United States Department of Agriculture

Food and Nutrition Service

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Alexandria, VA 22302-1500

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SUBJECT: Questions & Answers on the Final Rule "Professional Standards for State and Local School Nutrition Programs Personnel as Required by the Healthy, Hunger-Free Kids Act of 2010"

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

The Food and Nutrition Service (FNS) published the final rule "Professional Standards for State and Local School Nutrition Programs Personnel as Required by the Healthy, Hunger-Free Kids Act of 2010" (80 FR 11077) on March 2, 2015. The final rule seeks to ensure that State and local school nutrition program personnel in the National School Lunch and School Breakfast Programs have the knowledge and skills to manage and operate the programs correctly and successfully. The attached Questions & Answers (QAs) help explain the hiring and training standards that are effective July 1, 2015.

This guidance memorandum includes many questions submitted by program operators on specific aspects of the regulation. The questions have been grouped under four headings: Hiring Standards, Training Standards, Oversight, Food Service Management Companies, and Miscellaneous. FNS will revise this document as needed to address other questions as they arise during the implementation of professional standards. The final rule, grant information, a training tracking tool, and other resources to assist in implementing the professional standards are available at: http://www.fns.usda.gov/school-meals/professional-standards. FNS appreciates the efforts of school food authorities in managing the School Meals Program and stands ready to support those efforts.

State agencies are reminded to distribute this memo and attachment to program operators immediately. School food authorities should contact their State agencies for additional information. State agencies may direct any questions concerning this guidance to the appropriate FNS Regional Office.

Original Signed
Angela Kline

Division Director
Policy and Program Development Division
Child Nutrition Programs

Attachment

Attachment

Q&As on final rule *Professional Standards for State and Local School Nutrition Programs Personnel as Required by the Healthy, Hunger-Free Kids Act of 2010* (80 FR 11077)

1. **What does the final rule require?**
   This is the first rule to establish professional standards for employees that manage and operate the National School Lunch Program (NSLP) and School Breakfast Program (SBP). The final rule establishes minimum hiring standards for new State and local directors of school nutrition programs, and annual continuing education/training requirements for all school nutrition personnel. The rule also establishes hiring and training standards for State directors of distributing agencies. The hiring standards will not apply to current State and local directors, who will be grandfathered in upon implementation.

2. **What is the effective date of this final rule?**
   The provisions of this rule are effective July 1, 2015.

3. **What resources are available to help State agencies and school food authorities (SFAs) comply with the professional standards requirements?**
   FNS is offering several resources to facilitate compliance with the professional standards:
   - Competitive grants (up to $150,000) are available to State agencies to facilitate implementation of the annual training requirements.
   - More than 450 free or low-cost training resources in a variety of formats are available at (http://professionalstandards.nal.usda.gov).
   - A downloadable tool to help the school nutrition program directors and employees keep track of training activities is available at http://www.fns.usda.gov/school-meals/professional-standards.
   - Online and in-person training resources (free or at low-cost) are available from the Institute of Child Nutrition (formerly known as the National Food Service Management Institute). See http://www.nfsmi.org/Templates/TemplateDefault.aspx?qs=cElEPTU3
   - Food safety training (such as Produce Safety U.) and other resources are offered by the FNS Office of Food Safety. See http://www.fns.usda.gov/food-safety/food-safety.

Hiring Standards

4. **How are the current State and local directors affected by the new hiring standards?**
   State agency directors of school nutrition programs and State agency directors of distributing agencies in their positions prior to July 1, 2015, as well as current school food authority (SFA) directors of the school nutrition program in their positions prior to July 1, 2015 may continue to serve in their existing position without having to meet the hiring standards.

5. **A recruitment action in process that does not include the minimum hiring standards. Can someone be selected that does not meet the hiring standards established by the final rule?**
   SFAs and State agencies may hire a candidate that meets employment requirements in place prior to July 1, 2015, provided the vacancy is advertised prior to the final rule's effective date. Individuals selected in these situations do not have to meet the hiring standards.

6. **What are the career advancement/enrichment options for current school nutrition program directors that do not meet the hiring standard established by the final rule?**
   Individuals serving as program directors in an SFA may remain in their current position, or diversify their experience by applying to a similar position in any local educational agency (LEA) of the same or smaller size category without having to meet the hiring standards for new directors. A current director that wishes to move to a director position at a larger size LEA is required to meet the new hiring standards for that LEA size.

7. **Are sample job descriptions available to help local operators determine who is covered by the professional standards for program directors?**
   Yes. See a sample job description for a program director at: http://www.nfsmi.org/ResourceOverview.aspx?ID=161.

   According to the Institute of Child Nutrition, the job responsibilities that are performed by a program director on a daily, weekly, seasonal, or yearly basis can be grouped as follows: Facilities and Equipment Management; Financial Management; Food Production and Operation Management; Food Security, Sanitation and Safety; Human Resource Management; Marketing and Communication; Menu and Nutrition Management; Procurement and Inventory Management; Program Management and Accountability; and Technology and Information Systems. Program operators may use these functional areas to determine who is considered a school nutrition program director.

8. **If the school nutrition program director role is shared between multiple people (for example, a business manager, and an administrative assistant and principal), how do the hiring standards for new program directors apply?**
   The individual who plans, administers, implements, monitors, and evaluates all district-wide aspects of the school nutrition program is generally considered a school nutrition program director. In a few SFAs, district-level program responsibilities are divided into several positions. In that situation, only the person hired to perform the majority of the program director duties must meet the hiring standards. Program director duties generally include sanitation, food safety, and employee safety; nutrition and menu planning; food production; facility layout and design and equipment selection; procurement; financial management and recordkeeping; program accountability; marketing; customer service; nutrition education, general management; personnel management; and computer technology. See a sample job description for a program director at: http://www.nfsmi.org/ResourceOverview.aspx?ID=161.

9. **If some schools in the LEA do not participate in the school nutrition program, must those schools be considered when determining the hiring standards based on LEA size?**
   No. The final rule states that the hiring standards are based on LEA size. However, when not all schools in an LEA participate in the school nutrition program the State agency may not have the data from all schools. FNS does not intend to burden the State Agency by requiring it to obtain this information for non-participating schools to determine the LEA size. Therefore, in this situation, the LEA size can be determined using the student enrollment only for the schools that participate in the school nutrition program. If the non-participating schools in the LEA later join the school nutrition program, the LEA student enrollment may be updated at the time when there is new hiring for the program director position.

10. **When assessing the LEA size to identify the appropriate hiring standards, should operators use the October enrollment count?**
    Yes. The October count should be used to be consistent with other NSLP regulatory provisions.

11. If a State agency currently requires food safety certified/licensed staff on site, may the State agency waive the requirement that new school nutrition program directors have 8-hours of food safety training?

No. Food safety is a critical aspect of the food service operation that could affect thousands of students if there are problems. Eight hours of food safety training, every five years, is required for program directors. However, having additional staff trained in food safety is encouraged.

The Indiana Department of Education is requiring all Food Service Directors, including New Food Service Directors, to be food safety certified but does not require food safety certification/licensing for other food service staff. However, sponsors should contact their local health department to see their requirements. Sponsors should continue to follow the local health department requirements, which might include food safety certified/licensed staff on site, along with the Indiana Department of Education requirements. Sponsors can receive food safety certification by working with an organization identified on the Indiana Department of Health's website - http://www.in.gov/isdh/21059.htm.

12. What does "equivalent educational experience" mean for purposes of the hiring standards?

This term refers to college credits completed by an individual who does not possess a bachelor's or an associate's degree. For example, to meet the hiring standards using this criterion, a new director of school nutrition program would be expected to have at least 60 college credits, which is generally the number of credits required by a college or university to confer an associate's degree. An SFA needs to keep documents, such as college records, that show that the equivalent educational experience supports the hiring decision. The State agency has the flexibility to determine if other substantial education, such as an extensive training program in school nutrition topics from a professional association with a credentialing and certification program, would qualify as equivalent educational experience.

13. Under the hiring standards for State and local directors, what is meant by a "related field"?

This refers to other college majors that would provide an applicant specific knowledge and skills that are relevant for a school nutrition program director. Possible majors would include, but are not limited to, Food Science, Community Nutrition and Marketing, and Hospitality Management. Note that colleges and universities may use different names for

similar majors. For example, a major may be called Foodservice Management at one university and Hospitality Management at another.

14. What is "relevant school nutrition programs experience"?

Typically, this phrase refers to previous work experience in the NSLP and SBP, as well as experience in other child nutrition programs (the Child and Adult Care Food Program and/or the Summer Food Service Program) if the latter experience is gained from working in a school. The rationale for hiring actions based on an applicant's work experience must indicate the applicant's familiarity with USDA's school nutrition program. The intent of the professional standards regulations is to ensure that new school nutrition program directors have the knowledge and skills to manage the program as required. At the discretion of the State agency, experience gained from working in a school food service operation outside of USDA's school nutrition program could count. The rationale for hiring decisions must be well-supported and documented.

15. Has FNS established a process that State agencies must follow to exercise any of the discretionary actions specified in the final rule, such as the option to require that acting school nutrition program directors meet the hiring standards?

The State agencies have the flexibility to establish their own procedures for such discretionary actions. FNS is available to help, as needed.

The Indiana Department of Education will not be requiring active school nutrition program directors to meet the hiring standards and will not be establishing a procedure for such discretionary actions.

16. Do the <u>hiring standards</u> apply to employees working under an annual contract?

Yes. To assure proper management and operation of the school nutrition program, new employees working under an annual contract must also meet the hiring standards. However, if an individual is on a year-to-year contract prior to July 1, 2015, and continues to work in the same position in subsequent years, he/she is considered to be "grandfathered" in the position and does not need to meet the <u>hiring standards</u>.

Training Standards

17. Do SFAs have to meet the full training standards in school year (SY) 2015-2016?

The training standards for SFAs are being phased in; therefore, reduced numbers of annual training hours are required for the first year of implementation.

In SY 2015-2016:

- Program directors - **8 hours**
- Program managers - **6 hours**
- Program staff - **4 hours**

Beginning SY 2016-2017, the following hours will be required annually:

- Program directors - **12 hours**
- Program managers - **10 hours**
- Program staff - **6 hours**

Training offered by an SFA director or manager to program staff may count toward part of his/her own annual training.

18. Does training offered by an SFA in June 2015 count toward the annual training hours required for SY 2015-2016?

Yes; training received by school nutrition program personnel between April 1 and June 30, 2015 (three months prior to July 1, 2015), will count toward the SY 2015-2016 training requirements for directors, managers, and staff.

19. Does the flexibility to count training received three months prior to July 1, 2015, apply to State agency directors?

Yes; training received by the State agency directors of school nutrition programs and the State agency directors of distributing agencies between April 1 and June 30, 2015, will count toward the training requirements for SY 2015-2016.

20. What forms of annual training may the State agencies provide to meet the 18-hours of training annually?

The State agencies may offer SFA training in a variety of ways. Training activities may include conference calls, live or prerecorded webinars, online classes and in-person training. Although FNS encourages interactive training, we recognize that it is not always

possible or practical. Therefore, State agencies have the flexibility to offer self-directed training involving information articles with a self-administered quiz.

Training may be offered by the State agency director or the State agency staff. In addition, the State agency may seek assistance from universities, professional associations, industry groups, other advocates, and vendors to provide annual training. The regulation does not specify minimum training duration. Training activities lasting 15 minutes or more may be recorded using the FNS Training Tracking Tool.

FNS is facilitating the exchange of training resources among State agencies. Training resources developed by the Institute of Child Nutrition, School Nutrition Association, State agencies, and others are listed at http://professionalstandards.nal.usda.gov/.

21. May the school nutrition employees select any training topic they want?

Allowable training should focus on the day-to-day management and operation of the school nutrition programs. As a guide when planning your training, use the list of key training areas and topics available at http://www.fns.usda.gov/sites/default/files/cn/ps_learningtopics.pdf.

Training must be job-specific and intended to help employees perform their duties well. Training needs are best assessed by an employee in consultation with their manager, the SFA director, or the State agency. Employees should always seek guidance from a supervisor before taking a specific training course to meet the professional standards requirements.

22. If a person serves both as State director of school nutrition programs and as State director of distributing agencies, how many hours of annual training must the person complete?

A director of both school nutrition and food distribution will only be required to complete 15 hours of annual training. Training hour requirements do not double when a person is responsible for more than one program area. Both positions require training in similar areas, such as nutrition, operations, administration, and communications and marketing.

23. How do the training standards apply when the program director duties are divided between three or four staff members, and no one clearly meets the definition of program director? For example, an administrative assistant completes the meal applications, a cook serves the meals, a secretary or teacher runs the point of service and prints out reports, and another staff person submits the claims for reimbursement.

The individual(s) who plans, administers, implements, monitors, and evaluates all aspects of the school nutrition program is generally considered the school nutrition program director. Depending on the size of the school nutrition operation, these program responsibilities may be divided into one or more positions. Only the person who performs the majority of these duties must meet the training standards for program directors. Program director duties generally include sanitation, food safety, and employee safety; nutrition and menu planning; food production; facility layout and design and equipment selection; procurement; financial management and recordkeeping; program accountability; marketing; customer service; nutrition education, general management; personnel management; and computer technology. See a sample job description for a program director at: http://www.nfsmi.org/ResourceOverview.aspx?ID=161.

24. Who has to meet the training standards for program director when the school nutrition program manager carries out the duties of the program director but another individual holds the title of program director?

Job duties and job titles may differ from district to district. If the school nutrition program director duties are performed by the program manager, then both the director and the manager would be responsible for meeting the training standards for the program directors. SFAs should discuss unique situations with the State agency to determine the appropriate course of action.

25. For SFAs in unique situations, such as those consisting of one site or those with less than 500 students and no designated program director, must the person responsible for the food service operation meet the training standards for a school nutrition program director?

Yes. The training standards for school nutrition program directors are intended to apply to the individual who plans, administers, implements, monitors, and evaluates all aspects of the school nutrition program for an SFA, regardless of the number of sites in the SFA or the LEA student enrollment size. The training standards are intended to ensure that the person responsible for the school nutrition program has the knowledge and skills to manage the program as required.

26. Do the definitions established in the final rule apply to volunteers serving as school nutrition program managers?

The final rule does not establish professional standards for volunteers but gives the State agency discretion to extend the training standards to volunteers at all levels, including those serving as school nutrition program managers.

The Indiana Department of Education has developed a written policy for acting and temporary personnel, substitutes, and volunteers. Please see the policy Professional Standards of Temporary, Substitute, and Acting Staff Positions policy found on the Professional Standards or the Indiana School Nutrition Program's Laws and Policies website. For questions or concerns about this requirement, schools can reach out to the Indiana Department of Education to receive clarification.

27. For purposes of the training standards, what is the difference between a "program manager" and "program staff"?

These titles refer to an individual's role in the management and operation of the school meal programs. A program manager is responsible for the management of the day-to-day food service at a school. A staff person is involved in the operation of the food service for a participating school but does not have managerial responsibilities, such as planning and supervision. The training standards are job-specific, but staff persons may take training that prepares them to assume managerial duties in the future.

28. What staff members need to complete annual training?

The term "school nutrition program staff" refers to individuals without managerial responsibilities who are involved in the day-to-day operations of the school food service for a school participating in the NSLP or SBP. Program staff would generally include individuals such as cooks, cashiers, and others who are involved in the preparation and service of school meals; individuals that are involved in other program operations such as eligibility determinations, meal counting and claiming, etc.; and support staff that may have an impact on the safety of school meals. However, a person who provides support to, but is not specifically involved in, the operation of the school nutrition program, such as the cleaning custodian, is not required to meet the training standards (even if they are paid using nonprofit food service account funds). The program director or manager must examine the job duties of program staff to determine what job-specific training they need to perform their jobs effectively and in compliance with program regulations.

The Indiana Department of Education will work with sponsors to determine if specific staff members are considered program staff and would need to complete annual training. For example, a food service employee who only washes dishes and has no other job responsibilities would not be required to complete annual training or be considered program staff. However, these employees should be knowledgeable and trained on food safety requirements and dishwashing techniques. While they don't have required training hours, they should be knowledgeable in their job responsibilities. Another example is food service employees that only operate the Point of Sale System (POS) and do not identify a reimbursable meal. These food service employees would not be considered program staff or need annual training. However, these employees should be knowledgeable and trained on the POS system. While they don't have required training hours, they should be knowledgeable in their job responsibilities.

29. Do the professional standards apply to a staff such as a secretary or an office assistant who processes free and reduced-price meal applications during the fall months only?

No. Office staff members that process free and reduced-price meal applications or that provide other support for the school nutrition program for a short period of time during the school year are not required to meet the annual training standards. However, these individual should receive adequate training specific to the task they will perform. This situation is different from office staff working on Program activities 20 hours or more per week throughout the school year; in that situation, staff must complete 6 hours of annual training (4 hours in SY 2015-16). Staff working less than 20 hours per week must complete 4 hours of annual training.

To clarify this requirement, staff such as a secretary, administrative assistant, or an office assistant (not including food service-only secretaries, administrative assistants, or office assistants) who process free and reduced-price meal applications during the fall months only are not considered program staff and do not need to meet training hours but must still be trained on the most current free and reduced-prices processes and most current USDA Eligibility Guidance Manual. Even though there is not a specific training hour requirement, these individuals must be knowledgeable and trained on these areas.

30. Are food delivery employees servicing the school nutrition program required to complete the training standards for staff?

This final rule seeks to establish practical training requirements that assure the success of the school nutrition program. The SFA program director must work with the managers

and staff to determine the local training needs. In this example, if the food delivery employee monitors refrigeration, food temperatures, inventory/delivery sheets, etc., then he/she is expected to complete annual training on topics such as proper handling, delivery and storage of perishable food products to ensure the safety of school meals and prevent food waste. Otherwise, training would not be required.

31. What training standards apply to the head cook serving in an SFA with less than 500 enrolled students?

A head cook must complete annual, job-specific training for school nutrition program staff. If this individual also serves as the SFA director, the training requirements for school nutrition program directors as well as the hiring standards for new directors would apply.

32. What training standards apply to employees working under an annual contract?

The training standards apply to all contract employees that are involved in the management or operation of the school nutrition programs, regardless of the contract duration.

33. How can I plan my trainings to be sure they meet the established training standards?

Annual training must be relevant to the job duties. To learn about the specific objectives for relevant school nutrition training, please refer to the training topics and objectives listed at: http://www.fns.usda.gov/sites/default/files/cn/ps_learningtopics.pdf http://www.fns.usda.gov/sites/default/files/cn/ps_learningobjectives.pdf.

34. Does back to school training on security procedures, building operations, etc. count toward the annual training standards?

No. Only training that fosters proper administration and operation of the school nutrition programs counts toward the training standards. To identify appropriate training topics for various school nutrition program personnel, visit http://www.fns.usda.gov/sites/default/files/cn/ps_learningtopics.pdf.

Although security procedures and building operations do not count toward the annual training standards, there are still many other topics that can count. The training topics do not need to fit perfectly within the learning topics identified by USDA, but they should be

relevant to school food service. Feel free to review the USDA training website for further guidance, http://professionalstandards.nal.usda.gov/content/find-training. An example of topics that will qualify include:

- Training by a nurse on anaphylaxis procedures (including Epi-Pen training)
- Food safety training focusing on preparing foods for children with special dietary needs
- Norovirus training
- Training provided by a school nurse on bloodborne pathogens
- Training provided by custodians/maintenance staff on mixing of certain chemicals and those dangers

Sponsors (schools/Residential Child Care Institutions) should contact the State Agency for further guidance if they are unsure if a specific training topic will qualify.

35. Does annual civil rights training provided by the school district count towards the annual training standards?

Yes. Civil rights training may contribute to proper administration of the Program if it covers topics that are relevant for school nutrition program employees, such as the civil rights provision in §210.23(b) of the NSLP regulations, the FNS Instruction 783.2, meal substitutions for medical or other special dietary needs, and issues that may limit equal access to school meals.

36. May excess training hours be applied over multiple school years?

Yes. As stated in the regulation (§210.30(e)), at the discretion of the State agency, excess annual training hours may be carried over to an immediately previous or an immediately subsequent school year. This is intended to help provide flexibility while ensuring that SFA employees receive a reasonable amount of training each school year. Documentation to show completion of training must be available to the State agency for review.

37. Please clarify the expectations for "temporary," "substitute," and "acting" staff positions and how the individuals in these situations are affected by training standards.

Generally, the terms apply to employees who are only involved with the meal programs for a very limited time. The final rule gives the State agencies the option to extend the training standards to acting and temporary personnel, substitutes, and volunteers. State agencies will need to determine, based on the circumstances at hand, if any of these

workers at an SFA should be subject to the annual training standards. A State agency that chooses this option should establish a written policy and procedures to ensure the SFAs comply with the State agency requirements.

The Indiana Department of Education has developed a written policy for acting and temporary personnel, substitutes, and volunteers. Please see the policy Professional Standards of Temporary, Substitute, and Acting Staff Positions policy found on the Professional Standards or the Indiana School Nutrition Program's Laws and Policies website. For questions or concerns about this requirement, schools can reach out to the Indiana Department of Education to receive clarification.

38. Do the training standards apply to the staff of a vended meal provider (e.g., a commercial entity off-site from the school food service that provides pre-plated meals)? If so, who is responsible for tracking the annual training hours of such staff?

No. However, the SFA director must ensure that vendors providing meals for the school nutrition programs have the knowledge and skills to supply safe and nutritious meals that meet the meal patterns and dietary specifications.

39. Do non-interactive activities such as observing a product demo or visiting an industry exhibit room count towards the training standards?

At the discretion of the State agency, time spent in miscellaneous activities where information, materials or equipment relative to the core training topics is provided or displayed may count toward no more than two hours of annual training. For professional conferences, there is an assumption of oversight of the quality of the information and products being displayed.

We suggest that the SFA document employee participation in such demonstration activities, and the nature and length of the demonstration. State agency reviewers will need to see some documentation to ensure that the developmental activity was completed and that annual training standards were met.

The Indiana Department of Education will allow time spent in observing a product demo or visiting an industry exhibit room to count towards the training standards. As stated above, these demos and industry exhibit rooms cannot count for more than two hours of annual training. Sponsors should document employee participation in such demonstration activities, and the nature and length of the demonstration.

40. Does attendance at a motivational speaker lecture, or participation in a session to discuss program issues or to gather program information from the district count toward the training standards?

A presentation by a motivational speaker does not count toward the training standards. Meetings or sessions that fit under the learning objectives and training topics listed in the professional standards website could count toward the training standards. Time spent on advocacy type discussions does not count as annual training. See:
http://www.fns.usda.gov/sites/default/files/cn/ps_learningtopics.pdf
http://www.fns.usda.gov/sites/default/files/cn/ps_learningobjectives.pdf

41. What documentation is required to demonstrate completion of the annual training standards?

The regulation does not specify the kind of records that must be kept. Records that list the employee name, employer/school, training title, topic/objectives, training source, dates and total training hours would be appropriate to demonstrate training completion. Records must be maintained and made available to the State agency upon request.

The training tracking tool available at
http://www.fns.usda.gov/trainingtracker/TrainingTracker_ver1.0.accdb
may be used to document the annual training hours. The Training Tracker Tool is a user-friendly, stand-alone tool that does not require internet access for use or updates. This method of use will allow for multiple users to access and update the Training Tracker Tool. In order to use the Training Tracker Tool, users computers will need to have the Microsoft Access 2010 software installed. To discuss technical questions about to the Tool, please contact the Training Tracker Help Desk:

- TrainingTrackerHelp@fns.usda.gov
- 1-800-571-0432 (8am-5pm/EST, Monday-Friday)

42. Does the School Nutrition Association (SNA) leadership training, or the educational sessions offered at the SNA annual conference count toward the training standards?

While SNA leadership or advocacy training classes may be valuable, they do not support the school nutrition program operations; therefore, this type of training does not count toward the training standards. Educational sessions offered by SNA or the American Commodity Distribution Association at their national conferences that meet the learning objectives and training topics listed in the professional standards website would generally count toward the annual training standards. See:

http://www.fns.usda.gov/sites/default/files/cn/ps_learningtopics.pdf
http://www.fns.usda.gov/sites/default/files/cn/ps_learningobjectives.pdf

43. Do the training standards apply only to employees whose positions are supported by revenue from the nonprofit school food service account?

No. The school nutrition program director determines the training standards for the employees based on their job duties in the school nutrition program, regardless of the funds used to support a specific position. The definitions in the final rule for school nutrition program director, manager, and staff do not specify that these positions must be fully or partially supported by school food service funds.

44. What funds are available to pay for any potential training-related costs?

The State agencies may use the State administrative expense funds to pay for the cost of receiving or delivering annual training required by this final rule. Generally, employee training is also an allowable use of an SFA's school food service funds. State agencies and SFAs are encouraged to access the free or low-cost training resources listed online at http://professionalstandards.nal.usda.gov. In addition, FNS is providing $4 million in grant funding in FY 2015 to help State agencies develop and implement training programs for school nutrition personnel at the SFA level. Up to $150,000 may be requested per State agency through a competitive grants process.

45. If a sponsor utilizes a temporary hiring agency, do these employees need to meet annual training requirements?

The time a temporary employee is at a school or Residential Child Care Institution is going to vary from employee to employee. Since this would be too hard to determine, they would not be considered program staff or required to meet the annual training hour requirements.

46. Due to high turnover in some school food service operations, employees might not always be in their job position for very long. When does the school need to train their staff? Right when they are hired? Within one year? Within six months?

Training should be completed within a year of the hire date and half of the required training should be completed within six months of the hire date. Although program staff will not need to meet certain training hour requirements before their start date or shortly thereafter, the Indiana Department of Education highly encourages training for new employees as soon as possible, especially on food safety requirements and specific job

responsibility requirements that are important in following USDA rules and regulations (identifying a reimbursable meal, processing free and reduced application, etc.)

47. What if a Food Service Director or Manager performs spot checks within the kitchens and an employee(s) receives a quick five minute corrective action training because they did not wash their hands properly? Would this count?

This type of training would not count towards the professional standard requirements.

48. Is offer versus serve training required for sponsors (schools/RCCIs) implementing offer versus serve?

According to the USDA offer versus serve manual, sponsors implementing offer versus serve are expected to conduct training. It is up to the sponsor when and how they want to conduct offer versus serve training. Sponsors are also required to notify households about what is included in a reimbursable meal. This will help parents/guardians to reinforce nutrition education messages at home and will help the students know how to select a reimbursable meal. For more information, sponsors can check out the Indiana Department of Education's offer versus serve resources, parent fliers, offer versus serve manual, and PowerPoints, look under National School Lunch Program, National School Breakfast Program, or Residential Child Care Institutions on the main website - http://www.doe.in.gov/nutrition/school-nutrition-programs.

Oversight

1. How will non-compliance by individual SFAs or schools be addressed?

State agencies will monitor an SFA's compliance with the professional standards during the administrative review. As part of the general areas of review, the State agencies will examine records that document completion of applicable hiring and continuing education/training requirements. Technical assistance is the first course of action to facilitate compliance. State agencies will work closely with SFAs that face unique challenges.

2. What happens if a school district hires a new school nutrition program director who does not meet the established hiring standards?

State agencies will provide technical assistance and determine a corrective action plan necessary to bring the SFA into compliance. State agencies will consult with FNS for unique situations that require additional discussion.

3. **What are the consequences if program staff refuses to participate in training or complete training?**

   A school/SFA must address employee issues, including refusal to comply with this or any other program requirement through procedures established by its personnel office.

4. **When will the Administrative Review Manual be revised to include professional standards monitoring?**

   A professional standards review module will be provided in the SY 2015-2016 Administrative Review guidance.

5. **Will the Management Evaluation examine the State agency's compliance with the professional standards regulations?**

   Training is one of the areas already covered by the management evaluation. FNS will update the guidance as appropriate to reflect the new professional standards.

Professional Standards - Food Service Management Companies (FSMC)

6. **Do the training standards apply to employees of a FSMC and who is responsible for providing the training?**

   Yes; the SFA director must ensure that the FSMC employees providing services for the school meal programs have the required annual training. Therefore, the SFA must require the FSMC to provide documentation showing the training hours and topics completed by the employees. Contracts for SY 2015-2016 that do not include this language will probably need to be amended to include additional language to reflect compliance with professional standards requirements. The SFA director may work with the FSMC to identify appropriate training resources, such as those listed at the professional standards website at http://professionalstandards.nal.usda.gov.

7. **Who is responsible for tracking FSMC staff training hours?**

   The SFA must ensure that the FSMC staff has the knowledge and skills to supply safe and nutritious meals that meet the meal requirements. The SFA must request documentation from the FSMC to show compliance with the annual training standards. Contracts for SY 2015-2016 that do not include this language will probably need to be

amended to include additional language to reflect compliance with professional standards requirements.

8. **If a FSMC staff person performs food service director type duties, but reports to a district business manager who is responsible for the school district's school food service activities, who is required to comply with the professional standards requirements?**

   Both individuals would be responsible for meeting the training standards for program directors. Discuss unique situations with your State agency to seek guidance.

9. **Does the implementation of professional standards in the middle of a contract constitute a material change?**

   The scope of contracts with FSMCs varies from one SFA to another. FSMC solicitation and contract documents that do not include provisions for the FSMC to comply with the professional standards requirements and provide documentation to support compliance will need to be amended to include this language. While FNS does not anticipate a material change for most FSMC contracts, any areas requiring clarification should be discussed with the FNS Regional Office.

Miscellaneous

10. **Does this rule apply to Head Start?**

    The professional standards also apply to Head Start Program employees that offer meals under the NSLP/SBP. If a Head Start Program site offers meals under the Child and Adult Care Food Program only, the professional standards do not apply to the Head Start personnel.

11. **Do the professional standards apply when employees are covered by a labor union contract that has provisions which are inconsistent with the final rule?**

    Yes. The professional standards established by the final rule preempt existing State and local regulations, policies, etc. that may interfere with implementation of the Federal regulation.