Federal Poverty Guidelines	FREE MEALS – 130%					REDUCED PRICE MEALS – 185%				
		Annual	Monthly	Twice per Month	Every Two Weeks	Weekly	Annual	Monthly	Twice per Month	Every Two Weeks	Weekly
1	12,880	16,744	1,396	698	644	322	23,828	1,986	993	917	459
2	17,420	22,646	1,888	944	871	436	32,227	2,686	1,343	1,240	620
3	21,960	28,548	2,379	1,190	1,098	549	40,626	3,386	1,693	1,563	782
4	26,500	34,450	2,871	1,436	1,325	663	49,025	4,086	2,043	1,886	943
5	31,040	40,352	3,363	1,682	1,552	776	57,424	4,786	2,393	2,209	1,105
6	35,580	46,254	3,855	1,928	1,779	890	65,823	5,486	2,743	2,532	1,266
7	40,120	52,156	4,347	2,174	2,006	1,003	74,222	6,186	3,093	2,855	1,428
8	44,660	58,058	4,839	2,420	2,233	1,117	82,621	6,886	3,443	3,178	1,589
Each add'l person add	4,540	5,902	492	246	227	114	8,399	700	350	324	162

Household application forms are being distributed by the school with a letter informing households of the availability of free and reduced price meals for their children. **Only one application should be submitted for each household.** Applications are also available at the principal's office in each school. To apply for free or reduced price meals, households must complete the application and return it to the school. Applications will be considered incomplete if all information is not provided as described in the instructions provided with the application. Applications may be submitted at any time during the school year as circumstances change. The information households provide on the application will be used for the purpose of determining eligibility and verification of data.

Applications may be subject to verification at any time during the school year by school officials.

### CATEGORICAL ELIGIBILITY

Children who are members of a Supplemental Nutrition Assistance Program (SNAP), formerly food stamps, household are categorically eligible for free meals. School officials will determine eligibility for free meals based on documentation obtained directly from the SNAP office. School officials will notify households of their eligibility. Households who are notified of their eligibility but who do not want their children to receive free meals must contact the school. SNAP households should complete an application if they are not notified of their eligibility by **[DATE]**.



# PUBLIC ANNOUNCEMENT FOR SSO

## SAMPLE PUBLIC RELEASE MEALS AT NO COST IS EXTENDED FOR THE 2021-2022 SCHOOL YEAR

The \_\_\_\_\_ School District is pleased to announce that breakfasts and lunches will be served to all students at NO CHARGE during the 2021 - 2022 school year. It is not necessary to complete a meal application for free or reduced priced meals as The United States Department of Agriculture has extended meal benefits to all students at this time. For households who wish to complete a meal applications, they are available at \_\_\_\_\_ or \_\_\_\_\_.

These meal benefits do not include a la carte items sold in the cafeteria. If students wish to purchase items a la carte, they will need to have money for those purchases.

All adults, e.g., visitors, teachers, support staff members, and administrators of the district must assume the full cost of the meal which is \$\_\_\_\_\_ for Breakfast and \$\_\_\_\_\_ for Lunch.

**Nondiscrimination Statement:** This explains what to do if you believe you have been treated unfairly. In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they apply for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form \(AD-3027\)](https://www.usda.gov/oscrc/how-to-file-a-program-discrimination-complaint) found online at: <https://www.usda.gov/oscrc/how-to-file-a-program-discrimination-complaint>, at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter by:

- (1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

THE \_\_\_\_\_ SCHOOL DISTRICT IS  
PLEASED TO ANNOUNCE THAT  
BREAKFASTS, LUNCHES, AND  
AFTERSCHOOL SNACKS WILL BE  
SERVED TO ALL STUDENTS AT  
**NO CHARGE**  
DURING THE 2021 - 2022 SCHOOL YEAR.

IT IS NOT NECESSARY TO COMPLETE A MEAL  
APPLICATION FOR FREE OR REDUCED PRICED  
MEALS AS THE UNITED STATES DEPARTMENT OF  
AGRICULTURE HAS EXTENDED FREE MEAL  
BENEFITS TO ALL STUDENTS AT THIS TIME. FOR  
HOUSEHOLDS WHO WISH TO COMPLETE A MEAL  
APPLICATIONS, THEY ARE AVAILABLE AT  
\_\_\_\_\_.

## SCHOOL MEALS

The \_\_\_\_\_ School District is pleased to announce that breakfasts, lunches, and afterschool snacks will be served to all students at NO CHARGE during the 2021 - 2022 school year. It is not necessary to complete a meal application for free or reduced priced meals as the United States Department of Agriculture has extended free meal benefits to all students at this time. For households who wish to complete a meal applications, they are available at \_\_\_\_\_.

Or \_\_\_\_\_.

These meal benefits do not include a la carte items sold in the cafeteria. If students wish to purchase items a la carte, they will need to have money for those purchases.

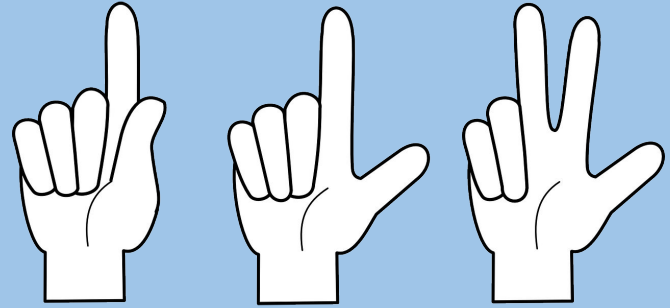
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mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;

# DIRECT CERTIFICATION MATCH



- Districts are responsible for accessing the portal at least 3 times per year. (7 CFR 245.6)
- After these matches, new eligibility has been determined and updates need to be added to eSchool.

**MATCH 1: Matches will be dumped into ESchool (August/September 2021)**

**MATCH 2: Matches must be entered by the district (September/October 2021)**

**MATCH 3: Matches must be entered by the district (January 2022)**

**MATCH 4: Matches must be entered by the district (April 1, 2022)**

# Direct Certification Portal

To access the Direct Certification Portal, go to [adesnap.arkansas.gov/AEDirectCertification](https://adesnap.arkansas.gov/AEDirectCertification).

To upload a secure file into the Direct Certification Portal for instant matches, go to [Direct Certification File Upload Template](#).

To obtain security access to Direct Certification Portal, go to [Direct Certification Portal Access Instructions](#).

To access slides on the Direct Certification Portal procedures, use, and updates, go to [Direct Certification Slides](#).

To access the User Guide for Direct Certification Portal Slides, go to [AEDDC User Guide 2014 For School District Users](#).

# NEW SUPERINTENDENT, CHILD NUTRITION DIRECTOR, OR APPROVER

Superintendent – Official  
Letter with Signature

Child Nutrition Director –  
Official Letter with  
Signature

Arkansas Child Nutrition Unit  
2020 West 3rd St. Suite 404  
Little Rock, AR 72205



## DAI Assignment Change Steps Child Nutrition District Approver Add

*Adding this user will automatically remove the user currently assigned to this position.*

Please follow the steps below to make assignment changes:  
(See sample email at the end of this document.)

- Visit the “District Access Information” page at the link below
  - <https://eis.ade.arkansas.gov/dai/>
  - navigate to your entity and examine current assignments
- send an email to “**bobby.downum(at)arkansas.gov**” & **your entity superintendent**
  - Please include no others, as this becomes your superintendent’s digital signature

Upon completion, you will receive a confirmation email.

**Email should be exactly in this format so that automated scripts will recognize the request.  
Please include no other email addresses and no other text.**

**Superintendent email (this is an example – use your superintendent’s email address)**

Sample Email:

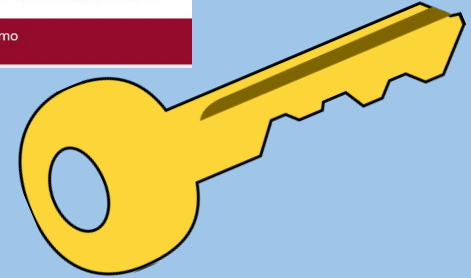
To: **bobby.downum@arkansas.gov; acoeur@bluebergschools.net**

Subject: **Assignment Change**

Child Nutrition District Approver Add  
1234nbaccus

**ID of the user (not name or email address)**

# COMMISSIONER'S MEMO CNU-21-027



DESE recommends that districts rollover the student's eligibility status from SY 2020-21 into SY 2021-22.

Districts should be aware, however, that eligibility for free or reduced student meals is used to determine a student's eligibility to receive Pandemic-Electronic Benefit Transfer (P-EBT). For this reason, schools must make meal applications available to certify children for pandemic meal benefits and to qualify newly eligible children for SY 2021-22 and summer 2022 P-EBT benefits. Applications collected for SY 2021-22 are subject to verification.

DESE will monitor enrollment and eligibility data for each school as well as statewide data to determine if there are significant changes that would necessitate policy considerations regarding funding or school accountability ratings.

Districts must take the following action:

- continue to make meal applications available to families that wish to apply; and
- process direct certification matches after receiving notification of each statewide match.

# PANDEMIC EBT (P-EBT) RELATED TO SY 2020-2021



- A call center will be set up once benefits are issued. The phone number is TBD. Once released, please advertise this call center number to parents with questions and concerns.
- The benefit was calculated based on multiple school level data submissions from districts.
- We encouraged school districts to stay tuned for additional P-EBT information that will come out over the next few months.

**FUTURE**





# COUNTING AND CLAIMING Q&A

Creditable Meals Served to Children (cross off number as each child receives a creditable meal)																			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120
121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140
141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160
161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180
181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200
201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220

- **I mark off numbers on a form - is this considered “tick marks”? Will this be allowed?**

No. Tick marks and tally marks are not allowed for SY 2021-2022. In order to maintain program integrity and reduce the number of errors in claiming meals for reimbursement, CNU will require a point of service meal count where the student is identified **by name** at the point a meal is served. Examples of allowed counting and claiming include rosters of computerized point of service meal counts (card scanners, number entry, thumb scanning...etc). Tally marks or numeral meal counts not tied to an individual student are not allowed. CNU recommends using point of sale/service software systems when available.

- **When must we stop using “tick marks”?**

The expectation to complete meal counts where a student is identified by name at the point a meal is served must begin no later than the first day of school in the 2021-2022 regular school year.

# MEAL ELIGIBILITY: TAKE AWAY FOR SY 2021-2022

1. Public Release on Meal Program Access
2. Meal Eligibility
  - Not Required to collect new meal eligibility.
  - Establish eligibility for students that do not have a status from 2020-2021.
  - Provide an application to any parent requesting one.
3. 3 Direct Certification matches are still required. (Arkansas does 4.)
- 4. Focus: Provide all students with high-quality, nutritious meals that meet the meal pattern at no charge to the student.**
5. Count and claim those meals accurately for reimbursement.

# QUESTIONS





**CHILD NUTRITION  
DIRECTOR'S  
CONFERENCE  
2021**

<https://adesandbox.arkansas.gov/iframe?v=MjVlODdlhYjhhMTZlZnM4ZWY2NmI5ODUzNDk0ZjlyMjc>

This institution is an equal opportunity provider.

MEAL PATTERN  
NANCY, PENNY AND MEREDITH



# Meal Pattern

Director's Conference 2021





# 2021 Waivers Q&A

## SP 15-2021



United States Department of Agriculture

Food and  
Nutrition  
Service

Braddock  
Metro Center

1320  
Braddock  
Place  
Alexandria  
VA 22314

**DATE:** June 11, 2021

**MEMO CODE:** SP 15-2021, CACFP 13-2021, SFSP 08-2021

**SUBJECT:** Questions and Answers for Child Nutrition Program Operations in School Year 2021-2022

**TO:** Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

<b>Issuing Agency/Office:</b>	FNS/Child Nutrition Programs
<b>Title of Document:</b>	Questions and Answers for Child Nutrition Program Operations in School Year 2021-2022
<b>Document ID:</b>	

## 2021 Waivers Q&A

22. Are schools permitted to use the broader NSLP/SBP and SSO meal pattern waiver (Nationwide Waiver #74) through September 30, 2021?

Waiver #74:

Effective: During summer 2021 until the start of the new school year

Allows Meal Flexibilities that CNLI took on a case by

# For ARKANSAS

Yes, BUT.....;

Waiver #74 will end WHEN your school starts for year.

Waiver #90 picks up on your first day

## 2021 Waivers Q&A

23. What justification is needed for the State agency to approve a meal pattern waiver?

# For ARKANSAS

## Meal pattern justification form

- This is where you go for
  - Lack of availability
  - Virtual meals only
  - Subgroup shortages
- These are only granted case by case and will be issued for a limited amount of time.
- Now something new to note: AR is allowing up to: **TWO (2)** WGR **ITEMS** to be waived.  
**It needs to be specific!!!**



### Child Nutrition Unit

- Meal Pattern
- Unpaid Meal Charges
- Engagement
- Wellness
- About Us
- Administrative Review
- CN Related Commissioner's Memos
- Civil Rights
- Data Requests
- Direct Certification Portal
- Food Service Management Companies

#### Afterschool Snack Program

[Afterschool Snack Program Review From/On-Site Review Form](#) (PDF)

#### Resources for School Year 2021-2022

- [Agreement & Policy Statement 2021-2022](#)
- [Schedule D](#)
- [Meal Pattern Justification Form](#)
- [Public Release for SSO](#)
- [Sample Facebook Post for SSO](#)
- [Sample Newsletter for SSO](#)

#### [Agreement & Policy Statement 2021-2022](#)

The [USDA Translated Applications](#) website includes translation resources available for use by School Districts.

The Spanish language application and letters are included on this USDA website.

Translation for applications intended to be used directly by SFAs to distribute to families:

Forms

SFA/School District: \_\_\_\_\_ LEA #: \_\_\_\_\_

### Request for Waiver to Allow Meal Pattern Flexibility in the 2021-2022 School Year (Covid-19 CN Response #90)

This form is required for each specific meal pattern requirement that is requested to be waived. Return this form to CNU by email to ADE.CNU-A-P5@ade.arkansas.gov.

Arkansas CNU expects schools to meet the meal standards to the best of their ability, but recognizes that, in some situations, it might not be possible to meet every component of the meal pattern requirements. If supply chain issues occur and SFAs have exhausted all means to meet meal pattern, a request for waiver may be filled out and submitted to CNU.

When reviewing requests from School Food Authorities (SFAs), Arkansas CNU will consider requests that are targeted and justified with a demonstrated need in providing access to nutritious meals. Be specific in the justification.

#### What meal pattern requirement is being requested to be waived?

\_\_\_\_\_  
\_\_\_\_\_

#### Describe why this waiver request is targeted and justified with a demonstrated need in providing access to nutritious meals:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### Describe what measures the SFA has taken to try to meet the meal pattern requirement:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### How long does the SFA request this waiver (requests are only allowed in 2021-2022 school year)?

\_\_\_\_\_

#### CNU USE ONLY:

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Expiration for Waiver Request: \_\_\_\_\_

CNU approved by: \_\_\_\_\_ Date: \_\_\_\_\_



SFA/School District: \_\_\_\_\_

LEA #: \_\_\_\_\_

**Request for Waiver to Allow Meal Pattern Flexibility in the 2021-2022 School Year  
(Covid-19 CN Response #90)**

This form is required for all requests requested to be waived.  
Return this form to CNU by email to [ADE.CNU-A-PS@ade.arkansas.gov](mailto:ADE.CNU-A-PS@ade.arkansas.gov)

Arkansas CNU expects schools to meet the meal standards to the best of their ability, but recognizes that, in some situations, it might not be possible to meet every component of the meal pattern requirements. If supply chain issues occur and SFAs have exhausted all means to meet meal pattern, a request for waiver may be filled out and submitted to CNU.

When reviewing requests from School Food Authorities (SFAs), Arkansas CNU will consider requests that are targeted and justified with a demonstrated need in providing access to nutritious meals. Be specific in the justification.

**What meal pattern requirement is being requested to be waived?**

\_\_\_\_\_  
\_\_\_\_\_

**Describe why this waiver request is targeted and justified with a demonstrated need in providing access to nutritious meals:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Describe what measures the SFA has taken to try to meet the meal pattern requirement:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**How long does the SFA request this waiver** (requests are only allowed in 2021-2022 school year)?

\_\_\_\_\_

CNU USE ONLY:

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Expiration for Waiver Request: \_\_\_\_\_

CNU approved by: \_\_\_\_\_ Date: \_\_\_\_\_

## Examples:

- They throw it away
- Participation increase
- Better consumption

## 2021 Waivers Q&A

24. Do SFAs need to request a waiver for the sodium flexibility?

# For ARKANSAS

As long as you have checked #90 on the Schedule D you remain at sodium target 1.

## 2021 Waivers Q&A

25. Do SFAs need to request a waiver to offer low-fat (1%) flavored milk?

# For ARKANSAS

As long as you have checked #90 on the Schedule D you do not need to provide any justification for flavored 1% milk.

Through Appropriations Act, 1% flavored milk is being allowed for 2021-2022 school year

# Appropriations Act

## Milk Fat Content

### Poultry from People's Republic of China

### Breakfast Vegetables

## Good through June 2022



United States Department of Agriculture

Food and  
Nutrition  
Service

Braddock  
Metro Center

1320  
Braddock  
Place  
Alexandria  
VA 22314

DATE: May 14, 2021

MEMO CODE: SP 11 -2021, CACFP 10 -2021, SFSP 06 -2021

SUBJECT: Consolidated Appropriations Act, 2021: Effect on Child Nutrition Programs- REVISED<sup>1</sup>

TO: Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States



# Appropriations Act

## Milk Fat Content

In Section 789, of Division A of the Appropriations Act, Congress provides that **none of the funds made available by the Appropriations Act or any other act may be used to restrict the offering of low-fat (1% low-fat) flavored milk in the NSLP and SBP as long as such milk is not inconsistent with the most recent Dietary Guidelines for Americans** published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990. This flexibility is effective through September 30, 2021, and provides additional flexibility in planning school breakfast and lunch menus; but, does not require SFAs to make any menu changes.

## 2021 Waivers Q&A

26. Under Nationwide Waiver #91, child and adult care providers are permitted to request a waiver to offer low-fat (1%) flavored milk. What age/grade group does this apply to?

This waiver applies to children 6 years and older and adults. Child and adult care providers that request and receive State approval to use this waiver may serve low-fat (1%) flavored milk to **children 6 years and older and adults.**

**Pre-K can only have unflavored low-fat milk.**

## Appropriations Act

# Poultry from People's Republic of China

In Section 764, of Division A of the Appropriations Act, Congress provides that funds made available by the Appropriations Act cannot be used to procure raw or processed poultry products imported into the United States from the People's Republic of China for use in the Child Nutrition Programs. Consistent with the terms of the Appropriations Act, this memorandum provides notice to Child Nutrition Program operators that Program funds may not be used to procure raw or processed poultry products from the People's Republic of China. This extends the existing prohibition through September 30, 2021.

## Appropriations Act

# Breakfast Vegetables

In Section 743, Division A of the Appropriations Act, Congress provides that school food authorities (SFAs) participating in the **School Breakfast Program (SBP)** may credit any vegetable offered, including potatoes and other starchy vegetables, in place of fruit without including vegetables from other subgroups in the weekly menus. This flexibility is effective for School Years 2020-2021 and 2021-2022, and provides additional flexibility in planning breakfast menus, but, does not require SFAs to make any menu changes.

## Appropriations Act PLE Tool

Under Section 767, of Division A of the Appropriations Act, for school year 2021-2022, only a school food authority that had a negative balance in the nonprofit school food service account as of December 31, 2020, shall be required to establish a price for paid lunches served through the National School Lunch Program (NSLP) in accordance with section 12(p) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(p)).

**PLE tool was just released this morning from USDA.  
So, guidance is not available yet... Stay tuned for  
more information.**





Things that have NOT  
Changed



Just a Note...

These waivers are not effecting or changing smart snacks in any way.

**All Smart Snacks rules and regulations still apply.**



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**DIVISION OF ELEMENTARY & SECONDARY EDUCATION**

Johnny Key  
Secretary | Read Bio  
Department of Education

About Stakeholders State Board Offices Directory Tools

### Offices

**Meal Pattern**

The Arkansas Department of Education provides technical assistance, training, monitoring, and processes claims for reimbursement of federal funds used in the operation of local school nutrition programs in accordance with U.S. Department of Agriculture (USDA) regulations.

[Facts About the Impact of Child Nutrition in Arkansas \(PDF\)](#)

## Meal Pattern

- [Breakfast Meal Pattern, Pre-K – 12\\_ \(PDF\)](#)
- [Lunch Meal Pattern, Pre-K – 12\\_ \(PDF\)](#)
- [Afterschool Snack Meal Pattern, Pre-K – 12\\_ \(PDF\)](#)

Where to find:  
-Meal Patterns  
-Pre-K info

Arkansas.gov AGENCIES ARKANSAS CODE STATE DIRECTORY TRANSPARENCY.ARKANSAS.GOV

**ARKANSAS DEPARTMENT OF EDUCATION**

ADE Commissioner's Memo  
Johnny Key, Commissioner

**DIVISION OF ELEMENTARY & SECONDARY EDUCATION**

FY 2019 Child and Adult Care Food Program Guidance

Memo Information

Memo Number **CNU-19-026**

Memo Date 2/5/2019

Memo Type Regulatory

Unit Child Nutrition

Regulatory Authority Richard B. Russell National School Act 7CFR 210, 215, 220

Response Required NO

Attention Superintendents; Assistant Superintendent; Principals; General Business Managers; Child Nutrition

Primary Contact Information

Name Ashley Williams

Phone Number 501-324-9502

Email [ashley.williams@arkansas.gov](mailto:ashley.williams@arkansas.gov)

Secondary Contact/s Information

Name Nancy Dill

And find CM:  
CNU-19-026

With this resource  
attached

**USDA** United States Department of Agriculture

Food and Nutrition Service

### Serving School Meals to Preschoolers: School Year 2018-2019

Preschool meals served through the U.S. Department of Agriculture's National School Lunch Program and School Breakfast Program (NSLP and SBP) are designed to meet the nutritional needs of young children. Children receive meals that follow the preschool meal pattern if they are a student in the preschool grade level. There are two age groups under the preschool meal pattern: children 1 through 2 years old (1-2 years), and children 3 through 5 years old (3-5 years). Types of milk and minimum serving sizes for some food components are different for the two age groups. By following the preschool meal pattern, your school can help young children eat the types and amounts of foods that best support their growth and development.

	Breakfast		Lunch	
	1-2 years	3-5 years	1-2 years	3-5 years
Milk	½ cup (4 oz.)	¾ cup (6 oz.)	½ cup (4 oz.)	¾ cup (6 oz.)
Fruits			¼ cup	¼ cup
Vegetables	¼ cup	½ cup	¼ cup	¼ cup
			Optional: A second, different vegetable may be served in place of fruit at lunch.	
Grains	½ oz. eq.	½ oz. eq.	½ oz. eq.	½ oz. eq.

# Breakfast Meal Pattern



**Breakfast Meal Pattern**

	Preschool	Grades K-5	Grades 6-8	Grades 9-12
<b>Food Components</b>	<b>Amount of Food per Week (minimum per day)</b>			
Fruits (cups)	2½ (½)	5 (1)	5 (1)	5 (1)
Vegetables (cups)	May count toward Fruits requirement.	May credit toward Fruits requirement. <sup>1</sup>		
Grains (oz. eq. unless otherwise indicated)	1 ¼ slices/servings (½ slice/serving) or 1 ¼ cup (¼ cup)	7-10 (1)	8-10 (1)	9-10 (1)
Meats/Meat Alternates (oz. eq.)	May substitute for Grains up to 3 times per week.	May credit toward Grains requirement if at least 1 oz. eq. of Grains is offered.		
Fluid milk (cups)	3 ¼ (¾)	5 (1)	5 (1)	5 (1)
<b>Other Specifications: Daily Amount Based on the Average for a 5-Day Week</b>				
Min-Max Calories (kcal)	N/A	350-500	400-550	450-600
Saturated Fat (% of total calories)	N/A	<10	<10	<10
<b>Other Specifications: Daily Amount Based on the Average for a 5-Day Week</b>				
Sodium Target 1 (mg) (through SY 2023-24)	N/A	≤540	≤600	≤640
Sodium Target 2 (mg) (effective July 1, 2024)	N/A	≤485	≤535	≤570
<i>Trans</i> fat	N/A	Nutrition label or manufacturer specifications must indicate zero grams of <i>trans</i> fat per serving. (This does not apply to naturally occurring <i>trans</i> fats, present in some meat and dairy products.)		

<sup>1</sup> Vegetables are not required in the SBP, but schools may choose to offer vegetables in place of fruits. To offer starchy vegetables in place of fruits, at least 2 cups of red/orange, dark green, legumes, or "other" vegetable subgroups must also be offered on a menu within the week. Effective February 15, 2019, through September 30, 2019, Federal funds may not be used to enforce this provision. This means that, through September 30, 2019, schools may offer any vegetable in place of fruits at breakfast, including potatoes and other starchy vegetables, without including vegetables from other subgroups in the weekly menus (Consolidated Appropriations Act, 2019, Section 768).

# Lunch Meal Pattern

USDA  
United States Department of Agriculture

**Lunch Meal Pattern**

	Preschool	Grades K-5	Grades 6-8	Grades 9-12
<b>Food Components</b>	<b>Amount of Food per Week (minimum per day)</b>			
Fruits (cups)	1½ (¼)	2½ (½)	2½ (½)	5 (1)
Vegetables (cups)	1½ (¼)	3¼ (¼)	3¼ (¼)	5 (1)
Dark Green	N/A	½	½	½
Red/Orange		¾	¾	1¼
Beans and Peas (Legumes)		½	½	½
Starchy		½	½	½
Other		½	½	¾
Additional Vegetables to Reach Total			1	1
Grains (ounce equivalents (oz. eq.), unless otherwise indicated)	1 ¼ slices/servings (½ slice/serving) or 1¼ cup (¼ cup)	8-9 (1)	8-10 (1)	10-12 (2)
Meats/Meat Alternates (oz. eq.)	7½ (1½)	8-10 (1)	9-10 (1)	10-12 (2)
Fluid Milk (cups)	3¼ (¾)	5 (1)	5 (1)	5 (1)
<b>Other Specifications: Daily Amount Based on the Average for a 5-Day Week</b>				
Min-Max Calories (kcal)	N/A	550-650	600-700	750-850
Saturated Fat (% of total calories)	N/A	<10	<10	<10
Sodium Target 1 (mg) (through SY 2023-24)	N/A	≤1,230	≤1,230	≤1,230
Sodium Target 2 (mg) (effective July 1, 2024)		≤935	≤1,035	≤1,080
<i>Trans</i> Fat	N/A	Nutrition label or manufacturer specifications must indicate zero grams of <i>trans</i> fat per serving. (This does not apply to naturally occurring <i>trans</i> fats, present in some meat and dairy products.)		

USDA is an Equal Opportunity Provider, Employer and Lender

# Afterschool Snack Program

## National School Lunch Program Meal Pattern for Afterschool Snacks Service

Select two of the four components for a reimbursable meal.

Meal Components <sup>1</sup>		Pre-K	K-12
Milk	Fluid milk	4 fl oz (1/2 cup)	8 fl oz (1 cup)
Vegetables or Fruit <sup>2,3</sup>	Juice <sup>2,3</sup> , fruit, and/or vegetable	1/2 cup	3/4 cup
Grains/Breads <sup>4,5</sup> (Select one)	Bread	1/2 slice	1 slice
	Cornbread/biscuit/roll/muffin	1/2 serving	1 serving
	Cold dry cereal <sup>6</sup>	1/3 cup or 1/2 oz.	3/4 cup or 1 oz.
	Cooked cereal grains	1/4 cup	1/2 cup
Meats/Meat Alternates <sup>6, 7</sup> (Select one)	Pasta/noodles	1/4 cup	1/2 cup
	Meat/poultry/fish <sup>8</sup>	1/2 oz.	1 oz.
	Alternate protein products <sup>8</sup>	1/2 oz.	1 oz.
	Cheese	1/2 oz.	1 oz.
	Egg (large)	1/2 large egg	1/2 large egg
	Cooked dry beans/peas	1/8 cup	1/4 cup
	Peanut/other nut/seed butters	1 Tbsp	2 Tbsp
	Nuts and/or seeds <sup>7</sup>	1/2 oz <sup>7</sup>	1 oz.
Yogurt <sup>9</sup>	2 oz (1/4 cup)	4 oz (1/2 cup)	

<sup>1</sup> Children age 12 and older may be served larger portions based on their greater food needs. They may not be served less than the minimum quantities listed in this column.

<sup>2</sup> Full-strength vegetable or fruit juice may count towards the entire vegetables or fruit component.

<sup>3</sup> Grains/Breads must be whole grain or enriched, or made from whole grain or enriched flour or meal that may include bran and/or germ. Cereal must be whole grain, enriched, or fortified.

<sup>4</sup> Either volume (cup) or weight (oz), whichever is less.

<sup>5</sup> A serving consists of the edible portion of cooked lean meat or poultry or fish.

<sup>6</sup> Alternate protein products must meet requirements in Appendix A of 7 CFR Part 210.

<sup>7</sup> Nuts and seeds are generally not recommended to be served to children ages 1-3 since they present a choking hazard. If served, nuts and seeds should be finely minced.

<sup>8</sup> Yogurt may be plain or flavored, unsweetened or sweetened – commercially prepared.

<sup>9</sup> Juice may not be served at snack when milk is served as the only other component.



# MEAL PATTERN RESOURCES

Lunch regulations: [Electronic Code of Federal Regulations \(eCFR\)](#)

Breakfast Regulations: [Electronic Code of Federal Regulations \(eCFR\)](#)

Meal Pattern Q&A: [Meal Requirements under the National School Lunch Program and School Breakfast Program: Questions and Answers for Program Operators \(azureedge.net\)](#)

2021 Waivers Q&A: <https://www.fns.usda.gov/cn/qa-child-nutrition-program-operations-sy-2021-2022>

COVID-19: Child Nutrition Response #74:

<https://www.fns.usda.gov/cn/covid-19-child-nutrition-response-74>

COVID-19: Child Nutrition Response #90: <https://www.fns.usda.gov/cn/child-nutrition-response-90>

COVID-19: Child Nutrition Response #91: <https://www.fns.usda.gov/cn/child-nutrition-response-91>

2021 Waivers CNU-21-025: <https://adecm.ade.arkansas.gov/ViewApprovedMemo.aspx?Id=4786>

CNU Forms Page: <https://dese.ade.arkansas.gov/Offices/child-nutrition-unit/forms>

Consolidated Appropriations Act 2021: <https://www.fns.usda.gov/cn/sp11-cacfp10-sfsp06-2021>

CACFP CNU-19-026: <https://adecm.ade.arkansas.gov/ViewApprovedMemo.aspx?Id=3902>



**CHILD NUTRITION  
DIRECTOR'S  
CONFERENCE  
2021**



<https://www.youtube.com/watch?v=IglhSNNk7Qk&t=4s>

[https://www.ted.com/talks/janette\\_l\\_krosoczka\\_why\\_lunch\\_ladies\\_are\\_heroes?language=en](https://www.ted.com/talks/janette_l_krosoczka_why_lunch_ladies_are_heroes?language=en)

This institution is an equal opportunity provider.



# Procurement Review

Louann Griswood Donna Ratliff Mary Lee Dennis



# Procurement Review

- ❖ Child Nutrition Process
- ❖ Review Findings
  - ❖ Self Operated
  - ❖ FSMC Contract
- ❖ Food Service Management Company/Contract Management

# Process of Procurement Review

Child  
Nutrition  
Unit

---

Update tool

---

Letter with tool attached  
is sent to school district  
from Hannah



# School District

## Gather

- Code of Conduct
- Procurement Plan
- Check Register from APSCN (July 1,XX – June 30, XX)

## Fill out Tool (1 page)

- Total spent beside vendor
- In correct category

## Complete

- Email to Hannah, CNU

# Reviewers

## Review

- Review code of conduct
- Procurement plan
- Expenses against APSCN

## Notify

- Notify of missing information
- Incorrect year submitted

## Email

- Send email requesting additional information based on category

# School District

## Gather

- Gather solicitation documents, quotes, tabulation evaluations, contracts and invoices

## Organize

- Organize by vendor

## Email

- Create email to CNU reviewers




ANSWER THE LIST OF  
QUESTIONS FOR EACH  
VENDOR



DECIDE IF THERE ARE  
FINDINGS OR NO  
FINDINGS



Request the  
corrective  
action plan  
from school  
district 

Close  
review 

# Reviewers

School  
District

---

Create corrective  
action plan

---

Email to Child  
Nutrition Unit

---

Review corrective  
action plan

---

Reviewers

Close review and  
mail letter 



Review -

Procurement Basics/

Procurement Findings

# Procurement Basics

- ❖ All procurement transactions must be conducted in a manner providing full and open competition
- ❖ The non-Federal entity must have written procedures for procurement transactions. These procedures must ensure that all solicitations:
  - ❖ Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured.
  - ❖ Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals
  - ❖ See Commissioner's memo CNU-21-022 Procurement Plan and Procedures

## Methods of procurement to be followed

- ❖ Micro-purchases
- ❖ Small purchase procedures 3
- ❖ Sealed Bids (IFB)
- ❖ Competitive Proposals (RFP)
- ❖ Food Service Management Company  
RFP's

## Micro-purchases

- ❖ Aggregate dollar amount , \$10,000
- ❖ Intended to facilitate purchases for very small districts
- ❖ Must be distributed “equitably” among qualified suppliers

# Review Findings

- Aggregate dollar amount over \$10,000
- Money was not equitably distributed
- Lack of documentation



# Small Purchasing Procedures

- ❖ < \$250,000 Federal “bid limit”. State or local limit would apply if more restrictive.
  - ❖ Arkansas SY 20-21 \$21,284
    - ❖ See Commissioner’s Memo FIN 20-044
  - ❖ Arkansas SY 21-22 \$21,604
    - ❖ See Commissioner’s Memo FIN-21-050
- ❖ Must still be competitive
- ❖ Quotes versus bids
- ❖ Must still be documented



# Review Findings

- Dollar amounts exceeding threshold
- Not receiving a minimum of two quotes
- Lack of documentation

# Sealed Bids

- ❖ The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.
- ❖ Does not preclude other objective, measurable factors – responsive and responsible
- ❖ A complete, adequate, and realistic specification or purchase description is available
- ❖ At least two responsible bidders willing and able to compete
- ❖ All bids will be opened at the time and place prescribed in the invitation for bids
- ❖ The bids must be opened publicly

# Sealed Bids

- ❖ A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder
- ❖ Factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest
- ❖ Any or all bids may be rejected if there is a sound documented reason
- ❖ See Formal Procurement Checklist

## Review Findings

- Did not publicly advertise/ seek two or more vendors
- Bids were not written with clear specifications or award criteria
- Bids were not awarded according to how they were written
- Bids were not opened publicly at a designated time and place

- Bids did not contain the required documentation/clauses
- Awarded contracts were not managed to ensure bidders performed in accordance with the award
- Invoices did not match bid pricing
- Lack of documentation for bid process
- Lack of documentation for changes to awarded contract
- Bids were not sealed



# FSMC Contracts





# Documentation



- FSMC Invoices
  - Supporting documents
  - USDA Foods/Commodities
    - Crediting for the total value
      - Fixed Price and Cost Reimbursable
- Periodic on-site monitoring

# Original Contract

- Programs Operated
- Division of Responsibilities
  - Shared expenses
    - Fixed Price RFP
    - Findings
- Labor
  - Fixed Price RFP
    - District employees
    - Findings
- Commodities
  - Findings

# Cost Reimbursable

- Unallowable expenses if charged back to the district in any other manner than in the administrative fee.
  - Findings

The following must be included in the administrative fees and are not to be charged in any other expenses.

- Teaching and Training Programs including state certification programs
- Personnel and Labor Relations Services and Visitation
- Legal Department Services
- Purchasing and Quality Control
- Technical Research
- Cost Incurred in Hiring and Relocating FSMC Management Personnel
- Dietetic Services (Administrative and Nutritional)
- Accounting and Accounting Procedures
- Tax Administration
- Technical Supervision
- Supervisory Personnel and Regular Inspections or Audit Personnel
- FSMC Employee Background and Maltreatment Checks
- General Regional and National Support
- Design Services
- Menu Development and Test Kitchens
- Information Technology and Support
- Nutrition Education, programming, consumable marketing material, and committee meetings expense
- Payroll Documentation
- Sanitation
- Meal modifications

# Amendments

- Material Changes
  - More than the Simplified Acquisition Threshold
  - Consider all programs and services
- During renewal (spring)
  - For next SY contract
- Prior Approval
- Findings

# Renewals

- Extensions of the original contract based on the terms and conditions of the original solicitation.
- Fee increase
  - Tied to the Consumer Price Index
- Guaranteed return or failure to achieve a breakeven status
- Review for approval

# Contract Management

- Internal Controls
  - FSMC Invoice Check
    - Daily records, vendor invoices, commodity credit
  - 7 CFR 210.8(a), 2CFR 200.303
- Monitoring
  - Periodic onsite reviews
  - FSMC invoices
  - 2 CFR 200.318(b), 200.403, 200.405
- Recordkeeping Responsibilities
  - 7 CFR 210.23(c), 210.16(c)(1)
- Renewals
- Amendments





# Resources

- USDA Guidance for School Food Authorities
- Procurement Tool



## Food Service Management Companies

A food service management company (FSMC) is a commercial enterprise or a non-profit organization that is or may be contracted with by a school district to manage any aspect of the school foodservice. The procurement of a contract with an FSMC can be a time-intensive process for child nutrition directors, superintendents, district purchasing officials, and the district's legal council. There are resources available to assist in this process.

### Resources

- [Contracting with Food Service Management Companies: Guidance for School Food Authorities](#) (PDF)
- [Updated Timeline for 2021-2022](#) (DOCX)
- [Registered FSMCs for SY 2021-2022](#) (DOCX)
- [Slides from presentation](#) (PPTX)
- [Checklist for choosing an RFP](#) (DOCX)
- [Fixed Price RFP](#) (PDF)
- [Cost Reimbursable RFP](#) (PDF)

thank you!



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<https://adesandbox.arkansas.gov/iframe?v=MjVlODdlhYjhhMTZlZnM4ZWY2NmI5ODUzNDk0ZjlyMjc>

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# PROFESSIONAL DEVELOPMENT