



Food and
Nutrition
Service

Park Office
Center

3101 Park
Center Drive
Alexandria
VA 22302

DATE: May 26, 2016

MEMO CODE: SP 38-2016

SUBJECT: Questions & Answers (Q&As) on the Final Rule “Professional Standards for State and Local School Nutrition Programs as Required by the Healthy, Hunger-Free Kids Act of 2010”
Personnel *Lists Connecticut State Department of Education (CSDE) requirements for each discretionary area.*

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

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) established hiring and training standards that became effective July 1, 2015. The professional standards are intended 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. This memorandum updates and replaces SP 39-2015, *Professional Standards for State and Local School Nutrition Programs Personnel as Required by the Healthy, Hunger-Free Kids Act of 2010*, June 26, 2015.

This updated version includes several new questions that reflect operators’ experience in the first year of implementation. *[New/Revised]* appears next to the new or significantly revised questions.

The attached questions have been grouped under five 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. The final rule, a training tracking tool, a database of training materials and opportunities, and other resources are available at: <http://www.fns.usda.gov/school-meals/professional-standards>.

State agencies are reminded to distribute this memorandum 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.

Regional Directors

State Directors

Page 2

Original Signed

Angela Kline

Director

Policy and Program Development Division

Child Nutrition Programs

Attachment

Some areas in the final rule allow state agencies to have flexibility in the implementation of certain aspects of the guidance. The CSDE requirements for each discretionary area are indicated in red italics.

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 is the effective date of this final rule?

The provisions of this rule became effective July 1, 2015.

2. 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 do not apply to State and local directors hired and or on the payroll prior to July 1, 2015; these individuals were grandfathered in upon implementation of the final rule.

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:

- *Guide to Professional Standards for School Nutrition Programs* is an easy-to-use booklet designed to help State agencies, SFAs, and school nutrition professionals understand and apply the Final Rule on Professional Standards for School Nutrition Programs Personnel (<http://www.fns.usda.gov/guide-professional-standards-school-nutrition-programs>).
- A Database of Professional Standards Trainings, which lists more than 500 free or low-cost training opportunities for school nutrition professionals in a variety of formats, covering topics such as menu planning, food production, purchasing/procurement, and communications and marketing are available at <http://professionalstandards.nal.usda.gov>.
- A downloadable Training Tracking Tool to help the school nutrition program directors, managers, and employees keep track of training

activities is available at <http://www.fns.usda.gov/school-meals/professional-standards>.

- A Professional Standards website dedicated to professional standards information and resources, including Frequently Asked Questions (FAQs), a summary of the Final Rule, a brochure that summarizes the requirements, and links to additional tools and the Professional Standards Training Database (<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>
- The FNS Office of Food Safety offers food safety training (such as Produce Safety University.) and other resources. See <http://www.fns.usda.gov/food-safety/food-safety>.
- Competitive grants (up to \$150,000) have been awarded to State agencies to facilitate implementation of the annual training requirements (<http://www.fns.usda.gov/school-meals/2015-professional-standards-grants>).

Hiring Standards

4. **[New/Revised]** How are the State and local directors affected by the new hiring standards?

State agency directors of school nutrition programs, State agency directors of distributing agencies, and school food authority (SFA) directors hired on or after July 1, 2015 must meet the hiring standards. Individuals serving in these capacities prior to July 1, 2015, are grandfathered in and may continue to serve in their existing position without having to meet the hiring standards. The hiring standards also apply to food service directors hired on or after July 1, 2015, under a Food Service Management Company contract to operate the NSLP and SBP meal service.

5. **[New/Revised]** Can someone who does not meet the hiring standards be selected for employment?

No. State agencies and SFAs must select the most qualified individuals that meet the hiring standards. Some flexibility is allowed only for SFAs with less than 500 students, and the State agency may approve the hiring of a school nutrition program director with a high school diploma but less than the required 3 years of experience.

CSDE Policy: *See the questions on noncompliance listed under “Oversight.”*

6. What are the career advancement/enrichment options for grandfathered school nutrition program directors that do not meet the hiring standard established by the final rule?

Individuals serving as program directors in an SFA prior to July 1, 2015, 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. [New/Revised] 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 some SFAs, district-level program responsibilities are divided into several positions. In these instances, only the person hired to perform the majority of the program director duties must meet the hiring standards. Subordinates, such as individuals operating the NSLP afterschool snack service under the supervision of the program director, are not expected to meet the hiring standards but must complete the annual training standards that are appropriate for their positions.

Duties of the program director 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. **[New/Revised] 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. This Federal hiring standard cannot be waived for the new school nutrition program director, regardless of whether the State requires food safety certified/licensed staff on site. To meet the professional standards requirements, program directors hired on or after July 1, 2015, must have this training either within 5 years prior to the starting date or, at the latest, within 30 calendar days of the starting date. In addition, program directors must maintain the food safety certification while employed in the school meal program. Having additional staff on site trained in food safety is encouraged.

12. **[New/Revised] What does the term “equivalent educational experience” (in 7 CFR 210.30(b)) mean for purposes of the hiring standards for school nutrition program directors?**

This term refers to college credits completed by an individual who does not meet all the requirements for a bachelor’s or an associate’s degree. According to the Department of Education

(<http://www2.ed.gov/about/offices/list/ous/international/usnei/us/edlite-structure-us.html>), an associate's degree requires completion of an organized program of study of at least 2 but less than 4 years of full-time academic study or more than 60, but less than 120 semester credit hours. A bachelor's degree normally requires at least 4 but not more than 5 years of full-time equivalent college-level work. This includes all bachelor's degrees conferred in a 5-year cooperative (work-study) program. In addition, a cooperative plan provides for alternate class attendance and employment in business, industry, or government; thus, it allows students to combine actual work experience with their college studies. This also includes bachelor's degrees in which the normal 4 years of work are completed in 3 years.

An SFA needs to keep documents, such as college transcripts, that show that the equivalent educational experience of an individual 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 count toward "equivalent educational experience." ***CSDE Policy:** The CSDE does not recognize any equivalent educational experience to a Bachelor's degree. However, equivalent educational experience for an Associate's degree could be a School Nutrition Specialist (SNS).*

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. ***CSDE Policy:** The CSDE only recognizes experience gained from*

*working in a school food service operation within the USDA's school nutrition program as "relevant school nutrition programs experience." Additionally, for a local educational agency with less than 500 students, the CSDE will adhere to the USDA's minimum education standards for new school nutrition directors requiring them to have a minimum of a high school diploma (or GED) **and** at least three years of relevant experience in school nutrition programs.*

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?

No. The State agencies have the flexibility to establish their own procedures for such discretionary actions. The FNS Regional Office is available to help, as needed. **CSDE Policy:** *The CSDE has addressed these discretionary actions in other areas of this document.*

16. Do the hiring standards apply to employees working under an annual contract?

Yes. To ensure 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 hiring standards.

17. [New/Revised] May an SFA use the nonprofit school food service account or the LEA general fund to pay the salary of a new program director who is pursuing a college degree but does not yet meet the hiring standards?

SFAs may not use the nonprofit school food service account to pay the salary of a new school nutrition program director (hired on or after July 1, 2015) who does not meet the hiring standards. Using funds to support non-compliance is considered an unallowable cost. In addition, the school food service funds may not be used to pay for required college education. However, if the State agency and SFA set a Corrective Action Plan (CAP) with a reasonable timeline (i.e., by the next administrative review cycle) for completion of the hiring standards, the LEA's **general fund** account could be used to pay the salary of a new director who is actively pursuing the minimum education and other requirements outlined in the CAP to meet the hiring standards. Otherwise, using the LEA's general fund or finding alternate ways to pay the salary of a director who does not meet the hiring standards would not support the goal of the professional standards regulations.

Individual circumstances will determine the extent of a reasonable timeline for completing the hiring standards as specified in the CAP. Since this could mean years

if an unqualified director has to pursue higher education, the State agency should consult with the FNS Regional Office prior to finalizing a CAP that includes a path and timeline for meeting the hiring standards. The Regional Office, however, is not responsible for approving the CAP.

Training Standards

18. [New/Revised] What are the required annual training hours for various school nutrition program personnel?

State agencies: State agency directors (School Nutrition and Distributing Agencies) must complete 15 hours of annual training. Staff in both State agencies must receive annual training, but no specific training hours are established.

SFAs: Beginning in SY 2016-2017, the required annual training hours for SFA personnel are:

- Program directors - **12 hours**
- Program managers - **10 hours**
- Program staff - **6 hours**
- Part-time staff (< 20 hours per week) - **4 hours**

Training offered by a State agency director, or by an SFA director or manager to program staff may count toward part of his/her own annual training. If multiple identical training sessions are offered on the same topic, only the time spent on one of the training sessions per topic may count towards the annual training hours.

USDA's *Guide to Professional Standards for School Nutrition Programs* includes various training scenarios for each job category (directors, managers, staff) and how the training requirements can be met. This *Guide to Professional Standards* is an easy-to-use booklet designed to help State agencies, SFAs, and school nutrition professionals understand and apply the final rule on professional standards. See <http://www.fns.usda.gov/guide-professional-standards-school-nutrition-programs>.

19. [New/Revised] May training taken between April 1 and June 30 count toward the current or next school year?

At the discretion of the State agency, completion of training may occur over a period of two school years. This flexibility is helpful for employees that take most of their training at the end of a school year. Documentation of this allowance should be kept on file as supporting documentation for the both the Administrative Review and Management Evaluation processes. Training completed each year may only be counted once, for one year, and not for both the current and next school years. **CSDE Policy:** *The CSDE will permit training taken between April 1 and June 30 to count towards the current or next school year. However, the CSDE will permit no more than fifty percent of the **required training hours per job classification** to be carried over to an immediately subsequent school year (SY). Example: For SY 2016-17, managers are required to have at least 10 annual hours of training per year. If a manager accrues 17 hours of training during SY 2016-17, they can only carry over five of the seven training hours into SY 2017-18 if at least 5 hours occurred after April 1 of that school year.*

20. [New/Revised] Must the 8-hours of food safety training required for new program directors every five years to maintain food safety certification count toward the 12 hours of required annual training?

Yes. Classes and activities required for new directors to maintain the food safety certification may be included in the director's annual training hours – except in the first year of employment, when having food safety training is required as part of the hiring standards. The annual training, however, is intended as an opportunity to broaden the director's knowledge and skills on different aspects of the program operations.

21. [New/Revised] May program managers and staff take food safety training annually and count it toward their required training hours?

Yes. Grandfathered program directors, and all managers and staff may choose to take food safety training every year and count it toward the annual training standards.

22. 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.

The State agency director or the State agency staff may offer training. 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 understands that it takes at least 15 minutes to reasonably cover the training topics and learning objectives listed in the professional standards web page <http://healthymeals.nal.usda.gov/hsmrs/ProfStandards/pslearningobjectives.pdf>.

FNS is facilitating the exchange of training resources and opportunities among State agencies. Training resources developed by the Institute of Child Nutrition, School Nutrition Association, State agencies, and others are listed in the Professional Standards Training Database at <http://professionalstandards.nal.usda.gov/>. Training webinars and other resources available from FNS may also be incorporated into the training program for SA and SFA personnel.

23. May the SFA and school nutrition employees select any training topic they want?

Annual training must 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 topics and learning objectives available at: http://www.fns.usda.gov/sites/default/files/cn/ps_learningtopics.pdf and http://www.fns.usda.gov/sites/default/files/cn/ps_learningobjectives.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.

24. 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.

25. **[New/Revised]** 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. If duties are split evenly, one person needs to be designated as the program director. In both situations, the person(s) not designated as the director must still meet the training requirements for either managers or staff/part-time staff, as appropriate. This would include subordinates operating the NSLP afterschool snack service under the supervision of the program director. These individuals in the snack service must complete annual training, as appropriate for their positions.

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>.

26. **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.

27. **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 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, regardless of position title, has the knowledge and skills to manage the program as required.

28. [New/Revised] 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. State agencies must determine, based on the duties of volunteers and other local circumstances, if the volunteers and temporary workers at an SFA should receive annual training. **CSDE Policy:** *The CSDE does not extend the professional standards final rule requirements to volunteers, unless the volunteer is the school nutrition program manager.*

CSDE Policy: *The CSDE requires that any volunteer who works 30 business days in a position adheres to the annual training standards for their job classification.*

29. 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 program 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.

30. 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.

31. 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. Staff working less than 20 hours per week must complete 4 hours of annual training.

32. *[New/Revised]* Do the professional standards apply to the Wellness Coordinator, the person who oversees the local wellness policy implementation?

If the Wellness Coordinator is not involved in the day-to-day operation of the school meal programs, then he/she is not expected to meet the annual training requirements.

33. 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 and safety 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.

34. 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.

35. 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.

36. [New/Revised] What training standards apply to an Assistant Director of school nutrition programs?

If the duties of the Assistant Director are comparable to those of a program manager, the Assistant Director must at least complete the annual training required for program managers. The program director is in the best position to determine the level of training appropriate for the Assistant Director.

37. 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 topics and objectives for relevant school nutrition training, please refer to:
http://www.fns.usda.gov/sites/default/files/cn/ps_learningtopics.pdf and
http://www.fns.usda.gov/sites/default/files/cn/ps_learningobjectives.pdf.

38. 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.

39. 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.

40. 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. ***CSDE Policy:** The CSDE will permit no more than fifty percent of the required training hours per job classification to be carried over to an immediately subsequent school year. Example: For SY 2016-17, managers are required to have at least 10 annual hours of training per year. If a manager accrues 17 hours of training during SY 2016-17, they can only carry over five of the seven training hours into SY 2017-18 if at least 5 hours occurred after April 1 of that school year.*

41. 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. ***CSDE Policy:** The CSDE requires that any acting and temporary personnel, substitutes and volunteers who work 30 business days in a position adhere to the annual training standards for their job classification.*

42. 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.

43. 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. ***CSDE Policy:** The CSDE will allow no more than one hour of annual training per event to be derived from time spent in miscellaneous activities where information, materials, or equipment relative to the core training topics is provided or displayed (food show), and no more than two hours per year.*

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.

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

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

46. 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 nonprofit school food service funds.

47. [New/Revised] What funds are available to pay for any potential training-related costs?

The State agencies may use State administrative expense funds to pay for the cost of training for the State agency director/staff and to pay the cost of delivering annual training to the SFAs, as required by the final rule. At the SFA level, employee training is an allowable use of the nonprofit school food service funds. State agencies and SFAs are encouraged to access the free or low-cost training resources and opportunities listed online at <http://professionalstandards.nal.usda.gov/>.

48. **[New/Revised]** Does training offered repeatedly count toward the required training hours for program directors? (For example: May an SFA director teach two sessions of the same 4-hour workshop to the program staff and count a total of 8 hours toward his/her annual training requirement that year? May the director teach the same workshop the next year and count it again toward the annual training hours for the later school year?)

An SFA director who provides training may count it toward his/her annual training hours. If the director presents the same training class or program multiple times in a school year, this is viewed as one training activity as the identical training sessions are not likely to provide the director multiple opportunities for professional development. In that situation, the director is expected to engage in other training activities to improve his/her ability to manage the school meal programs. However, if each training session offered addresses a different aspect of a single topic, those sessions could be considered different training classes or programs and the director may count each of these toward his/her annual training standards. In addition, refresher training that is offered to staff every school year (e.g., eligibility requirements and food safety) counts toward the annual requirements.

49. **[New/Revised]** If an SFA director, manager, or staff must attend the same workshop each school year, may they count this activity toward their annual training hours?

Yes. Refresher training that must be completed each school year (e.g., civil rights and food safety) counts toward the training standards. It is likely that new issues and questions arise from year to year, which could make each annual workshop different.

50. **[New/Revised]** If a school has part-time employees with cognitive disabilities, do they have to complete annual training?

Yes. Staff members, including those with disabilities, who work less than 20 hours per week in day-to-day program operations must complete 4 hours of annual training that is related to their job duties. Training opportunities should be made available to all staff as to not discriminate. Training for an employee with disabilities should be tailored to his/her abilities and duties; exceptions could be considered and approved by the State agency, when appropriate.

51. **[New/Revised]** How do the training standards apply to substitute staff used on a regular basis throughout the school district?

State agencies have discretion to extend the training requirements to substitute personnel. State agencies may require that substitute staff working throughout the school district on a regular basis complete either 6 hours of annual training (staff working at least 20 hours per week) or 4 hours of annual training (part-time staff

working less than 20 hours per week). ***CSDE Policy:** The CSDE requires that any substitute personnel who work 30 business days in a position adhere to the annual training standards for their job classification.*

Oversight

52. 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.

53. *[New/Revised]* 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 develop a Corrective Action Plan (CAP), as specified in the Administrative Review Manual, to bring the SFA into compliance. The State agency should consult with the respective FNS Regional Office before finalizing a CAP that addresses findings associated with non-compliance of hiring standards. Although the Regional Office is not responsible for approving the CAPs, staff is available for consultation. FNS National Office approval is not required; however, the National Office is also available for consultation, if requested.

54. *[New/Revised]* Who is responsible for tracking and following-up with the SFA on the progress of the Corrective Action Plans?

It is the responsibility of the State agency to follow-up with the SFA on the progress of the CAP and to review SFA records to ensure that the requirements listed in the CAP are being met. "Adequate CA/TA" is reviewed as part of the Management Evaluation.

55. 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.

56. [New/Revised] What professional standards records must be kept for the Administrative Review?

The Professional Standards regulations do not require specific records or a specific recordkeeping system. According to the Administrative Review Manual, supporting documentation for all completed trainings, such as agendas, sign-in sheets, certificates of completion, etc., must be maintained on file and may be used to demonstrate compliance with the annual training standards. Reports from the USDA downloadable training tracking tool (or similar alternative training tracking tool) also are acceptable documentation to demonstrate compliance. Alternative training tracking tools may be developed by the State agencies and/or SFAs but must include at a minimum the required fields listed in the USDA Professional Standards Training Tracker Tool. These fields would include Key Areas, Key Topics and Training.

To demonstrate compliance with the hiring standards, program directors hired on or after July 1, 2015, must provide documentation showing completion of required education. The SFA must retain appropriate records for a 3-year period. If a State agency requires specific records, the SFA should be made aware of this separate State agency requirement. See the professional standards review module in the Administrative Review Manual for more guidance.

57. [New/Revised] Will the Management Evaluation examine the State agency's compliance with the professional standards regulations?

Yes. The State agency's compliance with the hiring and training standards, as well as the State agency's oversight responsibilities of the LEA/SFA compliance will be reviewed. FNS has updated the management evaluation guidance to include review of the professional standards requirements.

Professional Standards - Food Service Management Companies (FSMC)

58. [New/Revised] 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 FSMC employees providing services for the school meal programs have the required annual training. The SFA director may work with the FSMC to identify appropriate training resources and opportunities, such as those listed at the professional standards website at <http://professionalstandards.nal.usda.gov/>. The SFA must require the FSMC to provide documentation showing the annual training hours and topics completed by the employees. FSMC contracts that do not include language that enables the SFA to comply with the professional standards requirements must be amended to ensure the SFA complies with these requirements. While FNS does not anticipate a material change for most FSMC contracts, if the SFA or FSMC considers this amendment a material change, the contract must be re-solicited with new language to ensure the SFA complies with the professional standards requirements by the next school year.

59. [New/Revised] Who is responsible for tracking FSMC staff training hours?

The FSMC staff must track their annual training hours to be able to demonstrate they have the knowledge and skills to supply safe and nutritious meals. For purposes of the administrative review, the SFA must request documentation from the FSMC to show compliance with the training standards. Contracts that do not include this language may need to be amended to include additional language to reflect compliance with the professional standards requirements. While FNS does not anticipate a material change for most FSMC contracts, if the SFA or FSMC considers this amendment a material change, the contract must be re-solicited with the new language to ensure the SFA complies with the professional standards requirements by the next school year.

- 60. [New/Revised] If an 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 hiring and training standards for program directors?**

The SFA maintains oversight and responsibility for planning, administering, implementing, monitoring, and evaluating the school meal programs; therefore, the role of program director must remain with the SFA. The SFA-State agency permanent agreement names the individual considered the SFA director or contact. This is the person, or any other designated staff who fulfills those duties, that must meet the hiring standards for new directors. Thus, in some cases, both the SFA contact and FSMC staff person must meet the hiring standards, depending on the duties of these individuals. With regard to training, both individuals would be responsible for meeting the training standards for program directors as they share director responsibilities. Discuss unique situations with your State agency to seek guidance.

- 61. 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, if the SFA or FSMC considers this amendment a material change, the contract must be re-solicited with the new language to ensure the SFA complies with the professional standards requirements by the next school year.

Miscellaneous

- 62. 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.

- 63. [New/Revised] Does this rule apply to Summer Food Service Program or Child and Adult Care Food Program?**

The professional standards regulations do not apply to the Summer Food Service Program nor the Child and Adult Care Food Program.

64. [New/Revised] Do the professional standards apply when employees are covered by a labor union contract that has provisions that 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. When a labor contract covering school nutrition program employees is re-negotiated, its provisions must be consistent with the professional standards established as a result of the HHFKA.