



COMMONWEALTH of VIRGINIA  
Department of Education

May 31, 2013

TO: Division Superintendents

FROM: Patricia I. Wright, Superintendent of Public Instruction

**SUBJECT: Annual Agreement to Participate in the School Nutrition Programs for 2013-2014**

The School Nutrition Programs Web-based system (SNPWeb) will be available for data entry of the 2013-2014 annual agreement beginning Monday, June 3, 2013. The Annual Agreement to Participate in the National School Lunch, School Breakfast, Special Milk, and Afterschool Snack Programs must be submitted to the Virginia Department of Education (VDOE) no later than July 1, 2013.

Federal regulations require each school division to enter into an agreement with the Virginia Department of Education annually in order to participate in these school nutrition programs. The agreement is created and submitted using the SNPWeb system. The division superintendent is the legal signature authority required to sign the agreement and is the individual responsible for compliance with all regulations governing the school nutrition programs.

School divisions that contract with a food service management company (FSMC) for the operation of their school nutrition programs may not delegate this authority to any employee of the food service management company. Federal regulations require that the school division "...retain signature authority on the State agency-school food authority agreement, free and reduced price meal applications, and all claims." (7 CFR 210.16 (a) (5))

In conjunction with the SNPWeb online agreement, the *Annual Agreement to Participate* (Agreement) document must be downloaded and printed from the "Online Forms" section of SNPWeb. Two copies of the Agreement, with original signatures of the division superintendent, must be returned to VDOE by July 1, 2013, along with any other supporting documents that require VDOE review and approval. A copy of the annual agreement packet (Agreement and supporting documents), approved and signed by VDOE, will be returned to the school division. This signed document must be maintained on file in the school division and must be readily accessible during federal or state reviews. Federal reimbursement for school nutrition programs cannot be paid for school year 2013-2014 until the annual agreement is fully executed and approved by VDOE.

The Healthy, Hunger-Free Kids Act of 2010 (HHFKA) made significant changes in the laws and regulations that govern the school nutrition programs. Many of these changes have been or will be communicated under separate correspondence and, as appropriate, incorporated into the Agreement and the SNPWeb application.

Updates to Prototype Meal Application, Letters, and Forms

The VDOE prototype meal application, letters, and forms have been updated for SY 2013-2014. The updated prototype forms will be available for download from the "Online Forms" section of SNPWeb. School divisions

electing not to use the VDOE prototypes must revise their locally customized forms to reflect these changes. Although there have been no substantive changes to these prototype documents, all school divisions must carefully review their customized documents to make sure they accurately reflect the VDOE prototypes. **As a reminder, the collection of a Supplemental Nutrition Assistance Program (SNAP) or Temporary Assistance to Needy Families (TANF) case number for each student in the household was eliminated; only one SNAP or TANF case number is required on the application to determine all students in the household categorically eligible for free meals. On income applications, only the last four digits of the social security number (SSN) of the adult who signs the application are required. No SSN is required for SNAP, TANF, or other categorically eligible households. The income eligibility guidelines are required to be published on the *Letter to Households* and the media release. All customized forms and any other method of collecting meal applications and notifying households (e.g., electronic) must be submitted to VDOE for review and approval before being implemented. Documents may be submitted electronically to [SNPWEBDOC@doe.virginia.gov](mailto:SNPWEBDOC@doe.virginia.gov); hard copies of documents which require original signatures must be submitted by US mail.**

#### Duration of Eligibility for Meal Benefits

A child's eligibility is in effect from the date of eligibility for the current school year and up to 30 operating days in the subsequent school year or until a new eligibility determination is made. The USDA Eligibility Guidance Manual was updated in August 2012. A printed copy was sent to all school nutrition contacts. All previous editions are obsolete and should be discarded. An electronic copy can be found on the USDA Web site at: <http://www.fns.usda.gov/cnd/guidance/EliMan.pdf>.

#### Initial Carry-over of Previous Year's Eligibility

Federal regulations require a student's documented eligibility for free or reduced price meals in the preceding school year to be carried over into the new school year to ensure access to program benefits while current eligibility determinations are made. The carry-over of a student's previous school year eligibility shall be valid for the first 30 operating days of the new school year. This applies to direct certification, categorical determinations, and income applications. A new eligibility determination in the current year supersedes the carry-over eligibility. Eligibility carried over from the previous year must be terminated on the 31st operating day. All students without an approved new school year eligibility determination on file must revert to paid status on the 31st operating day.

#### Extending Categorical Eligibility for Free Meals

Categorical eligibility for free meals that is determined using a case number for SNAP or TANF applies to all children living in the household. Whether determined through direct certification or the meal application, this categorical eligibility for free meals must be extended to all students in the household, as defined in 7 CFR 245.2, if one member of the household receives assistance through SNAP or TANF. Documentation for extending this categorical eligibility to other students must be maintained by the school division.

#### Increased Frequency of Direct Certification Data Match

In an effort to increase the number of students directly certified for free meals, VDOE will provide school divisions with the Direct Certification data files for matching with the student data base in July, August, September, October, and January. The July data will be a complete list. The subsequent uploads to SNPWeb will only include additional eligible households, and any households that changed geographic locations since the previous list. School divisions are required to use the new data files to update students' eligibility, as appropriate.

#### Categorical Eligibility for Foster Children

Categorical eligibility for free meals, without further application, can continue to be extended to foster children whose care and placement is the responsibility of the state or whose placement is made by a court. Certification for free meals is allowed without application if the school division obtains documentation from the appropriate state or local agency indicating a student's status as a foster child who has been placed by the court or who is the responsibility of a state agency. In Virginia, the local social services department monitors foster care placements.

### Temporary Approvals of Meal Applications

Temporary approval of an application is no longer valid because of the yearlong eligibility. Zero income households must be approved for free meal eligibility for the school year plus up to the 30-day carry-over, if the application correctly indicates no income.

### Transferring Eligibility between School Divisions/Local Education Agency (LEA)

When a student transfers from one school division to another within Virginia, the new school division may accept the eligibility determination from the previous division. A system must be in place to ensure confidentiality is maintained. Appropriate documentation must be obtained by the new school division and maintained on file to support the student's eligibility status. The receiving school division must review the eligibility determination to assure the correct level of benefit was assigned and take the necessary steps to correct eligibility determinations that are incorrect. The transfer or sharing of the Direct Certification list between school divisions violates the confidentiality of all families on the list and is prohibited. If a student, directly certified for free meals, transfers to another school division, the appropriate documentation to send to the receiving school is a copy of the Direct Certification household notification letter indicating the students that are directly certified for free meal benefits. The secure dropbox feature in VDOE's Single Sign-on for Web Systems (SSWS) may be used for this purpose.

### Paid Lunch Price Equity (PLE)

Student full price meals must be gradually adjusted to equal the difference between the annual free reimbursement rate and the full price reimbursement rate. Federal regulations require school divisions participating in the National School Lunch Program (NSLP) to ensure sufficient funds are provided to the nonprofit school food service account for lunches served to students not eligible for free or reduced price meals. The regulations allow two ways to meet this requirement: 1) through the prices charged for paid lunches or 2) through other nonfederal sources provided to the nonprofit school food service account. The 2013-2014 Paid Lunch Equity Tool, sent to every school division through Superintendent's Memo No. 067-13, dated March 15, 2013, must be completed to calculate the average paid lunch prices and to determine the required average paid lunch price increase if necessary. The entire PLE tool (Excel workbook) shall be submitted to VDOE electronically through [SNPWEDOC@doe.virginia.gov](mailto:SNPWEDOC@doe.virginia.gov) even if a price increase is not required. This PLE tool becomes part of the annual agreement. A signature on the PLE tool is not required.

### Adult Meals

Meals served to adults are not eligible for federal reimbursement, nor do they count toward determining the value of donated food assistance. Federal reimbursements, students' meal payments, and other nonprofit food service revenues may not be used to subsidize the price of meals served to adults. Meals (breakfast and lunch) served to adults must be priced so the payment is sufficient to cover the entire cost of each meal including the value of donated foods. The minimum adult meal price should reflect the highest price charged to students paying full price, plus the current value of USDA cash and donated food assistance (entitlement and bonus), plus the value of state lunch reimbursement.

### Revenue from Non-Program Foods (À la Carte)

Federal regulations require school divisions to generate at least as great a share of total revenue from non-program foods as non-program foods contribute to total food costs. They must ensure that non-program foods revenue must equal at least the same proportion as their food cost. Non-program foods are anything other than reimbursable meals sold in participating schools and purchased with SNP funds. The USDA Non-Program Revenue-Tool must be completed annually and maintained on file.

### Mandatory School Breakfast Program

Section 22.1-207.3, *Code of Virginia*, requires school divisions to establish a school breakfast program in each school in which twenty-five percent or more of the currently enrolled students were eligible for free or reduced price meals in the previous school year. Board of Education regulations establish eligibility for free or reduced price meals on October 31 of the preceding school year as the basis for this determination. Eligibility data for existing schools should be reviewed before completing the Agreement and appropriate action taken. Schools that meet the eligibility requirements must offer a breakfast program unless an exemption is granted by the Board of Education pursuant to Board regulation 8VAC20-580-40.

New Requirements for the National School Lunch Program (NSLP) and School Breakfast Program (SBP) – Phase 2

1. Nutrition Standards and Meal Planning: New regulations update the meal patterns and nutrition standards for the NSLP and SBP to align them with the Dietary Guidelines for Americans. This rule requires most schools to increase the availability of fruits, vegetables, whole grains, and fat free and low-fat fluid milk in school meals; reduce the levels of sodium, saturated fat and *trans* fat in meals; and meet the nutrition needs of school children within their calorie requirements. Changes to the NSLP were effective July 1, 2012. Changes to the SBP are effective July 1, 2013. Training on these new SBP changes will be provided.
2. Certification of Compliance with Meal Pattern Requirements (\$0.06 Rule): This component of the new regulations establishes the requirements for school divisions to receive an additional performance-based reimbursement if they are certified by the state to be in compliance with the new federal regulations. For school year 2012-2013, this was six cents per lunch meal served. This amount will be adjusted annually, as are all school meals reimbursement rates. To be eligible to receive this additional reimbursement, school divisions must be certified by the state to be in compliance with the new nutrition standards for lunch and breakfast. School divisions already certified to be in compliance will continue to receive this additional per meal reimbursement and are required to submit by July 1, 2013, **two copies of a new attestation form for 2013-2014 with original signatures of the division superintendent and the school nutrition director/contact person. The new form, SNP010a, is posted to the Online Forms section of SNPWeb.** All school divisions are required to be certified. A separate letter will be sent to all school divisions not yet certified. Divisions not certified to be in compliance with the new meal pattern regulations in 2012-2013 will not earn the additional performance-based reimbursement and will be included in the early cycle of the federal review process.

Questions regarding the annual agreement may be directed to the school nutrition program specialist assigned to your division or to Office of School Nutrition Programs staff at (804) 225-2074.

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