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Application Agreement/ Renewal

National School Lunch Program and School Breakfast Program

Application and Agreement

The Food and Nutrition Division (FND) Agreement is a legal contract between the Texas Department of Agriculture (TDA) and each contracting entity (CE) participating in the National School Lunch Program (NSLP) and School Breakfast Program (SBP). Its provisions are similar to the provisions of the contract between TDA and the United States Department of Agriculture (USDA).

Under the terms of the FND Agreement, each CE agrees to:

- serve a lunch, breakfast, and/or snack that meets meal pattern and nutritional requirements;
- maintain proper sanitation and health standards in conformance with all applicable state and local laws;
- comply with record keeping requirements;
- provide free and reduced-price meals to eligible children;
- provide meals to all children without regard to race, color, national origin, sex, age or disability;
- comply with financial requirements and provisions;
- accept and use commodities; and
- operate the program on a nonprofit basis.

The CE is required to keep a copy of the initial FND Agreement on file.

To continue its agreement each CE must complete a renewal of agreement on the Texas Unified Nutrition Programs System (TX-UNPS) by July 1 of each year or prior to submitting any reimbursement claims for the upcoming school year. The number of schools reported on the reimbursement claim may not be greater than the number of schools approved to participate in respective programs shown in TX-UNPS. Record the total enrollment and total eligible from the previous October. Use the highest figures that were available during the most current October. Also, identify the programs in which each campus will participate during the next program year. For additional information regarding the agreement, contact TDA by calling (877) TEX-MEAL (839-6325).

Once we have approved your application, policy statement and signed FND Agreement, these documents can be amended only with our consent. There are two types of agreement amendments:

- universal amendments; and
- contractor specific amendments.

Universal Amendments

Universal amendments are modifications to the terms and conditions of the FND Agreement that apply to all contractors operating under the FND Agreement, including amendments that are specific to a particular program, regardless of whether a particular contractor has been approved to participate in that program. Universal amendments are initiated by TDA.

Contractor Specific Amendments

Contractor specific amendments are limited to:

- Adding participation in an F&N-administered program;
- Deleting participation in an F&N-administered program;
- Changing the name of the organization in which the Federal Employer Identification Number (FEIN) remains the same under the existing FND Agreement; or
- Changing the name of the organization in which other documentation establishing your legal identity remains the same under the existing FND Agreement.

Whenever necessary, The TDA Business Operations Unit will amend your FND Agreement using an “amendment form” to indicate your current participating status and/or organization name.

Example (adding a program): If a contractor is approved to participate in the Child and Adult Care Food Program (CACFP) and is later approved to participate in the NSLP, TDA will complete an amendment form and send it to the CE. The CE will sign the form and return it to TDA. Upon receipt of the CE’s signed amendment form, the form will be signed by TDA and a copy will be returned to you for your files.

Example (deleting a program): If an CE is approved to participate in both the CACFP and the NSLP but decides to terminate their participation in the CACFP they must notify the TDA. TDA will complete an amendment form and send it to the CE. The CE will sign the form and return it to TDA. Upon receipt of the CE’s signed amendment form, the form will be signed by TDA and a copy will be returned to you for your files.

Example (name change): If a CE notifies TDA that the name of their contracting organization has changed, but the FEIN, or other documentation establishing your legal identity has not, TDA will enter the new name of the contracting organization on an amendment form and send it to the CE. The CE will sign the form and return it to TDA. Upon receipt of the CE’s signed amendment, the form will be signed by TDA and a copy will be returned to you for your files. Contractor specific amendments can be initiated by either TDA or the contracting organization. Upon receipt of a contractor specific amendment, you must sign, date and return the amendment to TDA.

A contractor specific amendment initiated by a contracting organization to add or delete a program can be withdrawn. The CE may decide not to participate in the program being added, or continue participation in the program being deleted. In the event that you decide to withdraw a contractor specific amendment, you must inform TDA in writing to the attention of the Assistant Commissioner.

Failure to return a contractor specific amendment, or to notify TDA that you wish to withdraw the action, could result in termination of your FND Agreement for cause.

Policy Statement

Policy Statement for Free and Reduced-Price Meals

The policy statement outlines procedures that the CE will uniformly implement in determining student's eligibility to receive the benefits of the NSLP and SBP.

All CEs participating in the NSLP and/or the SBP must agree to furnish the benefits of these programs to all students regardless of their ability to pay. For additional information regarding policy statements, contact the School Operations Unit at TDA by calling (877) TEX-MEAL (839-6325).

Responsibilities of the Contracting Entity (CE):

In fulfilling its responsibilities, the CE agrees:

- to serve meals free to children from families whose income is at or below the current eligibility income scale for free meals;
- to serve meals at a reduced-price to children from families whose income is at or below the current eligibility income scale for reduced-price meals;
- to provide these benefits to foster children;
- to provide these benefits to children from families experiencing strikes, layoffs and unemployment that causes the family income to fall below the eligibility income scale;
- that there shall be no overt identification of any child receiving these benefits (See Section 19 of the Administrator's Reference Manual for overt identification.);
- that no child shall be discriminated against because of race, color, national origin, sex, age or disability;
- to establish a fair hearing procedure (See Hearing and Appeals Process in this section.);
- to designate both a reviewing official and a hearing official (they cannot be the same individual);
- to submit to the informational media, local employment offices and major employers contemplating large layoffs, a public release containing the letter to households, the eligibility criteria and the application form;
- to establish and follow a collection procedure that will not overtly identify those students receiving free or reduced-price meals; and
- to submit to the TDA any proposed amendments to this policy prior to implementation. Such changes will be effective only upon TDA approval.

The policy statement should be kept in a permanent file and referred to at the beginning of each school year to assure compliance with its provisions. To improve program operation, copies of the approved policy should be shared with the determining, verifying and hearing officials as well as school administrators.

Hearing and Appeal Process

The CE must establish and use a fair hearing procedure under which a household can appeal a decision made by the CE's reviewing official with respect to the household's application for benefits and/or any subsequent reduction or termination of benefits. During the appeal and hearing process, the student who was determined to be eligible based on the information provided on the application will continue to receive free or reduced-price meals. Households appealing a reduction or termination of benefits as a result of verification of eligibility will continue to receive benefits if they appeal within the 10-day advance notice period. Prior to initiating the hearing procedure, the school official or the parents/guardians may request a conference to provide an opportunity to discuss the situation, present information and obtain an explanation of data submitted on the application and the decisions rendered. Such a conference shall not in any way prejudice or diminish the right to a fair hearing.

The designated hearing official shall ensure that the hearing procedure provides the following for both the household and the CE:

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. A hearing scheduled no later than 10 calendar days from the day the CE was notified. Adequate notice as to time and place should be provided.
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 and the decision be made by an official who did not participate in the decision under appeal or any previous conference. It is recommended that the hearing official hold a position at a higher administrative level than the reviewing official(s).
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 their designated representative, if any, be notified in writing of the decision. If the hearing results in a reduction or termination of benefits for the household, the written notification informing the household of the hearing official's decision must include the 10-day advance notice of adverse action.
10. That for each hearing a written record be prepared, which includes: (a) the decision under appeal; (b) any documentary evidence; (c) a summary of any oral testimony presented at the hearing; (d) the decision of the hearing official and the reasons for that decision; and (e) a

copy of the notification to the parties concerned of the hearing official's decision.

11. That such written records MUST be retained for a period of five years after the end of the fiscal 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.

Policy Statement Attachments

The following attachments are adopted with and considered part of the policy statement:

- Designation of Hearing, Reviewing and Verifying Officials (Attachment A)
- Attachment B: Meal Count/Collection Procedure(s)
- Attachment C: Prototype Media Release for Free and Reduced-Price Meals
- Attachment D: Income Eligibility Guidelines
- Attachment E: Letter to Households
- Attachment F: Application Form
- Attachment G: Letter to Households of Approval/Denial of Benefits
- Attachment H: Letter of Selection for Verification
- Attachment I: Notices/Letters of Adverse Action
- Attachment J: Letter of Predetermined Eligibility
- Menu Planning System (Attachment K)

Timelines for Updating Attachments

Attachments C, D, E and F are updated annually. (**Note:** Attachment D is not updated for School Year 2010-2011)

Attachments A, B, G, H, I, J and K are updated as needed.

Designation of Hearing, Reviewing and Verifying Officials (Attachment A)

Provides a place for the CE to designate a reviewing, hearing and verifying official. Titles rather than names of personnel should be used when making these designations. It is recommended that the hearing official hold a position at a higher administrative level than that of the reviewing official. The hearing official must be an individual who is not involved with the approval or verification process. Update only when changes are made and prior to implementing. This update can be made in TX-UNPS or by resubmitting the *School Nutrition Programs Application for Participation* to TDA F&N.

Attachment B: Meal Count/Collection Procedures

This document provides a description of the meal count/collection procedure(s) used for breakfast and lunch in schools in the CE. In an effort to standardize meal count/collection procedures used throughout the state and to simplify the task of writing such procedures for CE personnel, a checklist approach to completing Attachment B is used.

Any approvable meal count/collection procedure must include various components, such as a method for prepayment or charging, a medium of exchange, a point of service count, etc. By using the checklist, the school's meal count/collection procedure(s) can be described to TDA by simply checking off at least one line in each numbered section. Amend only when changes in meal count/collection procedures occur. Submit entire document to TDA/F&N prior to implementing. Attachment B can be amended via TX-UNPS or by submitting the paper version at the end of this section.

Attachment C: Prototype Media Release for Free and Reduced-Price Meals

- Regulations require that prior to or during the first week of school, a public release be made to the local news media, the unemployment office and any major employers who are contemplating layoffs within the school's attendance area. When sent to the news media, the letter to parents, application form, and a complete income scale (free and reduced-price guidelines) or the same information put in a narrative form will constitute a public release. See end of this section for a sample media release.

The requirement is to provide the above-described information to the news media. It is not the CE's responsibility to ensure that the information is published in the newspapers.

Note: CEs are required to provide information to the media; however, they are not required to pay to have the information published.

The CE should retain a copy of the information provided to the media and the letter of transmittal to serve as Attachment C of the CE's policy statement. If the information is published, a copy of the published material should be included as part of Attachment C.

Copies of the public release must be made available upon request to any interested party.

- The public release must contain both the free and reduced-price income eligibility guidelines.
- A letter notifying households about the availability of the School Nutrition Programs (SNP) and about free and reduced-price benefits and an application form must be distributed at or near the beginning of each school year to the households of students in attendance at the school.
- The letter should be sent to households of all students as early as possible in the school year so that eligibility determinations may be made and free and reduced-price benefits provided as soon as possible.
- New students enrolling in the CE after the start of school should be provided a letter/notice to households and application form when they enroll.

RCCIs: Refer to Section 26, Residential Child Care Institutions for information regarding public announcements.

New School Year Prototype School Meals Application Packet Information

Between May and August, a prototype Letter to Households and application form in addition to the free and reduced-price eligibility guidelines are posted on the TDA website at www.squaremeals.org. These are referred to as:

- Attachment D — Income Eligibility Guidelines;
- Attachment E — Letter to Households; and
- Attachment F — Application Form.

Do not submit to these Attachments to TDA. Keep on file in the CE as part of the school meal application.

Attachment D: Income Eligibility Guidelines

Free and reduced-price guidelines are to be used by the reviewing official to determine eligibility for free or reduced-price meals and are to be provided to the media for public release. Keep on file in the CE.

Attachment E: Letter to Households

A multi-use and a multi-child letter to households are provided by the United States Department of Agriculture (USDA). Use the appropriate letter to parents to accompany either the multi-use or multi-child application as selected for use by the CE. These letters may be modified to include the CE or school name, the programs that the CE is operating, hearing official information and a signature. It is strongly recommended that no further reformatting be done.

The name, address and telephone number of the hearing official indicated on the letter to parents must be the person indicated as the hearing official in the policy statement.

In prior years, a number of CEs have elected to include in the letter to households a request for supporting income documentation such as pay stubs, etc., to accompany the submitted application for free and reduced-price meal benefits. The CE may not require supporting income documentation. A completed application must be submitted by the household to be processed.

Attachment F: Application Form

Currently multi-child and multi-use prototype application forms are provided by TDA in English and Spanish. Other foreign language translations are available on the USDA Food and Nutrition Service (FNS) web site at <http://www.fns.usda.gov/cnd/frp/frp.process.htm>. A CE may choose to use any of the application forms according to the CE's need but is encouraged not to revise or reformat the application forms used. Keep the applications on file in the CE.

If the CE reformats any prototype notice/letter or the application form, the CE assumes full responsibility for any errors or omissions.

Attachment G: Letter to Households of Approval/Denial of Benefits

A prototype Letter to Households of Approval/Denial of Benefits is provided in this section. This letter is used to notify households of the approval or denial of eligibility for meal benefits. Keep on file in the CE.

Attachment H: Letter of Selection for Verification

A prototype Letter of Selection for Verification and enclosures are provided at the end of Section 4, Determining Eligibility. This letter must be sent to households selected for verification unless the verification is conducted through the state Supplemental Nutrition Assistance Program (SNAP) (formerly Food Stamps) or another state agency. Keep on file at the CE.

Attachment I: Notices/Letters of Adverse Action

Two prototype Notices/Letters of Adverse Action are provided at the end of Section 6, Verification. One notice/letter addresses income households and the other addresses SNAP households. These notices/letters must be sent to any household whose student's eligibility for meal benefits will be reduced or terminated due to verification. These notices/letters must be sent 10 calendar days before the change in benefits occurs. Keep on file in the CE.

Attachment J: Letter of Predetermined Eligibility

Prototype Letter of Predetermined Eligibility is provided in Section 4, Determining Eligibility. Prototype samples for direct certification and for TANF/Head Start/Early Head Start and migrant children are at the end of the section. These letters must be sent to any household certified as eligible for free meal benefits.

Menu Planning System (Attachment K)

As part of the School Meals Initiative (SMI), USDA has provided menu planning system options to assist CEs in meeting the *1995 Dietary Guidelines for Americans*. These options serve as the method for CEs to plan meals that will implement the *1995 Dietary Guidelines for Americans* goals, as well as meet the Recommended Dietary Allowances and the caloric needs of students. A CE may select different systems for breakfast, lunch and snacks. However, TDA recommends that only one system be selected for all programs to ensure consistency for staff and students. CEs have the option of selecting one system for all schools in the CE; choosing a different menu planning system for all elementary, all middle or all high schools; or using different menu planning systems for individual schools. In an effort to standardize the menu planning system selection process, a checklist approach has been used. Each CE will select the menu planning system that best meets its needs.

To change to another menu planning system, CEs must notify TDA prior to implementation by revising the site(s) through TX-UNPS or by sending a revised copy of the *School Nutrition Programs Site Application*. The CE cannot implement the new menu planning system until it receives approval from TDA. CEs changing their menu planning system to Assisted Nutrient Standard Menu Planning (Assisted NSMP) must be pre-approved by TDA prior to

implementation. CEs changing their menu planning system to Assisted NSMP should contact TDA at (877) TEX-MEAL for additional information.

How to Apply for Participation

Any school desiring to participate in the SNPs must complete an application packet. There are two ways a school can complete the SNP application:

1. Visiting the TX-UNPS website at <http://TXUNPS.TexasAgriculture.gov>; or
2. Completing the paper application packet. The application packet can be printed from www.squaremeals.org.

Certificate of Authority

The primary authorized representative is empowered by the local school board or the Charter School Board of Directors to act for it in all matters pertaining to the NSLP and SBP. The responsibilities of this position include, but are not limited to, ensuring that the CE's programs are operated in accordance with federal and state regulations and maintaining the proper records and reporting requirements to support the monthly reimbursement claim. The primary authorized representative is responsible for program operations, and for this reason, it is recommended that the person so designated be an administrative staff member of the CE. In many cases, the superintendent is designated as the authorized representative, but this is not a requirement.

The primary authorized representative (AR) must be designated/approved by the CE's superintendent or President of the Board of Trustees. When it is necessary to designate a new primary authorized representative with signature authority, complete the appropriate Certificate of Authority (COA) form at the end of this section.

The Texas Department of Agriculture Certificate of Authority for External Users (FND-101) is used to establish an AR.

Alternate Authorized Representative

The designation of an alternate AR need not be certified in formal action by the school board, but the COA form must be approved by either the superintendent, president of the board or primary AR. A Food Service Management Company (FSMC) representative may be designated as an authorized representative in lieu of an alternate but may not be a primary AR. The primary AR must be an employee of the CE. A FSMC representative may not file claims and those contracting with public and charter schools have read-only privileges in TX-UNPS.

Prototype Media Release for Free and Reduced-Price Meals

Make appropriate changes as applicable to reflect the programs operated. Attach a copy of the current eligibility guidelines.

_____ today announced its policy for providing free and reduced-price meals
(Contracting Entity)
for students served under the _____.
(Insert National School Lunch Program and/or School Breakfast Program)

Each school or the central office has a copy of the policy, which may be reviewed by any interested party.

The household size and income criteria identified below will be used to determine eligibility for free and reduced-price benefits. Students from households whose income is at or below the levels shown are eligible for free or reduced-price meals. Foster children who are the legal responsibility of the state agency or court are eligible for free meal benefits regardless of the income of the household with whom they reside.

Application forms are being distributed to all households with a letter informing households of the availability of free and reduced-price meals for their children. Applications also are available at the administration office in each school. To apply for free and reduced-price meals, households must fill out the application and return it to the school. Applications may be submitted anytime during the school year. The information households provide on the application will be used for the purpose of determining eligibility and verification of data. Applications may be verified by the school officials at any time during the school year.

For school officials to determine eligibility for free and reduced-price benefits, households receiving Supplemental Nutrition Assistance Program (SNAP) benefits (formerly Food Stamps)/Temporary Assistance for Needy Families (TANF) only have to list their child's name and SNAP or TANF case number. An adult household member must sign the application.

Households that do not list a SNAP/TANF case number must list the names of all household members, the amount and source of the income received by each household member, and the last four digits of the Social Security number of the adult household member who signs the application. If the adult who signs the application does not have a Social Security number, the household member must indicate that a Social Security number is not available by writing the word "None," "No Number," or some indication that the person does not have a Social Security number. The application must be signed by an adult household member.

Under the provisions of the free and reduced-price meal policy, _____ will
(Title of Reviewing Official)
review applications and determine eligibility. Parents or guardians dissatisfied with the ruling of the official may wish to discuss the decision with the reviewing official on an informal basis. Parents wishing to make a formal appeal for a hearing on the decision may make a request

either orally or in writing to _____.
(Title of Hearing Official)

If a household member becomes unemployed or if the household size increases, the household should contact the school. Such changes may make the students of the household eligible for benefits if the household's income falls at or below the levels shown above.

In accordance with Federal Law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.

To file a complaint of discrimination, write USDA, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call toll free (866) 632-9992 (Voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.

**Policy Statement for Free and Reduced-Price Meals
Attachment B: Meal Count/Collection Procedure(s)**

In which reimbursement program(s) does your Contracting Entity (CE) participate?

- Meal program (National School Lunch, School Breakfast, After School Care). **(Complete Section I)**
 Milk program only (Special Milk). **(Complete separate form: Attachment B Milk Count/Collection Procedures)**

Section I, Meal Count/Collection Procedure(s)

The following meal count/collection procedure(s) is/are applicable to all sites within the Contracting Entity (CE) that operate one or more meal types in the School Nutrition Programs. Any variations that occur by site/grade must be indicated in the applicable question(s).

1. Do any sites in the CE serve meals to all children without charge (ex. RCCI, Provision 2, Universal Free)? (The cost of the meal, beyond the reimbursement received from the Texas Department of Agriculture (TDA), is considered by the CE as an expense of operating the National School Lunch Program (NSLP) and/or School Breakfast Program (SBP).) Check one of the following.

- Yes, all sites. **(Complete question #5 and #7 only)**
 Yes, some, but not all sites. **(Complete all questions)**
 No. **(Complete all questions)**

2. All approved meal count/collection procedures must include a method for prepayment and/or post billing (charging). The provision for allowing for prepayment and/or charging should not overtly identify free, reduced or paid eligibility of a child.

Check all that apply:

- Meal payments can be made by children or parents in advance in a designated area away from the cafeteria serving line on a daily, weekly or monthly basis.
 Meals can be charged and billed to the household. Parents or children may mail in payments or pay in a designated area away from the cafeteria serving line.
 Meal payments can be made electronically.

3. What is the written policy for children charging? All Contracting Entities must have a charge policy that is made available to all households within the CE.

If all sites within the CE follow the same procedures, check only one box. If procedures vary within the CE, check the applicable boxes and designate sites in the associated textboxes.

- No charging permitted.
 Children may charge as needed. (No limit to how often the child may charge).
 meals may be charged by the child before receiving an alternate meal.

- _____ meals may be charged by the child before the site will not serve the child a meal. _____
- \$ _____ may be charged by the child before receiving an alternate meal. _____
- \$ _____ may be charged by the child before the site will not serve the child a meal. _____
- Other. Please describe. _____

4. The option of prepayment (and/or charging) of meals should be routinely publicized. This may be done by using methods such as posting signs, making public announcements, including the information in printed material, etc.

Check all that apply:

The ability for children and/or parents to prepay (or charge) is routinely advertised:

- In the letter to parents (Notice/Letter to Households) sent home with the application.
- In an announcement made over the site's public address system.
- In a newspaper/newsletter article/Web site.
- By a posted notice (sign) displayed in the cafeteria area.
- Other. Please describe. _____

5. What are the meal count/collection procedures at your CE? Children receiving free meals must be issued the identical medium of exchange as those children prepaying (or charging) full or reduced-price meals.

If all sites/grades within the CE follow the same procedures, check only one box. If procedures vary within the CE, check the applicable boxes and designate sites/grades in the associated textboxes.

All children receiving free, reduced-price and full-price meals and those prepaying (or charging) will be issued:

- A verbal identifier to be used on the serving line in exchange for the meal. A number or the child's name are the most commonly used verbal identifiers. _____
- A coded ticket or token. _____
- A coded I.D. card. _____
- A coded automated tab. _____
- A coded bar line card for scanning. _____
- A coded number for use on a key pad. _____
- Another individual identifier (thumb print, biometrics, etc.) _____
- Other. Please describe. _____

6. How is eligibility coded on the roster? Color coding by category or single-symbol or digit coding using obvious identifiers such as F, R and P is prohibited.

If all sites/grades within the CE follow the same procedures, check only one box. If procedures vary within the CE, check the applicable boxes and designate sites/grades in the associated textboxes.

The roster should be coded in the following manner:

- Coding series. Example: Free-1 through 1,999/Reduced-price-2,000 through 3,999/Full price-4,000 and above. _____
- Coding by number. Example: Number ending in 0, an odd or even number. _____
- Coding by variation. Example: Variations in signature, placement of date or ticket distributor such

- as Mary Smith, Mary J. Smith and M. Smith. [REDACTED]
- Coding by subtle differences. Example: Differences in printing such as capital letter, period, spacing of a line or differences in underlining. [REDACTED]
- Coding by number digits. Example: 4 digits for free, 5 digits reduced-price and 6 digits for full-price. [REDACTED]
- Coded by bar line for scanning. [REDACTED]
- Coded number used on a keypad. [REDACTED]

7. Where is the cashier stationed on the serving line? All approved meal count/collection procedures must include a point-of-service count of reimbursable meals by category.

If all sites/grades within the CE follow the same procedures, check only one box. If procedures vary within the CE, check the applicable boxes and designate sites/grades in the associated textboxes.

- The cashier is stationed at the end of the serving line, determines the meal selected is reimbursable and counts the meal by category. [REDACTED]
- The cashier is stationed at the beginning of the serving line and a monitor is stationed at the end of the line to verify that each meal selected is reimbursable. If a non-reimbursable meal is selected by a child; a system is in place for removing that meal from the proper category of the count of meals claimed for reimbursement. [REDACTED]
- Other. An alternate method must be individually written using the guidelines in step 9e. [REDACTED]

8. What are the procedures for handling cash payments at the Point of Service? Meals paid for in cash on the line may be counted in a different manner than those prepaid (or charged). The medium of exchange for children receiving free, prepaid (or charged) reduced-price and prepaid (or charged) full-price meals must be collected and counted in exactly the same manner.

If all sites/grades within the CE follow the same procedures, check only one box. If procedures vary within the CE, check the applicable boxes and designate sites/grades in the associated textboxes.

a. When children receiving free, prepaid reduced-price or prepaid full-price meals pass the cashier, they:

- Call out their number and the cashier strikes it from a numbered sheet. The count by category is taken from the numbered sheet. [REDACTED]
- Call out their name and the cashier checks the name off a coded roster. The count is taken from the roster by category. [REDACTED]
- Present a coded ticket/token and it is collected. The count is taken from the tickets/tokens. [REDACTED]
- Present a ticket and all tickets are marked in some manner and returned to the child. Simultaneously, the count by category is tallied, mechanically counted, recorded on a cash register, etc. [REDACTED]
- Present an automated tab card. The card is mechanically cut and a count by category is simultaneously taken. [REDACTED]
- Present a bar line card. The card is scanned and a count is simultaneously taken. [REDACTED]
- Punch in number on keypad. As number is entered, the count by category is simultaneously taken. [REDACTED]
- Other. Please describe. [REDACTED]

9. If an alternate method is used, it must be individually written to include all necessary information as

outlined below:

- a. How are meals prepaid or charged?
- b. How is the system for prepayment and charging advertised?
- c. What medium of exchange will be issued to children receiving free or prepaid (or charged) reduced-price or full-price meals?
- d. How is the medium of exchange coded?
- e. Where is the count by category taken? The count by category must be at the point-of-service where it is determined that reimbursable meals were selected by children. When using classroom counts, the site must develop a system for a child coming to site late, leaving early or not selecting a reimbursable meal.

The site should retain written documentation as proof that the needed changes are being made.



Texas Department of Agriculture
Certificate of Authority for External Users

FND-101

TODD STAPLES, COMMISSIONER

| | | | | | |
|---|--|---------------------------------|---|---|---|
| SECTION A | ¹ TYPE OF REQUEST | | | | |
| | <input type="checkbox"/> Add User (Complete Section B) | | <input type="checkbox"/> Remove User (Complete Section C) | | <input type="checkbox"/> Change User's Representative Type (Complete Section D) |
| SECTION A | ² DISTRICT INFORMATION | | | | |
| | District or Charter School Name | | | County / District Number (or Region for ESC) | |
| SECTION B | ¹ REPRESENTATIVE TYPE | | | | |
| | <input type="checkbox"/> District / Charter Primary Representative | | <input type="checkbox"/> District / Charter Food Safety Inspection Representative | | |
| | <input type="checkbox"/> District / Charter Alternate Representative | | <input type="checkbox"/> District / Charter Verification Reporting Representative | | |
| | <input type="checkbox"/> District / Charter Food Service Management Representative | | <input type="checkbox"/> Education Service Center (ESC) Representative | | |
| | ² NEW USER INFORMATION | | | | |
| | <input type="checkbox"/> Mr. <input type="checkbox"/> Ms. | First Name | M. I. | Last Name | Suffix |
| | <input type="checkbox"/> Mrs. <input type="checkbox"/> Other _____ | | | | <input type="checkbox"/> Jr. <input type="checkbox"/> Sr. |
| | Title | | | Last 4 digits of Social Security Number (SSN) | |
| | ³ USER CONTACT INFORMATION | | | | |
| | Business Mailing Address | | | | |
| Business E-mail | | Business Phone () - | | Extension | |
| Signature of New User | | | | Date (mm/dd/yy) | |
| If Food Service Management Representative, list Company Name. | | | | | |
| SEC. C | ¹ USER TO BE REMOVED | | | | |
| | First Name | | M. I. | Last Name | |
| SECTION D | ¹ CHANGE REPRESENTATIVE TYPE | | | | |
| | First Name | | M. I. | Last Name | |
| | Current Representative Type | | | New Representative Type | |

This document becomes public record and is subject to disclosure. With few exceptions, you have the right to request and be informed about the information that the State of Texas collects about you. You are entitled to receive and review the information upon request. You also have the right to ask the state agency to correct any information that is determined to be incorrect. (Reference: Government Code, Sections 552.021, 552.023, and 559.004.) Operations Unit

Food and Nutrition Division

Revised 10/26/06

| | | |
|------------------|---|-----------------|
| SECTION E | ¹ APPROVAL SIGNATURE | |
| | I certify by signing below that the information provided herein is true and correct to the best of my knowledge. | |
| | Name of Superintendent or President of Board (Print) (Changes to the Alternate Representative may be approved by the Primary Representative.) | |
| | Signature of Superintendent or President of Board | Date (mm/dd/yy) |

| | | |
|------------------|---|---|
| SECTION F | ¹ TDA INTERNAL USE ONLY | |
| | <input type="checkbox"/> Approved | Assistant Commissioner, Food and Nutrition Division signature |
| | <input type="checkbox"/> Disapproved | Date (mm/dd/yy) |
| | Logon ID Created | Date |
| | Logon ID Deleted | Date |

Please mail or fax this form to:
 Texas Department of Agriculture, Food and Nutrition Division,
 P.O. Box 12847
 Austin, TX 78711
 Fax No.: 888-203-6593

Charter School Questions and Answers

1. **Question:** Are Charter Schools allowed to participate in NSLP and SBP?

Answer: Yes. Charter Schools can participate in the NSLP and SBP.

2. **Question:** How do Charter Schools differ from “traditional” public schools?

Answer: In lieu of adhering to the standard education requirements for public schools, Charter Schools operate under an individual charter, issued by The Texas Education Agency (TEA). The charter stipulates how the school must operate and the level of student performance that the school must maintain. Charter Schools operate with an independent Board of Directors that is typically comprised of community, civic leaders, business leaders and at least one parent representative.

3. **Question:** Are Charter Schools bound by the same NSLP and SBP regulations as public schools and private schools?

Answer: Yes. A Charter School that is participating in USDA programs must comply with federal and state regulations and policy directives established for NSLP, SBP, ASCP and SSO. A Charter School’s nonprofit status does not exempt it from nutrition and accountability standards set for the programs.

4. **Question:** What does the term School Food Authority (SFA) mean?

Answer: An SFA, as defined by 7 CFR Part 210.2, is the governing body responsible for the administration of one or more schools and has the legal authority to operate the programs therein or be otherwise approved by USDA’s Food and Nutrition Service (FNS) to operate the programs. In the situation described above, the Charter School Board of Directors is the designated SFA and as such enters into an agreement with TDA to operate the NSLP and SBP and/or ASCP. In Texas, organizations that contract directly with Texas Department of Agriculture’s USDA federally funded nutrition programs are called Contracting Entities or CEs. The School Nutrition Programs are identified as a nutrition program and, as such, SFAs are considered CEs.

5. **Question:** Can the CE enter into a contractual relationship with a food service management company (FSMC) to manage its school meals operations?

Answer: Yes. The school meal program regulations are very clear regarding the responsibilities of CEs that contract with Food Service Management Companies (FSMCs). Regulations clarify that any CE that employs an FSMC retains ultimate responsibility for all aspects of program administration.

6. **Question:** Can a Charter School participate in a purchasing cooperative, or contract with an Education Service Center (ESC) for procurement and financial accounting responsibilities?

Answer: Yes. It is permissible for the E to participate in a purchasing cooperative and assign some of its administrative duties to the ESC. However, keep in mind that eligibility and verification responsibilities cannot be assigned to the ESC. Ultimately, the responsibilities for all aspects of the programs remain with the CE and the CE must ensure that all program requirements are met.