

## **Permanent Agreement and Free/Reduced-Price Policy Statement School Meals**

### **Programs: National School Lunch Program (CFDA #10.555), School Breakfast Program (CFDA #10.553), Special Milk Program (CFDA #10.556), Afterschool Snack Program (CFDA #10.555)**

#### **I. Permanent Agreement**

Each School Food Authority (SFA) approved to participate in the program shall enter into a written permanent agreement with the Nebraska Department of Education (NDE). The SFA and participating schools/institutions under its jurisdiction shall comply with all provisions of 7 CFR parts 210, 215, 220 and 245.

This agreement shall provide that each SFA shall, with respect to participating schools/Institutions under its jurisdiction:

1. Maintain a nonprofit school food service and observe the limitations on the use of nonprofit school food service revenues set forth in Section 210.14(a) and the limitations on any competitive school food service as set forth in Section 210.11(b).
2. Limit its net cash resources to an amount that does not exceed 3 months average expenditures for its nonprofit school food service or such other amount as may be approved in accordance with Section 210.14(b). Public SFAs will report net cash resources as part of the Annual Financial Report submitted to NDE. Non-public SFAs will submit the Annual Financial Statement via the web-based reporting system by July 15 each year.
3. Maintain a financial management system as prescribed under Section 210.14(c).
4. Comply with the requirements of USDA regulations regarding financial management (7 CFR part 3015).
5. Price and serve the lunch, breakfast and/or snack as a unit.
6. Serve meals free or at a reduced price to all children who are determined by the SFA to be eligible for such meals under 7 CFR part 245.
7. Claim reimbursement at the assigned rates only for reimbursable free, reduced-price and paid meals served to eligible children in accordance with 7 CFR part 210. Agree that the SFA official signing the claim shall be responsible for reviewing and analyzing meal counts to ensure accuracy as specified in Section 210.8 governing claims for reimbursement. Acknowledge that failure to submit accurate claims will result in the recovery of an over claim and may result in the withholding of payments, suspension or termination of the program as specified in Section 210.24. Acknowledge that if failure to submit accurate claims reflects embezzlement, willful misapplication of funds, theft, or fraudulent activity, the penalties specified in Section 210.26 shall apply.
8. Count the number of free, reduced-price and paid reimbursable meals served to eligible children at the Point of Service at the end of the serving line, or through another counting system if approved by the State agency on an annual basis. Claim reimbursement for no more than one lunch, one breakfast and one afterschool snack per child per day. The Special Milk Program allows multiple milk servings to be claimed per child.
9. Submit Claims for Reimbursement in accordance with Section 210.8. Claims are to be submitted electronically via the web-based reporting system.

10. Comply with the requirements of USDA's regulations regarding nondiscrimination (7 CFR parts 15, 15a, 15b).
11. Make no discrimination against any child because of his or her eligibility for free or reduced-price meals in accordance with the approved Free and Reduced-Price Policy Statement.
12. Enter into an agreement to receive donated foods as required by 7 CFR part 250.
13. Maintain proper sanitation and health standards in the storage, preparation and service of food and conform to all applicable State and local laws and regulations.

In Section 111 of the Child Nutrition and WIG Reauthorization Act, (P.L. 108-265) SFAs are to be inspected twice a year. These are to be performed by a State or local agency responsible for safety inspections. Each feeding site must post, in a publicly visible location, a report on the most recent food safety inspection, and provide a copy of the food safety inspection to a member of the public upon request. Health inspectors will follow Hazard Analysis and Critical Control Point (HACCP) guidelines during their review process.

During the preparation and service of meals, all SFAs must implement a food safety program based on HACCP principles and conform to guidance issued by USDA. As a result, 1) Temperature Logs must be completed on potentially hazardous foods and kept on file for a minimum of one year, and 2) a written HACCP Plan, specific to the SFA, must be developed with copies available at each feeding site.

14. Accept and use, in as large quantities as may be efficiently utilized in its nonprofit school food service, such foods as may be offered as a donation by USDA.
15. Maintain necessary facilities for storing, preparing and serving food.
16. Upon request, make all accounts and records pertaining to its school food service available to the State agency and to FNS, for audit or review, at a reasonable time and place. Such records shall be retained for a period of 3 years after the date of the final Claim for Reimbursement for the fiscal year to which they pertain, except that if audit findings have not been resolved, the records shall be retained beyond the 3-year period as long as required for resolution of the issues raised by the audit.
17. Maintain confidential files of currently approved and denied free and reduced-price meal applications, respectively, and the names of children approved for free meals based on documentation certifying that the child is a member of the household approved to receive benefits under the Supplemental Nutrition Assistance Program (SNAP), Food Distribution Program for Households on Indian Reservations (FDPIR) or Temporary Assistance for Needy Families (TANF), migrant, homeless, runaway, income-eligible Head Start, pre-K Even Start, and residential children. If the applications and/or documentation are maintained at the SFA level, they shall be readily retrievable by feeding site.
18. Retain the individual free and reduced-price meal applications submitted by families and lists of categorically eligible children for a period of 3 years after the end of the fiscal year to which they pertain.
19. Any school shall be eligible for the Special Milk Program upon request provided it does not participate in the school lunch or breakfast program; except that schools with such meal service may receive the Special Milk Program upon request only for those children attending split-session kindergarten or pre- kindergarten programs who do not have access to meal service.

20. Afterschool snack requirements. Those school food authorities with eligible schools (as defined in Section 210.10(n)(1)) that elect to serve snacks during afterschool care programs, shall agree to:
- (a) Serve snacks that meet the minimum requirements prescribed in Section 210.10(n)(2);
  - (b) Menus and Production Records must be maintained daily to document compliance with snack meal pattern requirements;
  - (c) Price the snack as a unit;
  - (d) Serve snacks at no charge to all children in attendance at area-eligible sites. A site qualifies as area-eligible if the site is either a school which has at least 50 percent or more of its enrollment eligible for free or reduced-price meals, or is a site which is located within the attendance area of a school that qualifies;
  - (e) Serve snacks free or at a reduced price to all children who are determined by the SFA to be eligible for free or reduced-price school meals under 7 CFR part 245;
  - (f) If charging for snacks, the charge for a reduced-price snack shall not exceed \$0.15;
  - (g) Claim reimbursement at the assigned rates only for snacks served in accordance with the agreement;
  - (h) Claim for reimbursement only those afterschool snacks served on school days. Snacks served on weekends, holidays or vacation periods may not be claimed;
  - (i) For afterschool care programs in Residential Child Care Institutions (RCCIs), only those children who are enrolled and attending school may have their snacks claimed for reimbursement;
  - U) Review each afterschool snack program two times a year; the first review shall be made during the first four weeks that the school is in operation each school year, except that an afterschool snack program operating year round shall be reviewed during the first four weeks of its initial year of operation, once more during its first year of operation, and twice each school year thereafter; and
  - (k) Serve and claim snacks solely as part of an afterschool care program that provides regularly scheduled education or enrichment activities in an organized, structured and supervised environment.
  - (l) Keep a roster list, sign-in sheet or other means to determine that children are present on a given day;
  - (m) Count and record the number of snacks served each day, at the time they are served, by correct claiming category;
  - (n) Serve snacks only to students who are 18 years or under or a student of any age who is disabled. If a student's 19<sup>th</sup> birthday occurs during the school year, snacks may be claimed for that student for the remainder of the school year.
21. Prohibit service of foods of minimal nutritional value (FMNV) during a meal service period in areas where reimbursable meals are served and/or eaten. FMNV cannot be given away or sold in the food service area. FMNV costs cannot be charged to the nonprofit food service account. NDE will disallow all meals served by a school on any day that a violation of the FMNV regulations is observed.

22. Prohibit the sale of any foods in competition with the National School Lunch and School Breakfast Programs anywhere on school/institution premises during the period beginning one half hour prior to the serving period for breakfast and/or lunch and lasting until one half hour after the serving of breakfast and/or lunch.
23. Agrees to arrange to have an organization-wide audit conducted in accordance with the provisions of 7 CFR part 3015, if \$750,000 or more is expended from all Federal sources.
24. Charge adults, at a minimum, an amount equal to the total reimbursement received for a free lunch under Section 4 and 11 of the National School Lunch Act plus the per-meal value of donated foods. For breakfast, adults should be charged the rate established for free breakfasts under Section 4 of the Child Nutrition Act. No reimbursement or donated food is provided for adult meals.
25. Purchase in as large of quantities as can be efficiently utilized in its non-profit food service program the foods designated as plentiful by the United States Department of Agriculture and to purchase food of domestic origin to the extent practicable. As defined in the legislation, a domestic food commodity is an agricultural commodity (for example, red meat, chicken, fruit, vegetable or grain) that is produced in the United States. A domestic food product is processed in the United States substantially using domestic agricultural commodities. Substantially means that over 51 percent of the processed food comes from American produced products.
26. The SFA 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 SO.3 and 42; and FNS directives and guidelines, to the effect that, no person shall, on the grounds of race, color, national origin, sex (including gender identity and sexual orientation), 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 SFA receives Federal financial assistance from the U.S. Department of Agriculture (USDA); and hereby gives assurance that it will immediately take measures necessary to effectuate this agreement.  
  
By accepting this assurance, the SFA 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 USDA shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the SFA, its successors, transferees, and assignees as long as it receives assistance or retains possession of any assistance from USDA.
27. In Section 204 of the Child Nutrition and WIC Reauthorization Act (P.L. 108-265) each local education agency (LEA) participating in a program authorized by the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966 is required to establish a local Wellness Policy for schools under the Local Education Agency.
28. Serve lunches, during the lunch period, which meet the minimum requirements prescribed in Section 210.10; and/or serve breakfasts during the breakfast period, which meet the minimum requirements prescribed in Section 220.8; and/or serve afterschool snacks, which meet the minimum requirements prescribed in Section 210.10.

Food components	Lunch meal pattern		
	Grades K-5	Grades 6-8	Grades 9-12
	Amount of food <sup>a</sup> per week (minimum per day)		
Fruits (cups) <sup>b</sup>	2½ (½)	2½ (½)	5 (1)
Vegetables (cups) <sup>b</sup>	3¾ (¾)	3¾ (¾)	5 (1)
Dark green <sup>c</sup>	½	½	½
Red/Orange <sup>c</sup>	¾	¾	1½
Beans and peas (legumes) <sup>c</sup>	½	½	½
Starchy <sup>c</sup>	½	½	½
Other <sup>c d</sup>	½	½	¾
Additional Vegetables to Reach Total <sup>e</sup>	1	1	1½
Grains (oz eq) <sup>f</sup>	8-9 (1)	8-10 (1)	10-12 (2)
Meats/Meat Alternates (oz eq)	8-10 (1)	9-10 (1)	10-12 (2)
Fluid milk (cups) <sup>g</sup>	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) <sup>h</sup>	550-650	600-700	750-850
Saturated fat (% of total calories) <sup>h</sup>	<10	<10	<10
Sodium (mg) <sup>h i</sup>	≤640	≤710	≤740
<i>Trans</i> fat <sup>h</sup>	Nutrition label or manufacturer specifications must indicate zero grams of <i>trans</i> fat per serving.		

<sup>a</sup> Food items included in each group and subgroup and amount equivalents. Minimum creditable serving is 1/8 cup.

<sup>b</sup> One quarter-cup of dried fruit counts as 1/2 cup of fruit; 1 cup of leafy greens counts as 1/2 cup of vegetables. No more than half of the fruit or vegetable offerings may be in the form of juice. All juice must be 100% full-strength.

<sup>c</sup> Larger amounts of these vegetables may be served.

<sup>d</sup> This category consists of “Other vegetables” as defined in [paragraph \(c\)\(2\)\(iii\)\(E\)](#) of this section. For the purposes of the NSLP, the “Other vegetables” requirement may be met with any additional amounts from the dark green, red/orange, and beans/peas (legumes) vegetable subgroups as defined in [paragraph \(c\)\(2\)\(iii\)](#) of this section.

<sup>e</sup> Any vegetable subgroup may be offered to meet the total weekly vegetable requirement.

<sup>f</sup> All grains offered weekly must be whole grain-rich.

<sup>g</sup> All fluid milk must be low-fat (1 percent fat or less, unflavored) or fat-free (unflavored or flavored).

<sup>h</sup> The average daily calories for a 5-day school week menu must be within the range (at least the minimum and no more than the maximum values). Discretionary sources of calories (solid fats and added sugars) may be added to the meal pattern if within the specifications for calories, saturated fat, *trans* fat, and sodium. Foods of minimal nutritional value and fluid milk with fat content greater than 1 percent are not allowed.

<sup>i</sup> Final sodium targets (shown) must be met no later than July 1, 2022 (SY 2022-2023). The second intermediate target must be met no later than SY 2017-2018. See required intermediate specifications in [§ 210.10\(f\)\(3\)](#).

Food components	Breakfast meal pattern		
	Grades K-5	Grades 6-8	Grades 9-12
	Amount of food <sup>a</sup> per week (minimum per day)		
Fruits (cups) <sup>bc</sup>	5 (1)	5 (1)	5 (1)
Vegetables (cups) <sup>bc</sup>	0	0	0
Dark green	0	0	0
Red/Orange	0	0	0
Beans and peas (legumes)	0	0	0
Starchy	0	0	0
Other	0	0	0
Grains (oz. eq.) <sup>d</sup>	7-10 (1)	8-10 (1)	9-10 (1)
Meats/Meat Alternates (oz eq) <sup>e</sup>	0	0	0
Fluid milk (cups) <sup>f</sup>	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) <sup>gh</sup>	350-500	400-550	450-600
Saturated fat (% of total calories) <sup>h</sup>	<10	<10	<10
Sodium (mg) <sup>hi</sup>	≤430	≤470	≤500
<i>Trans</i> fat <sup>h</sup>	Nutrition label or manufacturer specifications must indicate zero grams of <i>trans</i> fat per serving.		

<sup>a</sup> Food items included in each group and subgroup and amount equivalents. Minimum creditable serving is 1/8 cup.

<sup>b</sup> One quarter cup of dried fruit counts as 1/2 cup of fruit; 1 cup of leafy greens counts as 1/2 cup of vegetables. No more than half of the fruit or vegetable offerings may be in the form of juice. All juice must be 100% full-strength.

<sup>c</sup> Schools must offer 1 cup of fruit daily and 5 cups of fruit weekly. Vegetables may be substituted for fruits, but the first two cups per week of any such substitution must be from the dark green, red/orange, beans and peas (legumes) or “Other vegetables” subgroups, as defined in [§ 210.10\(c\)\(2\)\(iii\) of this chapter](#).

<sup>d</sup> All grains offered weekly must be whole grain-rich as specified in FNS guidance. Schools may substitute 1 oz. eq. of meat/meat alternate for 1 oz. eq. of grains after the minimum daily grains requirement is met.

<sup>e</sup> There is no meat/meat alternate requirement.

<sup>f</sup> All fluid milk must be low-fat (1 percent fat or less, unflavored) or fat-free (unflavored or flavored).

<sup>g</sup> The average daily calories for a 5-day school week menu must be within the range (at least the minimum and no more than the maximum values).

<sup>h</sup> Discretionary sources of calories (solid fats and added sugars) may be added to the meal pattern if within the specifications for calories, saturated fat, *trans* fat, and sodium. Foods of minimal nutritional value and fluid milk with fat content greater than 1 percent milk fat are not allowed.

<sup>i</sup> Final sodium targets (shown) must be met no later than July 1, 2022 (SY 2022-2023). The second intermediate target must be met no later than SY 2017-2018. See required intermediate specifications in [§ 220.8\(f\)\(3\)](#).

Snacks served through the NSLP Afterschool Snack Service must include full servings, according to the age groups identified in the breakfast and lunch meal pattern age/grade group requirements, of two of any of the following four food components. The four components are:

- Fluid milk.
- Meat or meat alternate.
- Vegetable or fruit, or full-strength vegetable or fruit juice.

- Whole-grain or enriched bread (or an equivalent serving of a bread product) or a serving of cooked whole-grain or enriched pasta or noodle products.

Juice must not be served when fluid milk is served as the only other component.

Food components	Afterschool snack meal pattern	
	Ages 3-5	Ages 6-12
Juice, Fruit and/or Vegetable	½ c	¾ c
Grains (oz. eq.) <sup>d</sup>	½ serving	1 serving
Meat/poultry/fish (oz eq) <sup>e</sup>	½ oz	1 oz
Alternate protein products (e.g., nuts, seeds, cheese)	½ oz	1 oz
Egg (large)	½ large egg	½ large egg
Cooked dry beans/peas	1/8 c	¼ c
Peanut or other nut butter	1 Tbsp	2 Tbsp
Fluid milk (cups) <sup>f</sup>	5 (1)	5 (1)

The NDE agrees that:

1. To the extent of funds available, NDE shall reimburse the SFA for meals served in accordance with the provisions of the National School Lunch Act Programs in the schools with valid Site Applications, in any fiscal year during which this agreement is in effect, provided, however, that such services are of the type(s) defined or described elsewhere in this section and in federal program regulations, guidelines, and policies, and that these services are rendered consistent with requirements of this section and existing regulations.
2. The amount of Federal reimbursement for lunches, breakfasts and snacks served to eligible free, reduced and paid student meals shall not exceed an amount equal to the number of meals served to enrolled students multiplied respectively by the rates of reimbursement. Feeding sites that served 40% or more free/reduced student lunches in the second preceding school year may apply for Severe Need breakfast funding. Application for Severe Need breakfast funding is made on the Site Application.
3. Public SFAs receive an additional \$0.05 in State reimbursement for breakfast. When issued, SFAs receive the state reimbursement as a single payment and it reflects the total number of student breakfasts served the second previous school year.

**II. Free and Reduced-Price Policy Statement**

1. The Board of Education/Governing Body of this School Food Authority (SFA) has agreed to participate in one or more of the following programs:
  - a. National School Lunch Program
  - b. School Breakfast Program
  - c. Special Milk Program
  - d. Afterschool Snack Program

Said Board of Education/Governing Body accepts the responsibility for the one or more programs they will participate in, and for providing free and reduced-price meals to eligible children attending the site under its authority and named in the CNP online system's Sponsor Application and Site Application.

The Board of Education/Governing Body further assures the Nebraska Department of Education (NDE) that the system will uniformly implement this part of the Agreement to determine children's eligibility for free and reduced-price meals in the program in which the schools participate.

2. In fulfilling its responsibilities the SFA:
  - a. Agrees to serve free meals to children from families whose income is at or below the free scale of the Agriculture Secretary's Income Eligibility Guidelines for the current school year or children who receive SNAP, TANF or FDPIR, Medicaid (only as identified Medicaid Free on the list of Directly Certified students) or qualify as migrant, homeless, runaway, Head Start, pre-K Even Start or institutionalized students and to serve meals at a reduced price to children who receive Medicaid (only as identified Medicaid Reduced on the list of directly

certified students) or from households whose income is at or below the reduced-price scale of the Agriculture Secretary's Income Eligibility Guidelines for the current school year.

- b. Agrees to set reduced price charges for lunch and breakfast, and/or snack at or below the maximum reduced price allowed by regulations (\$0.40 – lunch, \$0.30 – breakfast, \$0.15 - snack).
- c. Agrees that there will be no physical segregation of, nor any other discrimination against, any child because of his/her inability to pay the full price of the meal. The names of the children eligible to receive free or reduced-price meals shall not be published, posted, or announced in any manner, and there shall be no overt identification of any such children by use of special tokens, tickets or any other means. Further assurance is given that children eligible for free or reduced-price meals shall not be required to:
  - (1) Work for their meals.
  - (2) Use a separate lunchroom.
  - (3) Go through a separate serving line.
  - (4) Enter the lunchroom through a separate entrance.
  - (5) Eat meals at a different time.
  - (6) Eat a meal different from the one sold to children paying the full price.
- d. Agrees to avoid any policy or practice that has the effect of overtly identifying eligible children in the sale of competitive foods or a la carte food sales. The sale of competitive foods will not inadvertently result in eligible children being identified. Ways to limit overt identification related to the sale of competitive foods include:
  - Limit competitive foods to only those items offered as part of a reimbursable meal on the lunch lines;
  - Offer competitive foods on the same lines as reimbursable meals.
  - Only allow competitive foods to be purchased with a pre-paid card.
- e. Agrees to establish and use a fair hearing procedure under which: (1) a family can appeal a decision made by the SFA with respect to the family's free and reduced-price meal application; and (2) the SFA can challenge the continued eligibility of any child approved for free or reduced-price meals. During the appeal and hearing, the child who was determined to be eligible based on the face value of the application submitted will continue to receive free or reduced-price meals. Prior to initiating the hearing procedure, the SFA official, the parent(s) or guardian may request a conference to provide an opportunity for the parent(s)/guardian and SFA official(s) to discuss the situation, present information, obtain an explanation of data submitted in the application and the decisions rendered. Such a conference shall not in any way prejudice nor diminish the right to a fair hearing.

The hearing procedure shall provide the following for both the family and the SFA:

- (1) A publicly announced, simple method for making an oral or written request for a hearing.
- (2) An opportunity to be assisted or represented by an attorney or other person.
- (3) An opportunity to examine, prior to and during the hearing, the documents and records presented to support the decision under appeal.
- (4) Reasonable promptness and convenience in scheduling a hearing, and adequate notice as to its time and place.
- (5) An opportunity to present oral or documentary evidence and arguments supporting a position without undue interference.
- (6) An opportunity to question or refute any testimony or other evidence and to confront and cross-examine any adverse witness(es).
- (7) That the hearing be conducted by an official who did not participate in the decision under appeal or any previous conference to make that decision.
- (8) That the decision of the hearing official be based on the oral and documentary evidence presented at the hearing and entered into the hearing record.
- (9) That the parties concerned and any designated representative thereof be notified in writing of the decision.
- (10) That for each hearing a written record be prepared, including the decision of the hearing official and the reasons thereof, and a copy of the notification to the parties concerned of the hearing official's decision.
- (11) That such written record must be retained for a period of 3 years after the close of the school year to which they pertain. These records must be made available for examination by the parties concerned or their designees at any reasonable time and place during such period.
- (12) When an application is rejected, parents or guardians will be informed of the reason for denial and the hearing procedure. The designated hearing official and the individual designated to review applications and make determinations of eligibility are named in the CNP system's online Sponsor Application (NDE 01-014). These officials will use the criteria outlined in this Free and Reduce Price Policy Statement to determine which individual children are eligible for free and reduced-price meals. The Board of



Education/Governing Body assures the State that the person named as a hearing official was not involved in the original eligibility determination.

- f. The Board of Education/Governing Body agrees to develop and distribute to each child's parent(s) or guardian a letter with an explanation that households with incomes at or below the reduced-price guidelines may be eligible for either free or reduced-price meals. In addition, an application for free and reduced-price meals shall be distributed with the parent letter before the start of school but not before the federally defined school year which begins July 1<sup>st</sup>. However, year-round schools may distribute the letter/application in June.

Interested parents or guardians are responsible for filling out the application and returning it to the school for review. Such applications and documentation of determinations made will be maintained for a period of three years following the end of the school year to which they pertain.

Applications must be accepted at any time during the year. Parents or guardians enrolling a child in an SFA for the first time shall be supplied with appropriate meal application materials regardless of the time of year the child is registered. If a child transfers to another SFA, his/her eligibility for free or reduced-price meals transfers as long as the receiving SFA obtains a copy of the child's meal application or other approved documentation from the previous SFA. Applications are valid for the school year. Households are not required to report changes.

Parents or guardians will be promptly notified of the acceptance or denial of their application(s). Benefits are to be issued within ten operating days of receipt of qualifying applications.

When an application is rejected, parents or guardians will be provided written notification which shall include: (1) the reasons for the denial of benefits (e.g., income in excess of allowable limits or incomplete application); (2) notification of the right to appeal; (3) who to contact for an appeal; and (4) a statement reminding parents that they may reapply for free and reduced-price benefits at any time during the school year. The reasons for ineligibility shall be properly documented and retained on file at the SFA level.

All public and non-public SFAs, except Residential Child Care Institutions and Educational Service Units, regardless of enrollment, are required to conduct direct certification. The SFA must maintain a list of names of children approved for free or reduced-price meals based on documentation certifying that the child is included in a household approved to receive benefits as a result of electronic direct certification.

- g. The Board of Education/Governing Body agrees to inform households that a foster child is categorically eligible for free meals and may be included as a member of the foster family, if the foster family chooses to apply for benefits for other children. Including children in foster care as household members can help other children in the household qualify for free and reduced-price meals. If the foster family is not eligible for free or reduced-price meal benefits, it does not prevent a foster child from receiving free meal benefits.

Households with children who are categorically eligible under Other Source Categorically Eligible Programs (e.g. migrant, homeless, foster) should contact the school for assistance in receiving benefits.

- h. The Board of Education/Governing Body agrees that there are no barriers for participation in Programs for Limited English Proficient (LEP) families and to communicate with parents and guardians in a language they can understand throughout the certification and verification processes.
- i. The Board of Education/Governing Body agrees to establish a procedure to collect money from children who pay for their meals, establish and follow a Point of Service meal counting procedure, and to account for the number of free, reduced-price, and full-price meals served daily. The SFA agrees to implement a collection procedure that will ensure that no child is overtly identified as receiving free or reduced-priced meals.
- j. The Board of Education/Governing Body agrees to take appropriate measures to prevent disclosure of confidential free and reduced-price eligibility information as required under 7 CFR 245.6(f-k).
- k. All attachments identified in the list below must be used as printed, unless prior approval for changes is obtained in writing from NDE prior to use.

Each SFA shall amend its permanent free and reduced-price policy statement to reflect substantive changes. Any amendment to a policy shall be provided to the State agency prior to implementation.

NDE will provide an annual news release to all newspapers in the state announcing the availability of free and reduced-price meals in Nebraska schools. When a large employer within the SFA's attendance area lays off employees, the SFA should send a copy of the news release out to that employer as well as the local news media, and the unemployment office.

The following list of attachments are adopted with and considered a part of this Permanent Agreement and Policy Statement and any subsequent Amendments. These forms are available on Nutrition Services web site at <http://www.education.ne.gov/ns>.

Attachment A.	Income Eligibility Guidelines
Attachment B.	Letter to Households
Attachment B-1	Letter to Household for <u>Milk Only Schools</u>
Attachment C.	Application for Free and Reduced-Price Meals
Attachment C-1	Application for Free Milk for <u>Milk Only Schools</u>
Attachment D.	Notice of Approval/Denial Letter
Attachment D-1	Notice of Approval/Denial Letter for <u>Milk Only Schools</u>
Attachment D-3	Notice of Change in Benefits Letter
Attachment E.	Computing Income for Self-Employed Persons
Attachment F.	Verification Selection Letter and Enclosures
Attachment G.	Verification Results Letter
Attachment H.	Verification Procedures Questionnaire
Attachment H-1	Civil Rights Summary
Attachment H-2	Verification Tracker
Attachment I.	On-Site Review Summary
Attachment J.	Edit Check Worksheet
Attachment J-R.	Edit Check Worksheet for <u>RCCIs only</u>
Attachment K.	Production Records (all forms)
Attachment L.	Sharing Information Waiver – Optional
Attachment L-1	Sharing Information with Medicaid/SCHIP – Optional

### III. Definitions

**Afterschool care program** means a program providing organized child care services to enrolled school-age children afterschool hours for the purpose of care and supervision of children. Those programs shall be distinct from any extracurricular programs organized primarily for scholastic, cultural or athletic purposes.

**Breakfast** means a meal which meets the nutritional requirements set out in Section 220.8, and which is served to a child in the morning hours. The meal shall be served at or close to the beginning of the child's day at school.

**Child** means (a) a student of high school grade or under as determined by the State educational agency, who is enrolled in an educational unit of high school grade or under as described in paragraphs (a) and (b) of the definition of "School," including students who are mentally or physically disabled as defined by the State and who are participating in a school program established for the mentally or physically disabled; or (b) a person under 21 chronological years of age who is enrolled in an institution or center as described in paragraphs (c) and (d) of the definition of "School;" or (c) for purposes of reimbursement for snacks served in afterschool care programs, an individual enrolled in an afterschool care program operated by an eligible school who is 18 years of age or under. A child may turn 19 during the school year and remain eligible for afterschool snacks until the end of the school year.

**Days** mean calendar days unless otherwise specified.

**Documentation** means:

1. The completion of a free and reduced-price school meal or free milk application that includes:
  - a. For households applying on the basis of income and household size, names of all household members; income and frequency of pay received by each household member, identified by source of the income (such as earnings, wages, welfare, pensions, support payments, unemployment compensation, social security and other cash income); the signature of an adult household member; and the social security number of the adult household member who signs the application or an indication that he/she does not possess a social security number; or

- b. For a child who is a member of a SNAP, FDPIR or TANF household: the child's name and household's Master Case Number and the name and signature of an adult household member; and
2. In lieu of completion of the free and reduced-price application, information obtained from the State or local agency responsible for the SNAP, FDPIR or TANF programs which includes the name of the child; a statement certifying that the child is a member of a currently certified SNAP, FDPIR or TANF household; information in sufficient detail to match the child attending school in the SFA with the name of the child certified as a member of a SNAP, FDPIR or TANF household; the signature or a copy of the signature of the individual authorized to provide the certification on behalf of the SNAP, FDPIR or TANF office, as appropriate; and the date. When the signature is impractical to obtain, such as in a computer match, other arrangements may be made to ensure that a responsible official can attest to the data.

**Donated Foods** means food commodities donated by USDA for use in nonprofit lunch programs.

**Family** means a group of related or unrelated individuals, who are not residents of an institution or boarding house, but who are living as one economic unit.

**FDPIR** means the Food Distribution Program for households on Indian Reservations operated under part 253 of this title.

**Food Service Area** means any area on school premises where program meals are both served and eaten as well as any areas in which program meals are either served or eaten.

**Supplemental Nutrition Assistance Program (SNAP) Household** means any individual or group of individuals that is currently certified to receive assistance as a household under SNAP.

**Foods of Minimal Nutritional Value (FMNV)** means foods that cannot be sold or served in the food service area during times meals are served. The categories are identified in Appendix B of 7 CFR 210.

**Free Meal** means a meal for which neither the child nor any member of his family pays or is required to work in the school or in the school's food service.

**Free Milk** means milk served under the regulations governing the Special Milk Program and for which neither the child nor any member of his family pays or is required to work in the school.

**FNS** means the Food and Nutrition Service, United States Department of Agriculture.

**Income Eligibility Guidelines** means the family-size income levels prescribed annually by the Secretary of Agriculture for use by States in establishing eligibility for free and reduced-price meals and for free milk.

**Meal** means a breakfast, lunch or snack that meets the applicable requirements prescribed in 7 CFR Sections 210.10 and 220.8.

**Milk** means pasteurized fluid types of unflavored or flavored whole milk, lowfat milk, skim milk, or cultured buttermilk which meet State and local standards for such milk except that, in the meal pattern for infants (0 to 1 year of age) milk means unflavored types of whole fluid milk. All milk should contain vitamins A and D at levels specified by the Food and Drug Administration and consistent with State and local standards for such milk.

**Local Educational Agency (LEA)** means the entity responsible for application, certification, and verification activities for the NSLP, SBP and SMP.

**Lunch** means a meal service that meets the applicable nutrition standards and portion sizes in Section 210.10 for lunches.

**National School Lunch Program** means the program under which participating schools operate a nonprofit lunch program in accordance with this part. General and special cash assistance and donated food assistance are made available to schools in accordance with this part.

**Net Cash Resources** means all monies, as determined in accordance with the State Agency's established accounting system that are available to or have accrued to a SFA's nonprofit school food service at any given

time, less cash payable. Such monies may include, but are not limited to, cash on hand, cash receivable, earnings on investments, cash on deposit and the value of stocks, bonds or other negotiable securities.

**Nonprofit**, when applied to schools or institutions eligible for the program, means exempt from income tax under section 501(c)(3) of the Internal Revenue Code of 1954, as amended.

**Nonprofit School Food Service** means all food service operations conducted by the SFA principally for the benefit of school children, all of the revenue from which is used solely for the operation or improvement of such food services.

**Paid Meal** means a meal served to children who are either not eligible for or elect not to receive the free or reduced-price benefits offered under 7 CFR part 245. USDA subsidizes each paid lunch with both general cash assistance and donated foods. Although a paid student pays for a large portion of his or her lunch, the USDA subsidy accounts for a portion of the cost of that lunch.

**Point of Service** means that point in the food service operation where a determination can accurately be made that a reimbursable free, reduced-price or paid lunch has been served to an eligible child. The point of service is at the end of the serving line after students have had access to all meal items unless an alternate counting method is approved by NDE.

**Program** means the National School Lunch Program and the USDA Foods program.

**Reduced-Price Meal** means a meal which meets all of the following criteria: (1) The price shall be less than the full price of the meal; (2) the price shall not exceed \$0.40 for a lunch and \$0.30 for a breakfast; and (3) neither the child nor any member of his family shall be required to supply an equivalent value in work for the school or the school's food service.

**Reimbursement** means Federal and State cash assistance including advances paid or payable to participating schools for lunches meeting the requirements of Section 210.10 and served to eligible children.

**Revenue**, when applied to nonprofit school food service, means all monies received by or accruing to the nonprofit school food service in accordance with the State agency's established accounting system including, but not limited to, children's payments, earnings on investments, other local revenues, State revenues, and Federal cash reimbursements.

**School** means:

1. An educational unit of high school grade or under, recognized as part of the educational system in the State and operating under public or nonprofit private ownership in a single building or complex of buildings;
2. any public or nonprofit private classes of preprimary grades when they are conducted in the aforementioned schools; or
3. any public or nonprofit private residential child care institution, or distinct part of such institution, which operates principally for the care of children, and, if private, is licensed to provide residential child care services under the appropriate licensing code by the State or a subordinate level of government, except for residential summer camps which participate in the Summer Food Service Program, Job Corps centers funded by the Department of Labor, and private foster homes. The term "Residential Child Care Institutions" includes, but is not limited to: homes for the mentally, emotionally or physically impaired, and unmarried mothers and their infants; group homes; halfway houses; orphanages; temporary shelters for abused children and for runaway children; long-term care facilities for chronically ill children; and juvenile detention centers. A long-term care facility is a hospital, skilled nursing facility, intermediate care facility, or distinct part thereof, which is intended for the care of children confined for 30 days or more.

**School Food Authority (SFA)** means the governing body that is responsible for the administration of one or more schools; and has the legal authority to operate the Program therein or be otherwise approved by FNS to operate the Program.

**School Year** means a period of 12 calendar months beginning July 1 of any year and ending June 30 of the following year.

**Snack** means a meal served in an afterschool care program that meets the meal pattern found in Section 210.10(n).

**State Agency** means the Nebraska Department of Education-Nutrition Services.

**Student with Disabilities** means any child who has a physical or mental impairment as defined in Section 15b.3 of USDA's nondiscrimination regulations (7 CFR part 15b).

**TANF** means the State funded program under part A of Title IV of the Social Security Act that the Secretary of Agriculture determines complies with standards established by the Secretary of Agriculture that ensure that the standards under the State program are comparable to or more restrictive than those in effect on June 1, 1995. This program is commonly referred to as Temporary Assistance for Needy Families, although States may refer to the program by another name.

**Verification** means confirmation of eligibility for free or reduced-price meal benefits under the National School Lunch Program or School Breakfast Program. Verification shall include confirmation of income eligibility and, at State or local discretion, may also include confirmation of any other information required in the application that is defined as documentation in Section 245.2(a-4).

**IV. Permanent Agreement - Certification and Signatures**

**Free/Reduced Policy Statement - Certification and Signatures**

The Authorized Representative of the school meals program must sign this addendum. The addendum will remain in effect until amended by either the State Agency or the School Food Authority (SFA). The SFA agrees to all terms contained in this document. The Authorized Representative must complete items 1-6 below.

NDE requires assurance that the SFA's Authorized Representative has permission of the SFA to enter into this agreement. The person who signs as the Board Official provides this assurance. One of the following officials must complete items 7-10 below:

- For Schools: Board of Education President or Officer
- For Non-Profit Institutions: Governing Body or Officer

1. Name Authorized Representative	2. Signature of Authorized Representative
3. Title	4. School or Institution Name
5. Agreement Number (6-digit county-district #)	6. Date Signed
7. Printed Name of Board Official	8. Signature of Board Official
9. Title	10. Date Signed