

TITLE 126
PROCEDURAL RULE
WEST VIRGINIA BOARD OF EDUCATION
CHAPTER 18-2
SERIES 85
POLICY 4320

Title: Operational Manual of Child Nutrition

Section 1. General

- 1.1 Scope - This procedural rule establishes operational procedures that enhances child nutrition and provides for an efficient operation of the program. The procedures cover the child nutrition program and the school breakfast and school lunch programs.
- 1.2 Authority and Related Code Citation(s) - WV Code 18-2-5
- 1.3 Filing Date -
- 1.4 Effective Date -
- 1.5 Repeal of Former Rules - None - This is a revision of former rules filed in 1983, revised in 1991.

Section 2. Incorporation by Reference

- 2.1 Copy of rules and regulations are attached. Copies may be obtained in the office of the Secretary of State and the West Virginia Department of Education, Bureau of Finance and Services.
- 2.2 Summary of rules and regulations below:

SUMMARY OF RULES AND REGULATIONS

State Board Policy Number 4320 authorizes the Child Nutrition Program/Policy Operation Manual to comply with the federal requirements and other State Board policies as these relate to the overall administration of Child Nutrition Programs. The manual is revised and updated periodically.

The Child Nutrition Program/Policy Operation Manual is distributed to school administrators and other personnel involved with the operations of Child Nutrition Programs. The Manual provides vital technical assistance and guidance and contains all state and federal policy statements and program regulations.

Information in the Child Nutrition Program Policy Manual includes the Department philosophy and goals for nutrition and nutrition education for West Virginia children. In addition, the Manual includes state and federal meal requirements for school breakfast and lunch, special milk regulations and instructions for claiming federal reimbursement for eligible meals and milk. There are instructions for completing required records and reports and for handling government donated foods.

Specifications related to financial management include allowable and non-allowable costs, federal procurement regulations, nonprofit status, federal audit requirements including the Assessment, Improvement and Monitoring System (AIMS).

This Manual provides federal eligibility guidelines for free or reduced price meal benefits, and federal requirements for verification of meal applications. Information regarding Civil Rights requirements are included. Policies are detailed which apply to emergency feeding, competitive food sales, catered meals for senior citizens, food service for handicapped children and regulatory provisions for parent and student involvement.

Recommendations for personnel training are described and programs available from the Department of Education are outlined.

Non-nutritious foods - namely, candy, soft drinks, chewing gum and flavored ice bars - shall not be sold during the school day (i.e., that period of time between the arrival of the first child at school and the end of the last scheduled instructional period).

~~LONG-RANGE GOALS FOR CHILD NUTRITION PROGRAMS~~

- ~~I. Upgrade and expand child nutrition programs.~~
 - ~~A. Increase the use of menu selections and food choices in all programs.~~
 - ~~B. Enhance dining environments.~~
 - ~~C. Modernize the food service work environment.~~
 - ~~D. Extend program to eligible children, youth and functionally impaired adults.~~

- ~~II. Ensure attractive, nutritionally balanced meal service.~~
 - ~~A. Complete food service training curriculum for schools and child care centers.~~
 - ~~B. Implement food service training.~~

- ~~III. Increase efficiency and accountability in food service operation.~~
 - ~~A. Establish computerized accounting and reporting systems in all public schools. Assess level of technology for each county and coordinate school record keeping with county, state and federal data requirements.~~
 - ~~B. Provide regionalized computer based services for child nutrition programs.~~
 - ~~C. Ensure accountability through the audit process.~~

- ~~IV. Assist students in achieving optimum performance and quality of life.~~
 - ~~A. Improve student knowledge and awareness of the relationship between nutrition and performance.~~
 - ~~B. Target programs for infants and high risk youth.~~

- ~~V. Improve the public perception of child nutrition.~~
 - ~~A. Recognize successful programs.~~
 - ~~B. Develop materials explaining the positive benefits of child nutrition programs.~~
 - ~~C. Assist sponsors in developing local public information programs.~~
 - ~~D. Identify and or disseminate films video tapes on a state wide basis to assist in reaching informing parents.~~

WEST VIRGINIA DEPARTMENT OF EDUCATION GOALS

Established goals for education call for. . .

- students to have equal educational opportunity;
- students to graduate with the knowledge and skills needed to succeed in a competitive, changing society;
- the best personnel to be recruited, retained and provided with competitive salary and benefits;
- school personnel to improve their knowledge and skills to ensure that each student succeeds;
- schools to become centers for life-long learning and community service with partnerships that support teaching and learning;
- school facilities to be safe and to meet the educational needs of students in an efficient and economical manner.; and
- improved economic development through a well-educated and technically literate work force.

The statutory Goals for the Year 2000 are more specific than State Board Goals in terms of outcomes desired. These goals would. . .

- have all children entering the first grade ready for school;
- provide all students with access to equal educational opportunities;
- have students performance on national measures equal or exceed the national average, and have student performance in the lowest quartile improve by fifty percent;
- have 90% of ninth graders graduate from high school;
- have high school graduates fully prepared for college, other post-secondary education or gainful employment; further, have the number of high school graduates entering post-secondary education increase by 50%; and
- have all working-age adults functionally literate.

MISSION

To enhance learning and quality of life through nutrition education and nutrition services.

MAJOR FUNCTIONS

Major functions are categorized in the areas of administration, technical assistance and training, monitoring and accountability, and outreach. Specifically, the child nutrition office works to achieve the following:

1. Ensure the service of nutritious meals which appeal to children.
2. Increase efficiency and accountability in food service operations.
3. Assist students in achieving optimum performance and quality of life.

4. Enable educators, food service personnel and parents to positively influence children's eating habits.
5. Collaborate with other governmental and community agencies in establishing goals and nutrition services for children.
6. Optimize the effectiveness of child nutrition personnel.
7. Promote and expand child nutrition programs.

UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) CHILD NUTRITION PROGRAMS

Seven separate Child Nutrition Programs are administered by the United States Department of Agriculture, Division of Food and Nutrition Service:

1. National School Lunch Program
2. School Breakfast Program
3. Child and Adult Care Food Program
4. Summer Food Service for Children
5. Special Milk Program
6. Nutrition Education and Training
7. Donated Foods Program

These programs are authorized by the National School Lunch Act of 1946 and the Child Nutrition Act of 1966. All are administered by the West Virginia Department of Education, except the Donated Foods Program which is under the West Virginia Department of Health and Human Resources. A brief description of each program follows:

National School Lunch Program - The National School Lunch Program assists in providing nutritious lunches to students in public and non-profit private schools of high school grade and under and in non-profit residential child care institutions.

School Breakfast Program - The School Breakfast Program was established by the Child Nutrition Act of 1966 as a pilot project and aimed only at schools with large numbers of needy children or students who traveled long distances to school. Today, the program is available to all public and private schools and to non-profit residential child care institutions.

Child and Adult Care Food Program - The Child and Adult Care Food Program (CACFP) operates year-round in non-residential institutions which provide care for children enrolled in: day care centers, Head Start centers, outside-school-hours care centers and family day care homes, and adults enrolled in day care centers. Attending participants are served breakfast, lunch, suppers and snacks, as needed.

APPLICATIONS FOR FREE OR REDUCED PRICE MEALS

NON-COMPUTERIZED PROGRAM

Applications [F - 30.2] and the Letter to Parents [F - 30.3] shall be sent to parents or guardians of each student as early as possible in the school year to allow time for the return of applications by the end of the first full week of school. The school principal, or a designated person, shall review all applications received and determine eligibility according to information given on the application. Parents or guardians shall be notified of the status of approval, change or termination of benefits (WVDE 43-10-20) [F - 30.4].

COMPUTERIZED PROGRAMS

County school systems or individual schools may choose to approve free and reduced price meal applications by computer. A computer-generated application may be sent to the parents to update annually for continued program benefits.

Throughout the school year, applications may be received for students transferring from another school or from parents whose financial status has changed.

If a student has received free and/or reduced price meals and transfers to another school, a record of eligibility shall be maintained at the original school. Either a copy of the application may be made or a new one submitted to the receiving school.

MEDICAID AND EDUCATIONAL BENEFITS

The United States Department of Agriculture has granted West Virginia permission to pilot a multi-use application. The application has been expanded to allow parents or guardians to express an interest in receiving Medicaid benefits. Additionally, the privacy act statement on the reverse side of the application has been expanded to accommodate Medicaid and educational benefits.

When an interest in Medicaid benefits has been expressed in Part VII of the application, and Part VII has been signed by a parent or guardian, the following procedures are to be used to transmit the information to the appropriate authorities:

Each child's name, address, county of residence, and a Social Security number of an adult family member should be sent to John A. Boles, Jr., Administrator, Office of Income Maintenance, Building 6, Room 817, 1900 Kanawha Boulevard East, Charleston, West Virginia 25305.

CIVIL RIGHTS INFORMATION

USDA requires each school to keep on file the number of enrolled students by race, the number approved for free and reduced priced meals, and the number denied.

This information should be collected and on file in the school office by October 31 of each year. (F-30.8)

The racial-ethnic categories for which this information must be collected are:

- American Indian or Alaskan native;
- Asian or Pacific Islander;
- Black (not of Hispanic origin); and or
- Hispanic
- White

In the event that a household does not complete the voluntary self-determination on the free and reduced price meal application form, this information must be obtained by other methods. Other methods may include determination of the information by a school official through observation or personal knowledge.

A non-discrimination poster (F-30.9) must be displayed in the food service dining area. These posters are available at the SFA or WDE offices.

SECTION I
CIVIL RIGHTS

<u>Public Notification</u>	<u>I - 1</u>
<u>Data Collection</u>	<u>I - 2</u>
<u>Review of Schools</u>	<u>I - 3</u>
<u>Procedures for Filing Complaints</u>	<u>I - 4</u>
<u>Definitions</u>	<u>I - 5</u>
<u>Exhibits</u>	
<u>Non Discrimination Poster</u>	<u>I - 30.1</u>
<u>Civil Rights Information</u>	<u>I - 30.2</u>

PUBLIC NOTIFICATION

It is the School Food Authority's responsibility to train and monitor their schools in regard to Civil Rights Compliance.

Sponsors must ensure that all forms of communication and printed program information that are disseminated, especially the free and reduced price notification letters, application forms and public releases, include the following elements:

- The statement that program benefits and services are available to all children without regard to race, color, sex, handicap, age or national origin; and
- The procedure for filing a complaint. Participants who feel they have been discriminated against should write to the Secretary of Agriculture, Washington, DC 20250.

Parents or guardians of students in schools participating in the school nutrition programs, as well as local minority and grassroots organizations should be informed of the availability of program benefits and services, the non discrimination policy and all significant changes in existing requirements that pertain to program eligibility and benefits.

A non discrimination poster must be displayed in the food service/dining area. [I - 30.1] Posters are available at the West Virginia Department of Education.

The sponsor should make available to the public and to participants and potential participants upon request, information about program requirements and the procedures for filing a complaint in English and/or in the appropriate translation to non-English speaking persons.

DATA COLLECTION

USDA requires each school to keep on file the number of enrolled students by race, the number approved for free and reduced priced meals, and the number denied.

This information should be collected and on file in the school office by October 31 of each year. [I - 30.2]

The racial/ethnic categories for which this information must be collected are:

- American Indian or Alaskan native;
- Asian or Pacific Islander;
- Black (not of Hispanic origin);
- Hispanic; and/or
- White.

In the event that a household does not complete the voluntary self-determination on the free and reduced price meal application form, this information must be obtained by other methods. Other methods may include determination of the information by a school official through observation or personal knowledge. This information must be:

- Maintained on file for three years; and
- Procedures should be established to ensure that the information is made available only to authorized state and federal personnel during reviews or as part of Office of Management and Budget approved surveys.

REVIEW OF SCHOOLS

When a review of a school is performed, the following information should be reviewed:

- Approved and denied free and reduced price applications are maintained on file.
- Whether denied free and reduced price applications are disproportionately composed of minority applications.
- Whether there is a need for bilingual material or staff and how, if it exists, it can be addressed.
- Procedures that are used to determine and process civil rights complaints.
- Whether admission procedures used restrict enrollment by minority persons.
- United States Department of Agriculture or a Food Nutrition Service approved poster is displayed.
- Free and reduced price applications and letters provided to parents or guardians of participants and potential participants contain the non discrimination statement.

PROCEDURE FOR FILING DISCRIMINATION COMPLAINTS

Right to File a Complaint - Any person alleging discrimination based on race, color, national origin, sex, age or handicap has a right to file a complaint within 180 days of the alleged discriminatory action. Under special circumstances this time limit may be extended by office of Minority Affairs.

Acceptance - All complaints, written or verbal, shall be accepted by the School Food Authority and then forwarded to the Department of Education. It is necessary that the information be sufficient to determine the identity of the agency or individual toward which the complaint is directed, and to indicate the possibility of a violation. Anonymous complaints shall be handled as any other complaint.

Verbal Complaints - In the event that a complainant makes the allegation verbally or through a telephone conversation and refuses or is not inclined to place such allegations in writing, the person to whom the allegations are made shall write up the elements of the complaint for the complainant. Every effort should be made to have the complainant provide the following information:

- Name, address and telephone number or other means of contacting the complainant.
- The specific location and name of the entity delivering the program service or benefit.
- The nature of the incident(s) or action(s) that led the complainant to feel discrimination was a factor.
- The basis on which the complainant feel discrimination exists (race, color, national origin, sex, age or handicap).
- The names, titles and addresses of persons who may have knowledge of the discriminatory action(s).
- The date(s) during which the alleged discriminatory action occurred, or if continuing, the duration of such actions.

DEFINITIONS

Grassroots Organization - Any organization at the local level which interacts with potential participants, such as a community program, civic organization, migrant group, church, neighborhood council, local chapter of the National Association for the Advancement of Colored People or other similar groups.

Minority - A person or group of persons belonging to the protected classes covered by Title VI of the Civil Rights Act of 1964, as amended, and later specified by the Office of Management and Budget (OMB) as:

- American Indian or Alaskan Native
- Asian or Pacific Islander
- Black (not of Hispanic Origin)
- Hispanic

Racial/Ethnic Categories - The designation of participants/potential participants by race, color or national origin from the collection and reporting of racial/ethnic data as follows:

- American Indian or Alaskan Native - A person having origins in the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.
- Asian or Pacific Islander - A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands and Samoa.
- Black (not of Hispanic Origin) - A person having origins in any of the black racial groups of Africa.
- Hispanic - A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origins, regardless of race.

Complaint - A verbal or written allegation of discrimination which indicates that any National School Lunch Program, School Breakfast Program or Special Milk Program is administered or operated in such a manner that it results in disparity of treatment, benefits or services being provided to a child or group of children because of their race, color, national origin, sex, age or handicap.

FISCAL NOTE WORKSHEET

HD NO _____ DRAFT NO _____ BILL NO _____ RESOLUTION NO _____

SUBJECT Child Nutrition Policy Manual 4320 FUND General

SOURCE OF REVENUE: GENERAL SPECIAL OTHER (SPECIFY) _____

COST ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

INCOME ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 AND ITEM 3 GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$ 0	\$ 0	\$ 0		
PERSONAL SERVICES	\$ 0	\$ 0			
CURRENT EXPENSES					
REPAIRS AND ALTERATIONS					
EQUIPMENT					
OTHER					
2. ESTIMATED TOTAL REVENUES	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

IMPACTS No direct fiscal impact.
FISCAL: The policy implements the National School Lunch Program, School Breakfast Program and Child and Adult Care Food Program, which generate approximately 49 million annually for West Virginia.

STATE
STAFF: Harriet Deel
Thomas Sands

DATE 5/18/92 AGENCY West Virginia Department of Education AUTHORIZED REPRESENTATIVE HS.
1074c/1

COMMENT LOG
POLICIES OF OPERATION MANUAL, CHILD NUTRITION PROGRAMS
(POLICY 4320)

Directions: Please use this form in commenting by section on the proposed policy and regulations on Policies of Operation Manual, Child Nutrition Programs.

NAME OF INDIVIDUAL/ORGANIZATION _____

ADDRESS _____

Proposed Policy	
Section A Child Nutrition Programs In West Virginia	
Section F Free and Reduced Price Meal and Free Milk Policies	
Section I Civil Rights	

Please submit comments by July 17, 1992 to:

Harriet Deel, Director
Office of Child Nutrition
West Virginia Department of Education
Building 6, Room 248
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330