

## Nutrition Services Division Management Bulletin

**Purpose:**  Policy  Action Required  Beneficial Information

**To:** School Nutrition Program Sponsors

**Attention:** Superintendents, School Food Authority Directors, and Chief Business Officials

**Number:** SNP-02-2016

**Date:** January 2016

**Reference:** Final Rule: Professional Standards for State and Local School Nutrition Programs Personnel as Required by the Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296, Section 306; and U.S. Department of Agriculture Policy Memorandum SP 39-2015—Questions and Answers on the Final Rule

**Subject:** Professional Standards in the School Nutrition Programs

This Management Bulletin (MB) provides an overview of the new professional standards for personnel in School Nutrition Programs (SNP) effective July 1, 2015. It also includes California-specific policies and resources to assist with implementing the hiring and training standards.

### Background

The U.S. Department of Agriculture (USDA) established minimum professional standards for personnel who manage and operate the National School Lunch Program (NSLP) and School Breakfast Program (SBP). These standards address Section 306 of the Healthy, Hunger-Free Kids Act of 2010 by ensuring that school nutrition personnel have the knowledge, training, and tools needed to create nutritious, safe, and enjoyable school meals. To review the final rule, please visit the Federal Register Professional Standards Web page at <https://www.federalregister.gov/articles/2015/03/02/2015-04234/professional-standards-for-state-and-local-school-nutrition-programs-personnel-as-required-by-the>.

The professional standards include:

- Minimum hiring standards for new school food authority (SFA) directors based on the local educational agency's (LEA) size by student enrollment
- Minimum hiring standards for new state directors of the SNPs and food distributing agencies
- Minimum annual training for all new and current SNP professionals

The professional standards apply to all personnel who manage or work in the NSLP and the SBP in public, charter, and private schools; residential child care institutions (RCCI); and food service management companies (FSMC) that have a contract with SFAs.

## Applying Definitions for Directors, Managers, and Staff

SFAs must implement professional standards for directors, managers, and staff as defined in the final rule. To determine if an individual meets the definition for director, manager, or staff, SFAs should focus on the individual's role, rather than the title. In general, the following guidance clarifies how SFAs should apply the definitions for professional standards to their personnel.

- Director: Manages day-to-day operations of the school food service for **all** participating schools under the jurisdiction of the SFA.
- Manager: Manages day-to-day operations of the school food service for one or more participating schools, but **not all** of the participating schools under the jurisdiction of the SFA.
- Staff: Has a nonmanagerial role in day-to-day operations of the school food service.

Frequently asked questions (FAQ) that provide helpful examples are located on the USDA School Meals Professional Standards Web page at <http://www.fns.usda.gov/school-meals/professional-standards>.

## Hiring Standards for Directors

The hiring standards apply to **new** SFA directors hired on or after July 1, 2015, and consist of the following two components:

- **Minimum Education Standard:** USDA regulations established minimum education standards for hiring SFA directors in three LEA student enrollment size categories: (1) 2,499 students or less, (2) 2,500–9,999 students, and (3) 10,000 or more students. For specific minimum requirements, refer to the Final Rule Summary flyer located on the [USDA School Meals Professional Standards Web page](#).
- **Minimum Prior-training Standard:** USDA professional standards require all new SFA directors for all LEA sizes to complete at least eight hours of food safety training. They must complete this training within five years prior to their start date or within 30 days after their start date.

## Grandfathering

Federal regulations allow existing SFA directors, hired before July 1, 2015, to grandfather into their current positions. The USDA does not require existing SFA directors to meet the new hiring standards in their existing position or if they move to another position within the same or smaller LEA size category. However, if an existing SFA director transfers to a larger LEA size category, then the SFA director must meet the hiring standards for that LEA size category.

## Flexibility in the Final Rule

The LEA may hire under prior employment requirements if they advertised the SFA director's vacant position prior to July 1, 2015.

## California-specific Policies for Hiring

The final rule allows state agencies discretion in some policy areas. The California Department of Education (CDE) is adopting the following hiring policies to allow for operational flexibility:

- **Hiring flexibility for LEAs with less than 500 students (Title 7, Code of Federal Regulations [7 CFR], Section 210.30[b][1][i][D]):** With the CDE's approval, LEAs with less than 500 students may hire an SFA director that has a high school diploma or equivalent credential; but less than the required three years of relevant SNP experience if this person is the best available candidate.
  - In order to request CDE approval:
    - a. Complete **Form ID SNP 07 Hiring Flexibility Request** available in the Download Forms section in the SNP Module of the Child Nutrition Information and Payment System (CNIPS) Web site at <https://www.cnips.ca.gov/>.
    - b. Submit the completed form to the assigned county program specialist per instructions on the form.
  - The CDE will review each request on a case-by-case basis and notify the LEA of approval or denial by e-mail within two weeks of receipt of the form.
  - It is the LEA's responsibility to maintain documentation of the CDE's approval for three years and have it available during the administrative review (AR).
- **Minimum education standards for new acting SFA directors (7 CFR, Section 210.30[b][1][iv]):** New acting SFA directors shall meet the minimum education hiring standards established in 7 CFR, Section 210.30(b)(1), **only if** the LEA expects them to work in the acting capacity for more than 12 months. The LEA **may not** appoint two acting SFA directors consecutively for up to 12 months each if they do not meet the hiring standards. This also applies to FSMCs that have a contract with an SFA.
- **Minimum prior-training standards for new acting SFA directors (7 CFR, Section 210.30[b][1][iv]):** New acting SFA directors, regardless of how long they will be acting, shall meet the minimum prior-training standard of completing eight hours of food safety training within five years prior to their start date or within 30 days after the start date.

## Hiring Standards Documentation

The SFA director must maintain documentation of meeting all of the hiring standards for review during the AR. Acceptable documents for minimum education standards include a diploma or degree, resume, and college transcripts. Documentation of prior food safety training may be a certificate of completion of training or sign-in sheet that shows the date of training and a training agenda that includes the training title, topic(s) covered, and the instruction time.

## Training Standards for School Nutrition Professionals

The training standards apply to all SFA personnel who are specifically involved in the SNPs.

## Annual Minimum Hours

Each school year, SFAs must ensure that the SFA director, managers, and staff complete annual continuing education or training requirements.

- In School Year (SY) 2015–16, the requirement is eight hours for SFA directors, six hours for managers, and four hours for all other staff.
- In SY 2016–17, the annual training requirement will increase to 12 hours for SFA directors, 10 hours for managers, and 6 hours for school nutrition staff who work 20 hours or more per week. Part-time employees who work less than 20 hours per week must complete 4 hours of annual training.

See the [California-specific Policies for Training](#) section for CDE's policy on acting or temporary staff, substitute workers, and volunteers. For additional information and training scenarios, refer to the FAQs on the [USDA School Meals Professional Standards Web page](#).

## Training Sources

Training is available from many sources, including the CDE; the California Professional Nutrition Education and Training Centers at the University of California, Davis, and San Jose State University; the USDA; the Institute of Child Nutrition; and professional organizations, such as the national School Nutrition Association and the California School Nutrition Association (CSNA). In addition, SFAs may provide training for their staff in house or attend training from another SFA.

The CDE announces training opportunities through the CDE's School Training, Education, and Policy Priorities (in **STEPP**) e-mail distribution list, the [CDE Web site](#), and the [CNIPS Web site](#).

The USDA Professional Standards for School Nutrition Professionals Web site at <http://professionalstandards.nal.usda.gov/> provides a database with information on free or low-cost training resources organized by key area. The four key areas are: (1) nutrition, (2) operations, (3) administration, and (4) communication and marketing.

## Training Format and Topics

SFAs may use a variety of training formats such as live or prerecorded Webinars, online classes, face-to-face training, conference calls, staff in-service days, staff meetings, CSNA chapter meetings, and conferences. Training must be on job-related topics, such as free and reduced-price meal eligibility; application, certification, and verification procedures; meal counting and claiming procedures; identification of reimbursable meals at the point of service; nutrition; health and food safety standards; use of USDA Foods; and inventory rotation and control.

The training content should align with the topics listed under the key areas in the USDA's **Professional Standards Learning Objectives and Topics with Codes** document located on the [USDA Professional Standards for School Nutrition Professionals Web site](#). Each key area has key topics and several specific training subjects (or learning topics) with objectives for those planning or participating in training.

## Crediting Training Hours

The time spent on opening remarks, introductions, lunch, breaks, networking, advocacy training, or a motivational presentation does not count toward annual training. Only the instruction and discussion time devoted to topics that align with the **Professional Standards Learning Objectives and Topics with Codes** is creditable. In addition, when an SFA director or manager presents a training to staff, they can claim credit for the training delivery time, but not the time it takes to prepare for the training. SFAs may count training in 15 minute increments.

For examples, refer to the FAQs located on the [USDA School Meals Professional Standards Web page](#).

## Flexibility in the Final Rule

- Although the final rule became effective July 1, 2015, SNP employees may also count any training completed between April 1, 2015, and July 1, 2015, toward the training requirements for SY 2015–16.
- Employees hired on January 1 or later (applies to any school year) are only required to complete half of the training hours specified for that school year.

## California-specific Policies for Training

The USDA gives state agencies flexibility to define expectations in areas where the final rule allows discretion. To provide flexibility and ensure that SNP personnel have the job-related training they need, the CDE has adopted the following policies:

- **Meet the federal training standard requirement in two school years (7 CFR, Section 210.30[e][2]):** SFAs may choose to demonstrate compliance with the training standards across two school years provided that some training hours are completed in each.
- **Credit for conference exhibits or product demonstrations (USDA FAQ 39):** SNP employees may earn up to two of the annual training hours by attending conference exhibits on job-related topics or observing product demonstrations.
- **Annual training requirement for new acting SFA directors (7 CFR, Section 210.30[b][3]):** new acting SFA directors shall complete annual continuing education or training **only if** they are serving in the acting capacity for more than 12 months.
- **Training requirements for acting or temporary staff, substitute workers, and volunteers (7 CFR, Section 210.30[e][1]):** the CDE has no specific requirement for annual training hours, documentation, and recordkeeping for acting or temporary staff, substitute workers, and volunteers.
- **Ongoing food safety training every five years for SFA directors (7 CFR, Section 210.30[b][1][v]):** all new and grandfathered SFA directors shall complete eight hours of food safety training every five years. This requirement does not apply to acting SFA directors; however, the CDE strongly encourages job-related food safety training for acting SFA directors.

- **Food safety training for staff who handle food:** the CDE strongly encourages SFAs to provide job-related food safety training to all employees who handle food, including acting, temporary, or substitute workers and volunteers.

Please note that the following food safety policies remain in effect in California:

- At least one employee at each food facility or site must be food safety certified. The individual who is certified is at the discretion of the SFA (*California Health and Safety Code*, Section 113947.1).
- SFAs must develop a written food safety program based on Hazard Analysis Critical Control Points principles, which applies to any facility or part of a facility where food is stored, prepared, or served (*7 CFR*, Section 210.13[c]).

### **Training Recordkeeping and Documentation**

SFAs must keep a record of the training that employees complete to meet the annual training requirements. They may either use the USDA Professional Standards Training Tracking Tool or another method that must include the following fields:

1. Trainee's first and last name
2. Trainee's professional standards position (director, manager, or staff)
3. Title of training
4. Date training completed
5. Training hours credited
6. Key area(s) of training
7. Key topic(s) addressed
8. Training subjects or learning topics covered

SFAs must also maintain supporting documentation, such as the agenda and sign-in sheet or certificate of completion, for all completed training.

### **Using Cafeteria Funds for Training Costs**

The CDE encourages SFAs to use free or low-cost training resources. SFAs may use cafeteria funds for costs associated with required annual training. However, they must not use cafeteria funds to pay for the cost of an employee to earn college credits to meet the SFA director hiring requirements under *7 CFR*, Section 210.30(b)(1).

### **School Food Authority Oversight**

According to *7 CFR*, Section 210.30(g), each school year the SFA director must certify with a signed and dated statement that: (1) the SFA director meets the hiring standards and (2) each employee has completed the applicable training requirements. SFAs must save records, documentation, and certification for the three school years that coincide with the time period specified for their next AR.

During the AR, as part of the general area of review, the CDE will examine records that document completion of applicable hiring and training requirements. In the event of

noncompliance, the CDE will provide technical assistance and require corrective action; however, there will be no fiscal action.

### **Food Service Management Companies**

The final rule requires FSMCs that contract with SFAs to comply with the professional standards. SFAs must ensure that the FSMC employees providing services for the school meal programs meet the hiring standards and have completed the required annual training. To verify this, the SFA must require the FSMC to provide documentation showing the training hours and topics the FSMC employees complete in each school year.

SFAs may need to amend their FSMC contracts to include language to reflect compliance with professional standards requirements. Refer to questions 50 and 51 in the USDA FAQs located on the [USDA School Meals Professional Standards Web page](#).

### **More Information**

The CDE is developing a new professional standards Web page that includes resources. Meanwhile, SFAs can find the **Resources for Professional Standards** document in the Download Forms section in the SNP Module of the [CNIPS Web site](#).

If you have any questions regarding this subject, please contact Mandeep Punia, Nutrition Education Consultant (NEC), by phone at 916-323-6037 or by e-mail at [mpunia@cde.ca.gov](mailto:mpunia@cde.ca.gov), or Lisa Melhouse, NEC, by phone at 916-323-2488 or by e-mail at [lmelhouse@cde.ca.gov](mailto:lmelhouse@cde.ca.gov), or e-mail your questions to [HHFKA@cde.ca.gov](mailto:HHFKA@cde.ca.gov).

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