

**STATE BOARD OF EDUCATION  
STATE DEPARTMENT OF EDUCATION  
ADMINISTRATIVE CODE**

**CHAPTER 290-080-030  
SPECIAL PROGRAMS I**

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**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**      **Supervision And Administration.** A school district approved to sponsor food service programs under the National School Lunch Act, Regulation 7 CFR Part 210, shall be eligible provided all the following conditions are met:

(1) A Child Nutrition Program certified director is employed.

(2) A Child Nutrition Program director shall hold as a minimum, a bachelor's degree. The director shall meet the qualifications for Child Nutrition Program director certification as prescribed by 290-080-030-.06. In the event an acceptable candidate meeting the educational requirements is not available, the school board may employ a director with a bachelor's degree in another field on the condition that the educational requirements for a Child Nutrition Program director be met within three (3) years from date of employment. A director so employed who fails to meet the education requirements within the prescribed time limits shall not be continued in employment as

the Child Nutrition Program director. A Child Nutrition Program director employed prior to July 1, 1994, shall be exempt from the requirement contained herein.

(3) Each manager of a food service operation at the site level shall have at least a high school equivalency diploma and three (3) years school food service or related work; provided that in the event an acceptable candidate meeting the educational requirement is not available, the school board may employ a manager on the condition that the educational requirement be met within one (1) year from 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 Child Nutrition Program manager. Managers employed by a district prior to July 1, 1994, shall be exempt from the requirements contained herein.

**Author:** Janice S. Wood

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

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

#### **290-080-030-.06      Qualifications For Child Nutrition**

**Program Director Certification.** In order to meet the certification requirements for a Child Nutrition Program Director the following must be met:

(1) Hold, as a minimum, an earned bachelor's degree from a regionally accredited senior institution of higher education in Foods and Nutrition, Food Service Management, or Home Economics (with a minimum of four (4) courses in foods and nutrition).

(2) Verify 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 experience attained within five (5) years immediately preceding the date of application.

(3) Provisional Requirements. Hold an earned bachelor's degree from a regionally accredited senior institution of higher education in any subject area other than the one identified and complete the following educational requirements for certification within three (3) years from the date of employment:

(a) A minimum of nine (9) semester hours or twelve (12) quarter hours in food and nutrition;

(b) A minimum of three (3) semester hours or four (4) quarter hours in Quantity Food Production and three (3) semester or four (4) quarter hours in Quantity Purchasing; and

(c) A minimum of three (3) semester hours or four (4) quarter hours in personnel management and three (3) semester hours or four (4) quarter hours in accounting.

(4) Professional Development. A minimum of fifteen (15) clock hours or approved professional development per year is required for certificate validity. The Alabama State Department of Education, Child Nutrition Programs will make the final decision on the approval of professional development activities.

**Author:** Janice S. Wood

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

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