

STATE BOARD OF EDUCATION
STATE DEPARTMENT OF EDUCATION
ADMINISTRATIVE CODE

CHAPTER 290-080-030
SPECIAL PROGRAMS I

TABLE OF CONTENTS

| | |
|-----------------|--|
| 290-080-030-.01 | Child Nutrition Programs |
| 290-080-030-.02 | Objectives Of The Child Nutrition Programs |
| 290-080-030-.03 | Responsibilities For Child Nutrition Programs |
| 290-080-030-.04 | Child And Adult Care Food Program |
| 290-080-030-.05 | School-Based Child Nutrition Program Personnel |
| 290-080-030-.06 | Continuous Training Requirements |

290-080-030-.01 Child Nutrition Programs.

Child Nutrition Programs regulations have the following purposes:

(1) To comply with the national School Lunch Act (P.L. 79-396 and Amendments), Child Nutrition Act (P.L. 89-642 and Amendments), and Code of Ala. 1975, § § 16-3-11 through 12, 16-3-19.

(2) To provide standards and procedures for operating child nutrition programs.

Author: Janice S. Wood

Statutory Authority: Code of Ala. 1975, § § 16-3-11 through 12, 16-3-19, CFR Parts 210 through 252, Policies and Procedures Handbook, Alabama Child Nutrition Programs.

History: Repromulgated September 11, 1981. **Amended:** Filed June 14, 1994; effective July 9, 1994.

290-080-030-.02 Objectives Of The Child Nutrition Programs.

The Child Nutrition Programs have the following objectives:

(1) To provide meal services consistent with the nutritional needs of students, children, and adults. Such services shall include a reimbursable breakfast, lunch, supper and supplemental nourishment (snacks) as required by regulations.

(2) To provide meal services that contribute to students' and children's educational experiences.

(3) To provide meal services that contribute to the well-being of children and adults enrolled in agency programs.

Author: Janice S. Wood

Statutory Authority: Code of Ala. 1975, § § 16-3-11 through 12, 16-3-19, 7 CFR 210, 215, 220, 225, 226, 227.

History: New Rule: Filed June 14, 1994; effective July 9, 1994.

290-080-030-.03 Responsibilities For Child Nutrition Programs.

Each level of authority shall have the following responsibilities:

(1) Upon assignment by the State Superintendent of Education, the Child Nutrition Programs shall have the following responsibilities:

(a) To provide leadership and guidance in the overall administration and development of child nutrition programs.

(b) To administer federal and state Child Nutrition Program funds as provided by law or regulation.

(c) To prepare, issue, and keep current a Policies and Procedures Handbook, Alabama Child Nutrition Programs.

(d) To require that all programs for which federal reimbursement is granted shall meet at least the minimum standards established by the United States Department of Agriculture as provided in 7 CFR Parts 210, 215, 220, 225, 226, 227, 235, 240, 245, 250, and 252.

(e) To require that all programs meet at least minimum standards established by Alabama law and rules of the State Board of Education.

(f) To distribute the required state matching funds in such a manner as to comply with the provisions for state matching funds under the National School Lunch Act.

(g) To provide training for qualified supervision at the local school food authority level of operation.

(h) To certify and maintain records for certification of Child Nutrition Program Directors.

(2) Each school food authority and child and adult administering agency participating in child nutrition programs shall have the following responsibilities:

(a) To provide for the control, administration, supervision, and operation of all child nutrition programs operated under agreement with the State Department of Education in accordance with USDA and State Board of Education regulations.

(b) To provide necessary food service programs to meet nutritional needs of participants during hours of operation. These food service programs shall be appropriately scheduled. School programs shall include as a minimum a reimbursable lunch and if desired, a reimbursable breakfast, each priced as a unit. Supplemental foods which make a nutritional contribution to these meals may also be provided. Child and Adult Care shall include one or more of the approval meal types.

(c) A school food authority, a child and adult care sponsoring organization or an independent center may contract with a food service management company to operate programs in all or part of the schools or institutions serving meals covered by the contract; provided that, the school food authority, child and adult care sponsoring organization or independent center retains responsibility for the control and administration of the program, in compliance with the the program Agreement and federal regulations.

(d) To approve expenditures from program income for salaries, operating expenses, and equipment purchase as authorized by the State Department of Education and federal regulations.

(e) To adopt policies covering all phases of the district school food service program.

(f) To regulate the sale of food and beverage items in competition with the district approved food service program, including those classified as "foods of minimal nutritional value," listed in Code of Federal Regulations 210, Appendix B.

(g) To provide facilities and equipment necessary for the efficient and effective operation of food service programs.

(h) To adopt a policy for providing economically needy participants with free and reduced-priced meals and snacks that will comply with federal regulations. This policy shall include a plan for verifying economic need of participants and shall be approved by the State Superintendent of Education.

- (i) To adopt policies prescribing procedures for purchases of food and nonfood items in compliance with the requirements of the Alabama Bid Law and the Federal Bid Law.
 - (j) To provide optional meal service to department approved nonprofit child nutrition sponsors of federal or state nutrition programs.
- (3) The school principal and local school staff shall have the following responsibilities:
- (a) To comply with federal and state laws, regulations and district school board policies.
 - (b) To affect, through classroom instruction and learning experiences outside the classroom, ways to increase the pupil's knowledge concerning nutrition.
 - (c) To schedule meal serving periods in such a manner as to permit and encourage maximum student participation in the food service program.
- (4) To comply with state and federal rules and regulations in submitting claims and responses to monitoring, reviews and audits.

Author: Janice S. Wood

Statutory Authority: Code of Ala. 1975, § § 16-3-11 through 12, 16-3-19, 7 CFR 210 through 245, 247, 250.

History: Repromulgated September 11, 1981. **Amended:** Filed June 14, 1994; effective July 9, 1994.

290-080-030-.04 Child And Adult Care Food Program.

To participate in the child nutrition programs as a Family Day Care sponsor all agencies shall meet and conform to the following program guidelines and to USDA regulations.

- (1) Sponsoring organization approval. In order to be eligible for participation in the Child and Adult Care Food Program in Alabama, a sponsoring organization must:
- (a) Be located in Alabama;
 - (b) Show evidence of capabilities to administer and manage a sponsoring organization. Such evidence may include a history of work experience including but not limited to:
 - 1. working with children

2. providing family services
3. managing funds under other state and federal programs
4. findings of audits of state and federal programs managed.

(c) Maintain an office which is staffed with adequate administrative personnel to administer and monitor the home providers.

(2) Jurisdiction. The area(s) of jurisdiction in which a sponsoring organization is permitted to operate day care homes must be established by the Alabama Child Nutrition Programs Section, State Department of Education, based on need and existing day care home sponsoring organizations.

(3) Change in sponsorship. Unless a sponsoring organization ceases to function, thirty (30) days must elapse between the time a day care home may transfer from one sponsoring organization to another sponsoring organization. The change in sponsorship must be approved by the Child Nutrition Programs Section, State Department of Education.

Author: Janice S. Wood

Statutory Authority: Code of Ala. 1975, § § 16-3-11 through 12, 16-3-19, 7 CFR Part: 226 § § 12, 16, 18.

History: New Rule: Filed June 14, 1994; effective July 9, 1994.

290-080-030-.05 School-Based Child Nutrition Program Personnel.

(1) Definitions.

(a) Child Nutrition Program (CNP). As used in this rule, the term refers to nonprofit school nutrition programs that receive funds from the U.S. Department of Agriculture.

(b) Equivalent educational experience. The equivalent educational experience for an associate's degree is at least 30 semester hours of earned credit from an accredited institution. The equivalent educational experience for bachelor's degree is at least 60 semester hours of earned credit from an accredited institution.

(c) Local Education Agency (LEA). A public board of education or other public or private non-profit authority legally constituted in Alabama for either administrative control or direction of public or private non-profit schools.

(d) School Food Authority (SFA). The governing body which is responsible for one or more schools and has the legal

authority to operate child nutrition programs under the U.S. Department of Agriculture.

(e) School Nutrition Association (SNA). The national, nonprofit professional organization for school nutrition personnel.

(f) School Nutrition Specialist (SNS). A credential issued by the School Nutrition Association (SNA) based on passing the School Nutrition Specialist exam, demonstrating the knowledge and competencies necessary to managing school nutrition programs, and continuing professional development.

(2) Effective Date. The effective date for the rules, regulations, certifications, and program requirements referenced herein is August 15, 2023.

(3) **Child Nutrition Program (CNP) Director.** The governing body of each School Food Authority (SFA) shall employ a CNP Director. The CNP Director is responsible for the supervision and administration of the nutrition programs at the local education agency (LEA). Requirements for the position depend on the number of enrolled students in the system, as defined in the federal Professional Standards for School Nutrition Programs Personnel as Required by the Healthy, Hunger Free Kids Act of 2010 and the Hiring Flexibility under Professional Standards of 2019.

(4) **Hiring Standards for New Child Nutrition Program (CNP) Directors.** New CNP Directors must meet the following hiring standards.

(a) If student enrollment is 2,500 or more, one of the following requirements must be met.

1. Bachelor's degree or higher from an accredited institution, with an academic major in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, food science, community nutrition and marketing, hospitality management, or a related field.

2. Bachelor's degree or higher from an accredited institution in any academic major and one of the following:

(i) An Alabama recognized certificate from another state.

(ii) The School Nutrition Specialist (SNS) credential from the School Nutrition Association (SNA).

3. Bachelor's degree or higher from an accredited institution in any academic major and at least five years

of experience in the management of school nutrition programs.

(b) If student enrollment is 2,499 or fewer, one of the following requirements must be met:

1. Bachelor's degree or higher from an accredited institution, with an academic major in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, food science, community nutrition and marketing, hospitality management, or a related field.
2. Bachelor's degree or higher from an accredited institution in any academic major; and the State-recognized School Nutrition Specialist (SNS) credential from the School Nutrition Association (SNA).
3. Bachelor's degree or higher in any academic major and at least one year of relevant institutional food service experience.
4. Associate's degree from an accredited institution or equivalent educational experience, with an academic major in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, food science, community nutrition and marketing, hospitality management, or a related field and at least one year of institutional food service experience. Any individual employed under this requirement must earn a bachelor's degree in any major or earn the State-recognized School Nutrition Specialist (SNS) credential within three years of the date of employment.

(4) **Temporary Exception for Hiring Child Nutrition Program (CNP) Directors.** The ALSDE Director of Child Nutrition Programs may approve a request from an SFA to employ an individual as a CNP Director for up to three years from the date of employment who does not meet any option above but meets one of the options below:

- (a) Holds at least an earned associate's degree from an accredited institution; has two years of institutional food service work experience; completes State-approved training for new CNP Directors; and earns the School Nutrition Specialist (SNS) Credential from the School Nutrition Association (SNA) within three years of the date of employment. (Individuals must meet degree and specific coursework requirements prior to taking the SNS Credentialing Exam.) If the person does not earn a passing score within three years, federal funds may not be used to pay the person's salary.

(b) Holds at least an earned bachelor's degree or higher from an accredited institution; completes State-approved training for new CNP Directors; and earns the School Nutrition Specialist Credential (SNS) from the School Nutrition Association (SNA) within three years of the date of employment. (Individuals must meet degree and specific coursework requirements prior to taking the SNS Credentialing Exam.) If the person does not earn a passing score within three years, federal funds may not be used to pay the person's salary.

(5) Requirements for the Alabama Professional Child Nutrition Program (CNP) Director Certificate. CNP Directors in school systems with a student enrollment 2,500 and above are required to have a valid Alabama Professional Child Nutrition Program Director Certificate issued by the Teacher Certification section of the ALSDE. Smaller school systems are strongly encouraged to hire certified CNP Directors. Additional information is provided in the next section, (6) Exception for Certified CNP Directors in Small School Systems.

(a) Option 1. Bachelor's Degree in Field and Relevant Experience. Both requirements below must be met.

1. At least an earned bachelor's degree from an accredited institution with an academic major in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, food science, community nutrition and marketing, hospitality management, or a related field. At least four of the courses must be in food and nutrition.

2. A minimum of 1400 clock hours of compensated food service management, or an acceptable alternative to be approved by the State Superintendent of Education, to include but not limited to, supervisory and/or administrative experiences attained within the five years immediately preceding the date of application.

(b) Option 2. Bachelor's Degree and Specified Coursework. All requirements below must be met.

1. An earned bachelor's degree from an accredited institution degree in any major.

2. Specific coursework within three years from the date of employment:

(i) Nine semester hours in food and nutrition,

(ii) Three semester hours in quantity food production,

(iii) Three semester hours in quantity purchasing,

(iv) Three semester hours in personnel management,
and

(v) Three semester hours in accounting.

3. Verifies a minimum of 1400 clock hours of compensated food service.

(c) Option 3. Bachelor's Degree and School Nutrition Specialist (SNS) Credential. Both requirements below must be met.

1. An earned bachelor's degree from an accredited institution in any major.

2. The School Nutrition Specialist (SNS) Credential from the School Nutrition Association (SNA). Individuals must meet degree and specific coursework requirements prior to taking the School Nutrition Specialist (SNS) Credentialing Exam.

(d) Option 4. Bachelor's Degree, Training, and Experience. All requirements below must be met.

1. An earned bachelor's degree from an accredited institution in any major.

2. At least five years of experience at least at the level of a school food service manager.

(e) Option 5. Bachelor's Degree and a CNP Director Certificate from Another State. Both requirements below must be met.

1. An earned bachelor's degree from an accredited institution in any major.

2. A CNP director certificate from another state.

(6) **Exception for Certified CNP Directors in Small School Systems.** School systems with an enrollment of 2,499 or less may use any of the certification options above or may request an exception from the ALSDE Director of Child Nutrition Programs to allow the continued employment of an individual who does not hold at least an earned bachelor's from an accredited institution. The individual must meet all the following criteria.

(a) A high school diploma (or GED).

(b) At least three years of school food service management experience.

(c) State-approved training for new CNP Directors.

(d) A Level 4 Certificate from the School Nutrition Association (SNA).

(7) **Hiring Standards for Site Managers.** Each site that provides meals shall employ a manager. Managers are not required to hold a certificate. A CNP Director may also serve as a site manager.

(a) Each manager of a food service operation at the site level must have at least a high school equivalency diploma and three years of school food service or related work.

(b) If an acceptable candidate meeting the educational requirement is not available, the governing body may employ a manager on the condition that the educational requirement be met within one year from the date of employment. A manager so employed who fails to meet the educational requirement within the prescribed time limits shall not be continued in employment as a CNP manager.

Author: Dr. Eric G. Mackey

Statutory Authority: Code of Ala. 1975, §§16-3-11 through 12, 16-3-19, 7 CFR Part 210.

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290-080-030-.06 Continuous Training Requirements.

(1) Effective Date. The effective date for the rules, regulations, certifications, and program requirements referenced herein is August 15, 2023.

(2) Training Criteria for CNP Directors.

(a) Food safety training.

1. All CNP Directors must provide a certificate documenting training in food safety through one of the companies approved by the CNP section of the Alabama State Department of Education (ALSDE).

2. All CNP Directors must have at least eight hours of food safety training completed not more than five years prior to the first date of employment or completed within 30 calendar days of the first day of employment.

3. All CNP Directors must complete food safety training every five years.

(b) All new CNP Directors must complete State approved training within the first year of employment if not previously taken.

(c) All new CNP Directors must complete all State required trainings each year.

(3) Training Criteria for CNP Directors, Managers, and Employees.

(a) Training must be job-specific and focus on day-to-day management and operation of the program.

(b) Annual training requirements apply to the 12 months between July 1 and June 30.

(c) If hired January 1 or later, an employee must complete only half of the required training hours.

(4) Required Hours.

(a) All SFA CNP Directors must have at least 12 hours of annual continuing education or training. This required continuing education or training is in addition to the food safety training required in the first year of employment.

(b) All managers must have at least 10 hours of annual continuing education or training.

(c) All other staff who work at least 20 hours or more per week must have at least six hours of annual continuing education or training.

(d) Part-time staff who work fewer than 20 hours per week must have at least four hours of annual continuing education or training.

Author: Dr. Eric G. Mackey

Statutory Authority: Code of Ala. 1975, §§16-3-11 through 12, 16-3-19

History: New Rule: Filed June 14, 1994; effective July 9, 1994.

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