# Procedures for Authorization as a School Food Authority

Senate Bill 09-230 gives charter schools an additional option to participate in the USDA Child Nutrition Programs (CNP), such as the National School Lunch Program. The first option for a charter to participate in the NSLP is through its authorizing district School Food Authority (SFA).

In order for a charter school to participate in the food service program as a charter SFA, The Charter School must first review the option of a food service program offered by their district SFA.

The following information is based on 1CCR 301-82 Rules for the Authorization of Charter Schools and Charter School Collaboratives as School Food Authorities. <http://www.cde.state.co.us/cdenutritran/nutricharterschools.htm>

The application, documentation and other necessary information must be submitted to the CDE Office of School Nutrition on approved forms prior to the deadline for review.

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**Application due date:** February 15th of any year unless a specific extension is granted by the Colorado Department of Education (CDE).

**Approved Applicants must complete all CDE training necessary for Program implementation within 30 days prior to their approved Program start date.**

1. **Application Requirements:** A description of the scope and nature of the proposed food service operation including the number of sites and estimated number of students to be served.
2. **A business plan to include:**
   1. *Program Budget*: A budget which includes projected revenues and expenditures.
      1. Revenues are to include, but are not limited to: student payments, adult payments, federal reimbursement, state reimbursement, and other revenues.
      2. Expenditures are to include, but are not limited to: food and milk, salaries and benefits, purchased services, other supplies and materials, equipment, and depreciation
   2. *Staffing:*The number of employees planned to operate and administer the operation of the particular Program or Programs, detailing positions and hours by employee type. Staffing requirements may vary depending on the Program(s), number of students served , food production method and administrative duties.
   3. *Facilities:* A description of facility type and equipment, including but not limited to an evaluation, assessment, and description of equipment and facility layout:
      1. Full Preparation Kitchen: All food is stored, prepared and served on-site. The facility has preparation equipment, i.e., convection ovens, steamers, warmers, steam table, refrigeration. Food service staff prepares and serves meals.
      2. Heat and Serve Only: Limited preparation and production required. Majority of items are commercially prepared items.
      3. Serve Only: All food is prepared and delivered into the school by an outside food service company/catering company; the school has no capacity to heat and serve meals. Hot and cold holding equipment is required.
   4. *Types of Meal Service* : Specification of the type of meal service that will be provided for the operation, including the estimated number of sites and students to be served. The types of meal service can include:
      1. *Self-preparation/on-site meal preparation*: Preparation of meals by the SFA at the school’s site.
      2. *Vended:* A vended meal contract with an FSMC for delivery of meals prepared off-site by the FSMC to the school site(s) for the Program(s). All vended meals must be obtained by a competitive purchase procedure that complies with federal and CDE procurement requirements. All SFAs must utilize the Request for Proposal (RFP) and Contract prototypes and procedures as provided by the OSN and any necessary modifications shall be approved in advance by the OSN. All RFP documents must be approved by the OSN prior to release of the RFP and prior to the execution of the contract.
      3. *Contracting with a Food Service Management Company:* Contract with an FSMC to manage any aspect of the school food service for the Program(s), including meal preparation at the school site. SFAs must comply with all federal and state rules and regulations pertaining to FSMC contracts. All SFAs must utilize the (RFP) and Contract prototypes and procedures as provided by the OSN, and any necessary modifications shall be approved in advance by the OSN. All RFP documents must be approved by the OSN prior to release of the RFP and prior to the execution of the contract.
   5. Proposed timeline and plan for:
      1. Procurement of necessary equipment;
      2. Hiring and training personnel, including accommodations for attending all mandatory SFA training by the CDE;
      3. Securing necessary food licenses and inspections;
      4. Establishing ordering, payment, and charging policies for school sites as well as method of communicating to parents about those procedures
      5. A system for issuance of meal benefits and updating eligibility of free and reduced price meals.
      6. Procuring vended meals or a full-service contract with an FSMC and
      7. Estimated start date for serving meals to students.
   6. Proposed infrastructure to service schools from other districts requesting to participate. The plan must include specific information on how the Charter School Food Authority or Charter School Collaborative School Food Authority will work with participating charter schools to provide training and oversight.
   7. Charter SFA Applicants must include a statement its willingness to contract, to the extent practicable, with other district charter schools and institute charter schools to provide a food service program.
3. **Review Procedures by CDE**
   1. CDE shall review the submitted applications and requested business plans for Applicant charter schools and Charter School Collaboratives who have successfully submitted all necessary documentation.
   2. A business plan will be reviewed by the CDE and meetings will be set up as needed for clarification and assistance in developing a program that complies with all CNP rules and regulations.
   3. Applications will be reviewed and approved based on the following criteria:
   4. The ability to operate a sound financial program based on past, present, and forecasted financial standing;
   5. The proposed SFA’s ability to serve a minimum of 200 students;
   6. The ability to comply with all USDA and state regulations and rules concerning participation in the applicable Program(s). The capacity to operate a particular Program including the basis of staffing, facilities, and management structure
   7. Willingness and capability to provide services to charter schools residing in other geographic areas in Colorado which may include schools in several school districts.
4. **Eligibility and Implementation**
   1. A Charter SFA Applicant shall request in writing to its authorizing school district or the charter school institute to contract for food services under terms specified by the Applicant.
   2. A Charter SFA Applicant must first negotiate with the district board of education for food services. If the school district is unable to provide the requested service, then the school district board of education shall allow the district charter school to transfer the maintenance, supervision, and operation of the district charter school’s food-service facility from the district to a Charter School Food Authority.
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   4. A Charter School Collaborative SFA Applicant will notify authorizers of all charter schools participating in the SFA or changes thereto by June 1 annually.
   5. For Charter SFAs only, the CDE shall not grant authorization as a Charter School Food Authority to more than ten Applicant charter SFAs until July 1, 2016.
   6. Application due date: February 15th of any year unless a specific extension is granted by the CDE.
   7. Approved Applicants must complete all CDE training necessary for Program implementation within 30 days prior to their approved Program start date.
   8. No later than April 1 of any year, the CDE will grant or deny authorization to a charter school or Charter School Collaborative applying as a School Food Authority. If an extension is granted pursuant to .5 the authorization will be determined within 45 days of the receipt of the application.
   9. Approved Charter School Collaborative SFAs must have an entity code assigned by the CDE for claims processing and reporting requirements

**District Charter School Request for Food Service (Per Colorado Senate Bill 09-230)**

Sec 122-32-120(4): If a district charter school requests in writing that the school district of the district charter school provide food services pursuant to a contract with the district charter school that includes terms specified by the district charter school, the school district board of education may attempt to negotiate the terms of the contract with the district charter school. If the school district board of education and the district charter school attempt to negotiate contract terms that are mutually satisfactory, and the negotiations fail to produce such mutually satisfactory terms, the school district board of education shall: (Select and initial choice below)

\_\_\_\_ (a) agree to provide food services to the district charter school according to the terms requested by the district charter school

\_\_\_\_ (b) allow the district charter school to transfer the maintenance, supervision, and operation of the district charter school's food-service facility from the district to a Charter School Food Authority. The Charter School will request provisional authorization as a Charter School Food Authority from the Colorado Department of Education.

Complete *Release for Transfer* and return with all signatures to SFA*.*

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| ***Release for Transfer (SFA submits a signed copy to CDE)***  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Charter School requests \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ School District to (b) allow the district charter to transfer Food Service from the district to a Charter School Food Authority (SFA)  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ School District has released \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Charter School to operate under a Charter SFA.  Authorized Charter Board Official (Print)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Authorized Charter Board Official \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date\_\_\_\_\_\_\_\_  School District Board Official (Print)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  School District Board Official Signature \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date\_\_\_\_\_\_\_\_ |

**Minimum Requirements for Charter School Food Authorities (SFAs)**

Each SFA is legally responsible for the conduct of the school food service program to ensure compliance with the rules and regulations of the CDE-Nutrition Unit and the USDA.

*The following summarizes many of the responsibilities of the Charter SFA in order to participate in the USDA CDE School Nutrition Programs*

1. **Control and overall financial responsibility** of the non-profit school food service account.
   1. Use Child Nutrition Program (CNP) funds only for CNP purposes. CNP funds may not be used to purchase land or construct buildings.
   2. Maintain a financial management system as prescribed by CDE-OSN and in accordance with federal requirements
   3. Maintain full and accurate records of operations and retain such records for a period of four years plus the current. Records of revenue and expenditures must be maintained in such a manner as to reflect the nonprofit status of the food service.
   4. Limit the current operating resources of the nonprofit school food service to an amount that does not exceed limits established by 1CCR 301-3 and 7 CFR Part 210. (Net cash resources should not exceed 3 months’ average expenditures.)
   5. Conduct an independent audit of the program operations as outlined on OMB circular A-133 and in accordance with the Single Audit Act of 1984 (P.L. 98-502) and the Single Audit Act Amendments of 1996 (P.L. 104-156) and ensure that CDE is sent a copy of the audit.
2. **Signature authority** **and Accountability on**:
   1. Application/agreement to participate in the Child Nutrition Programs including
   2. Free and reduced price policy statement; and
   3. On-line claim system.
   4. Resolution of all program review and audit findings.
3. **Monthly claim for reimbursement** 
   1. Count the number of free, reduced price, and paid meals served to eligible children at the point of service as approved by the CDE Office of School Nutrition of CDE (
   2. Review to ensure accuracy of lunch counts prior to the claim submission.
   3. Edit check worksheets that compare daily lunch counts by eligibility category. Free and reduced-price meals may not be claimed in excess of the number of students approved for such benefits.
   4. Submit claims for reimbursement in accordance with procedures established by the CDE/CN. Claims for reimbursement not filed within 60 calendar days following the claiming month shall be disallowed. The SFA acknowledges that if failure to submit accurate claims reflects embezzlement, willful misapplication of funds, theft, or fraudulent activity, penalties shall apply
4. **Free and Reduced Price Meal Process**
   1. Develop, distribute and collect the parent letter and application for free and reduced price meals and free milk.
   2. Determination and verification of applications for free/reduced price meals. Conduct any hearings related to such determinations.
   3. Maintain files of correctly approved and denied free and reduced price applications. Retain records for 4 years plus the current
   4. Comply with the requirements regarding confidentiality, specifically limitations and prohibitions regarding the release of student names for non-program purposes
   5. All children who are determined eligible for free or reduced priced meals:
      1. Receive meals without charge or at a reduced price
      2. There is no discrimination against any child eligible for free or reduced price meals
5. **Menus and Food Service**
   1. Serve meals or milk that comply with USDA nutrient standards and requirements
   2. Maintain adequate and safe facilities for handling, storing, preparing, and serving food
6. **Food Safety / HACCP Plan:**
   1. Develop a written food safety plan following USDA guidance
   2. Maintain required health certification to assure that all state and local regulations are met by the food service operation preparing or serving meals at the SFA facilities.
7. **Establish all prices**:

Submit all prices for food items served under the nonprofit school food service account (e.g., reimbursable meals, a la carte service, and adult meals).

1. **Competitive Food Policy**:

Establish rules to control the sale of foods in competition with meals served under the program so as to meet the requirements of Colorado State Board Rules and USDA.

1. **USDA donated foods** (Commodities)

Accept and use in as large quantities as can be efficiently utilized the foods offered as a donation by the USDA (commodities).

1. **Civil Rights**

The SFA will agree that no person shall, on the grounds of race, color, national origin, age, sex, or disability, be excluded from participation in, be denied benefits of, or otherwise be subjected to discrimination under any program or activity for which the SFA receives federal financial assistance.

1. **Wellness Policy**

Establish and implement a Local Wellness Policy.

1. **Procurement**

Comply with the requirements of the CDE/OSN and USDA regulations regarding all CNP procurement (7CFR Part 3016).

1. **On-site inspections**: (For multi-site and/or SFAs with Food Service Management Co.)
   1. Monitor the food service operation in all sites through periodic visits to ensure compliance with Program regulations
   2. Conduct on-site reviews of the lunch counting /claiming system by school
   3. Follow-up on any lunch counts which show counting discrepancies

**Additional information is available from CDE Office of School Nutrition at 303-866-6661 or at** [**http://www.cde.state.co.us/index\_nutrition.htm**](http://www.cde.state.co.us/index_nutrition.htm)

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| **School Nutrition Program Application** | | |
| **Colorado Department of Education - Office of School Nutrition**  **1580 Logan St., Suite 760 Denver Colorado** | | |
| **Section I: Institution Application** | | |
| Instructions: Enter all information clearly. Every requesting School Food Authority (SFA) must complete submit with original signatures. A permanent agreement will be signed upon approval of the application as a SFA. | | |
| 1. Name of SFA: | 2. FEIN: | 3. School ID (CDE Use) |
| 4. Contact Person Name | | 5. Contact Person Title |
| 6. Street Address | 7. City | 8. Zip Code |
| 9. Mailing Address (if different) | 10. City | 11. Zip Code |
| 12. Contact Email: | 13. Telephone # ( ) | 14. Fax # ( ) |
| 15. Name of Food Service Contact (if different than contact) | | 16. Title |
| 17. Mailing Address (if different) | 18. City | 19. Zip Code |
| 20. Food Service Contact Email | 21. Telephone # | 22. Fax # |
| 23. Number of Schools Planned in SFA (Complete Section  2 for each site) | 24. Program Participation (Indicate # of schools planned to  participate in each program)  a. National School Lunch Program:\_ schools b. School Breakfast Program:\_ schools c. Afterschool Care Snack Program:\_ schools | |
| 25. Total Enrollment at all Planned Sites |
| **Civil Rights** | | |
| 1. Describe the admission requirements of the SFA: | | |
| 1. Actual or % ethnic/racial numbers of the charter school’s local school district according to most recent data :    1. Ethnic: \_\_\_\_\_\_\_Hispanic or Latino; Not Hispanic or Latino    2. Racial: \_\_\_\_\_\_\_American Indian/ Alaska Native; \_\_\_\_Asian; \_\_\_\_Black or African American \_\_\_\_Native Hawaiian/ Pacific Islander;\_\_\_\_\_\_\_White;\_\_\_\_\_ Other | | |
| 1. Actual / estimated ethnic/racial numbers of the SFA:    1. Ethnic: Hispanic or Latino; Not Hispanic or Latino    2. Racial: \_\_\_\_\_\_\_American Indian/ Alaska Native; \_\_\_\_Asian; \_\_\_\_Black or African American \_\_\_\_Native Hawaiian/ Pacific Islander;\_\_\_\_\_\_\_White;\_\_\_\_\_ Other | | |
| 1. List any Federal assistance provided to the SFA: | | |
| 1. Has the SFA ever been found to be non-compliant with civil rights requirements by the Federal agencies listed? | | |
| 1. Has the applying SFA advised employees to immediately notify the USDA FNS and CDE OSN of any complaints or lawsuits filed against the organization which allege discrimination on the basis of race, color, national origin, sex, age, or disability? | | |
| 1. Describe any civil rights compliance reviews regarding the SFA conducted during the 2-year period before this application; Provide information concerning the agency or organization performing the review; and periodic statements by any recipient regarding such reviews. | | |
| 1. To ensure compliance with Civil Rights requirements, describe the manner in which services are or will be provided by the SFA to ensure that any persons are or will not be denied services on the basis of prohibited discrimination. | | |
| 1. Describe covered employment, including use or planned use of bilingual public-contact employees serving School Nutrition Program participants to permit effective participation by beneficiaries who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. | | |
| 1. Describe the location of existing or proposed facilities connected with the school nutrition programs, and related information adequate for determining whether the location has or will have the effect of unnecessarily denying access to any persons on the basis of prohibited discrimination. | | |

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| **Section II: Site(s) Application (complete for each participating school)** | |
| 1. **School Name**: | **2. School Address:** |
| **3. Planned Schedule**  a. Traditional: to (month)  b. Year Round Other (explain)\_ | **4. Grades\_**  **Enrollment Days of Week:** |
| **5. Programs Planned:**  National School Lunch Program School Breakfast  Program Afterschool Care Snack Program | 6. Food Preparation: On-site Kitchen Provided  by Central kitchen Vended Contract Food  Service Management Company |
| **7.** Prices: **National School Lunch Program**  Students (by grade if varied)\_ Reduced Price\* Adult w/ milk\_ Adult w/o milk\_  \*$0.40 maximum ; PK-5: no charge; | **8.** Prices: **School Breakfast Program**  Students (by grade if varied)\_ Reduced Price: N/C (for reduced price breakfasts) Adult w/ milk\_ Adult w/o milk\_ |
| I CERTIFY that the information on this application is true to the best of my knowledge. I further understand that this information is being given in connection with the receipt of Federal funds, and that deliberate misrepresentation may subject me to prosecution under applicable State and Federal criminal statutes. I certify that the SFA agrees to abide by all the provisions...  I certify that the SFA will notify FNS of any lawsuit filed against the program applicant or recipient or a subrecipient alleging discrimination on the basis of race, color, or national origin, and that each recipient notify FNS of any complaints filed against the recipient alleging such discrimination; and that each program applicant or recipient provide a brief description of any pending applications to other Federal agencies for assistance, and of Federal assistance being provided at the time of the application or requested report  I assure that the SFA will compile and maintain records required by the FNS guidelines or other directives.  **Signature of SFA Official Date** | |
| CDE Use: This information reviewed to assure that applicant is in compliance with FNS Instruction 113-1 Civil Rights Compliance and Enforcement – Nutrition Programs and Activities  Signature of SA Reviewer \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Civil Rights Compliance Review warranted? \_\_\_\_\_\_\_\_\_\_\_\_\_Date of Compliance Review:\_\_\_\_\_\_\_\_\_\_\_  Applicant notified of any findings from Compliance Review: | |