

Chapter 5: Program Agreement

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Program Agreement for Participation in the Child Nutrition

As the state agency (SA) responsible for implementing the Child Nutrition Programs (CNP) in South Carolina, the South Carolina Department of Education (SCDE) must develop and maintain current contracts with participating School Food Authorities (SFAs) including public school districts, charter schools, residential child care institutions (RCCIs), and private/parochial schools.

The Program Agreement exists to achieve the purposes of: (1) the Richard B. Russell National School Lunch Act, as amended (42 U.S.C. 1751-1760) and regulations governing the National School Lunch Program (NSLP) (7 CFR 210 and 245); (2) the Child Nutrition Act of 1966, as amended (7 U.S.C.1771-1985); (3) regulations governing the School Breakfast Program (SBP) (7 CFR 220 and 245); (4) the Special Milk Program for Children (SMP) (7 CFR 215); (5) regulations governing the United States Department of Agriculture (USDA) Food Distribution Program (FDP) (7 CFR 250); (6) Afterschool Snack (ASP) (7CFR 210.10) and Public Law 105-336 authorizing reimbursement for snacks; (7) the Summer Food Service Program (SFSP) (7 CFR 225); (8) Public Law 85-478, as amended authorizing the Seamless Summer Option (SSO); (9) Public Law 108-265 to amend the National School Lunch Act and Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management; (10) the Fresh Fruit and Vegetable Program (FFVP) as authorized by Section 4304 of Public Law 110-234, the Food, Conservation, and Energy Act of 2008; (11) Office of Management and Budget (OMB) Circular A-87 which stipulates allowable and unallowable expenses in the non-profit Child Nutrition Program (CNP); (12) policies adopted by the State Board of Education (SBE) that govern the operation of the Child Nutrition Program in the public schools of South Carolina; (13) the Healthy Hunger-Free Kids Act of 2010 (Public Law 111-296); and (14) additional memoranda and policy guidance issued by the USDA and/or the South Carolina Department of Education (SCDE).

In fulfilling its responsibilities, the school district agrees:

- to serve meals free to children from households whose income is at or below the current USDA eligibility income scale for free meals or whose families are recipients of Supplemental Nutrition Assistance Program (SNAP) or Temporary Assistance to Needy Families (TANF);
- to serve meals at a reduced price to children from households whose income is at or below the current eligibility income scale for reduced-price meals;
- to provide free meal benefits to foster children who meet the criteria as wards of the court or state welfare agency;
- that there will be no overt identification of any child receiving these benefits;
- that no child shall be discriminated against because of race, color, gender, sex, disability, age, or national origin;

- to establish a fair hearing procedure from of reprisal or retaliation;
- to designate both a reviewing official and a hearing official (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 parents, the eligibility criteria, and the application form;
- to establish and follow meal count and collection procedures that will not overtly identify those students receiving free and reduced-price meals; and
- to submit to the Office of Health and Nutrition (OHN), South Carolina Department of Education (SCDE) any proposed alterations, amendments, public announcements, etc. prior to implementation; such changes to be effective only upon approval.

The Program Agreement must be signed and submitted to SCDE annually. The SFA must keep a copy of the agreement on file and assure compliance with its provisions.

SFA Application Process in the South Carolina Automated Payment System (SCAPS)

The annual SFA application process solicits specific information on the SFA and each participating school or site for reporting purposes. This site profile data provides the basis for distribution of federal reimbursement funds to SFAs for meals served to students. This information is entered in SCAPS prior to the beginning of each school year, and includes meal count procedures, meal prices, attestation or certification of compliance of meal pattern, and participation in Community Eligibility Provision, if eligible.

The previously approved SFA profile is rolled-over annually. Select information must be updated by the SFA annually for accuracy. Information varies according to the type of SFA and whether a program is pricing, non-pricing, CEP, or combination of both pricing and CEP. For approval purposes, pricing programs must enter full paid and reduced meal prices for students. All programs must enter adult meal prices. SCAPS rolls over estimated participants by eligibility category from the previous year. Meal count procedures and other requested program information must be updated by the SFA in each site when changes occur. For assistance with entering and updating the application/profile information and data in SCAPS, contact the Office of Health and Nutrition, SCDE at (803) 734-4772.

Completing the SFA Application in SCAPS

1. The SFA Program Application in SCAPS consists of two major parts and contains supplemental agreements under which the district and/or school will operate its feeding programs.
 - a. Instructions For Completing The SFA Application Packet: This section contains the SFA information, SFA type (1), date for the operating SY (2), Superintendent or

other Official information and address (3-13), CN Director's information (14-17), the information for the Claim's preparer (18-21), Finance Contact person (22-25), Hearing (26), determining (27), and verifying Officials (28), the meal count and collection procedures verification (29) and the eligibility information (30-33). There are small sections that pertain to RCCIs ONLY (35-36); one that pertains to Food Service Management companies (FSMC) (38-42) and Vended meals (43-46).

Severe Need Breakfast Reimbursement Rate Determination is determined by using a two year analysis of free and reduced lunch meal counts. This information will be rolled into the system automatically, based on data collected during the submission of reimbursement claims.

b. Other sections that must be completed in SCAPS before it can be approved are:

- Community Eligibility Provisions (CEP)
- Fresh Fruit and Vegetable Program (FF&VP): This section may only be completed if the SFA has applied for and been awarded the grant to operate the FF&V Program for a specific SY.
- Food Service Management Company (FSMC): This section may only be completed if the SFA uses a management company to prepare its meals. The SA should be involved in the procurement process and an approved copy of the contract between the SFA and vender must be provided to the SA.
- Vended Meals: If a vended meal supplier is used, the SA should be involved in the procurement process and an approved copy of the contract between the SFA and vender must be provided to the SA.
- Meal Pattern Compliance Dashboard: In this section, SFA's may be required to provide the Annual Attestation Form, menus and nutrient analysis for each menu. This process may vary from year to year based on the requirements.

Instructions for Completing the Checklist Summary

Any document submitted to the State Agency (SA) should be uploaded into this section in SCAPS. All forms that are required are located in the downloadable forms section of SCAPS. Click on "details", the screen should show the SFA name. Highlight and click on the SFA name, and a list of documents that are required will be displayed. Click on the paperclip image to upload documents individually. Please contact the SCAPS Coordinator for assistance if needed.

Application Packet Notes

This section is designed to provide the SFA or SA an area to record any pertinent communication of understanding between the two offices.

Once approved, a copy of the Program Application can be retrieved from the SFA application in SCAPS. School food authorities are asked to make sufficient copies of the approved program

agreement for distribution to each school/site unless they have access to SCAPS and can view via the Internet.

Items for the Application Packet in SCAPS

Income Guidelines

1. The Household Size and Income Guidelines for Free and Reduced Price Meals will be used to determine eligibility each school year and will be available in SCAPS as soon as it is released by USDA.

Instructions for Implementing: The "Household Size and Income Guidelines" provides the basic criteria for determining recipient eligibility. Therefore, it is imperative that approving officials use this scale when determining a student's eligibility.

Letter to Parent/Guardian

2. The Letter to Parent/Guardian is a Q&A about free and reduced price school meals and is customized to accompany the household (multi-child) meal application prototype form. Federal regulations require that this letter or a similar one be sent to all parents or guardians of children attending public school in each district, private and parochial, Charter schools and some residential child care institutions (RCCI) that may have day students and/or private placements that are operating a pricing program. The letter includes the income guide which must be sent home to each household.

Instructions for Completing: When using this sample letter or a revised letter, the following instructions apply:

- a. Modify the letter by deleting references to any programs that the school does not intend to operate.
- b. Complete blank spaces by filling in information appropriate for the school food authority. It is not necessary to submit a copy of this letter to the SA. However, in all cases, each school must complete the price charged information on its file copy.

For school food authorities that will develop district specific letter, the following instructions should be followed. When completed attach the document to the basic policy and submit it to the SA. The State Office will determine acceptability of the letter's content. In no case should a school food authority distribute a revised letter to parents prior to State approval.

Note to all pricing programs--A "reduced price lunch" is a lunch costing no more than 40 cents to any student eligible for a reduced price meal as determined by the income guidelines; a "reduced price breakfast" is a breakfast costing no more than 30 cents to such students. These prices for reduced price meals are established by Federal law and cannot be increased locally.

Instructions for Implementing: The "Letter to Parent/Guardian" must be sent to households before children begin attending school. The letters may be distributed by the postal service, e-mailed to the parent or guardian, or included in information packets provided to student's home to each household during the beginning of the school year with a free and reduced price meal application form. Keep in mind that an application must be made available to every student in such a manner as to prevent overt identification.

Household Meal Application Form

3. The Household Meal Application Form with instructions will be used by households when seeking approval for free or reduced price meals for their children. A multi-child or household application must be used. Individual application forms are no longer acceptable. School food authorities are requested to duplicate application forms sufficient to meet their needs. The Household Meal Application Form
The Household Meal Application Form consists of two (2) separate pages: one application form (a one-page household form) and one instruction sheet. Other than the insertion of local points-of-contact, this form and instructions may not be altered or changed in any manner without written approval from the State Office.

Instructions for Completing: After thorough review of the application prototype, modify any areas that will ensure the lunch application is tailored to the SFA's personal profile. All SFAs must send in their lunch application for approval before disseminating throughout the district or area of operation. This requirement also applies to all scanned application templates and Internet-based application software. If upon audit, it is determined that SFA is using an unapproved lunch application, the SFA district may be subject to reimbursement withholdings until the matter is rectified.

For more information on the Household Meal Application Form refer to the Eligibility Chapter in this manual.

Public Media Release

4. The Public Media Release or electronic media format which is to be used by the school food authority when making public announcements regarding its Free and Reduced Price Policy.

Instructions for Completing: Complete blank spaces by filling in information appropriate for the school food authority. Copies of any published articles or the release sent to newspapers must be submitted in SCAPS with the Policy Agreement in the Checklist Summary. In addition, list all newspapers and/or publishers who were sent the release. If electronic dissemination is used, provide the form of transmission in the document summary section of SCAPS.

Instructions for Implementing: Regulations require that prior to or during the first week of school, a public media release be provided to the local news media, the unemployment office and any major employers who are contemplating layoffs within the SFA's attendance area. When

sent to the news media, the letter to households, an application form and a complete income scale (free and reduced-price guidelines) or the same information, in a narrative form, will constitute a public release.

The requirement is to provide the information described above to the news media or other outlet. It is not the school food authority's responsibility to ensure that the information is published in the newspapers. A copy of the information provided to the media and the letter of transmittal should be retained by the SFA and a copy provided to the SA to serve as Appendix E of the Policy Agreement. If the information is published, a copy of the published material should also be included as part of Appendix E. Copies of the public release must be made available upon request to any interested party. The public release must contain the free and reduced-price income eligibility guidelines.

The Meal Count/Collection Procedure(s)

The Meal Count/Collection Procedure used for breakfast and lunch in schools must be coded in SCAPS by site during the completion of other application information prior to program approval. This information will provide specifics on the meal count, claiming and point of service accountability.

The meal count/collection procedure indicated for an individual school or site in the application process must be the same as the procedure actually used. If a change must be made, a statement describing in detail the procedural change must be signed by the SFA Superintendent or designee and submitted to the State Office via SCAPS Checklist Summary for approval prior to the effective date of implementation.