



State of Arizona  
Department of Education

HNS# 008-13  
USDA SP# 31-12 (3<sup>rd</sup> Revision)

---

**MEMORANDUM**

---

**TO:** Sponsors of the National School Lunch Program

**FROM:** Mary Szafranski, Deputy Associate Superintendent  
Arizona Department of Education, Health and Nutrition Services

Cara Peczkowski, Director  
Arizona Department of Education, School Nutrition Programs

**DATE:** March 12, 2013

**SUBJECT:** Child Nutrition Reauthorization 2010: Questions and Answers Related to the Certification of Compliance with Meal Requirements for the National School Lunch Program (Revised January 22, 2013)

*Original Signed*

---

Attached are Questions and Answers related to the interim rule entitled, *Certification of Compliance with Meal Requirements for the National School Lunch Program under the Healthy, Hunger-Free Kids Act of 2010*. Under section 201 of the Healthy, Hunger-Free Kids Act of 2010, an additional reimbursement of 6 cents per lunch is available for school food authorities (SFAs) who have been certified due to their compliance with the new school meal pattern. The interim rule establishes the requirements related to the certification process and the new performance-based reimbursement.

Food and Nutrition Services (FNS) has received many comments and questions on the certification process. In addition, FNS engaged in extensive discussions with state agencies in December 2012 on expectations for state agency management of the certification process during the transition to the new school meal pattern. As a result, FNS revised many of the existing questions, and added new questions to reflect this input and discussion. Readers should review this new version very carefully. New questions and updated information are identified by *italics*.

Please contact your Child Nutrition Program Specialist at Arizona Department of Education (ADE) with questions concerning this guidance. Your specialist can be found on the CNPWeb home page once logged into Common Logon.



## Background

The Healthy, Hunger-Free Kids Act of 2010 (HHFKA) requires the additional 6 cents per lunch reimbursement be provided to SFAs certified by ADE due to their compliance with the new meal pattern requirements.

*In implementing the new meal requirements, many SFAs have found it challenging to meet the weekly maximum limits for grains and meat/meat alternates. To help SFAs make the transition to the new requirements, ADE issued memorandum CN# 26-13, Revised Food and Nutrition Services (FNS) Guidance to School Food Authorities: Flexibility in the Meat/Meat Alternate and Grain Maximums for School Year 2012-13, providing flexibility to SFAs regarding the weekly grains and meat/alternates maximums for school year (SY) 2012-13. For the purposes of certification for the additional 6 cents reimbursement, ADE will consider SFAs compliant with these component requirements even the weekly maximums for grain and meat/meat alternates have been exceeded.*

In general, the certification process for the 6 cents performance-based reimbursement works as follows:

- SFAs submit certification documentation to ADE
- ADE makes a certification determination within 60 days
- ADE conducts validation reviews of 25 percent of certified SFAs in school year (SY) 2012-13
- Certified SFAs must annually attest to ongoing compliance with the meal patterns through SY 2014-2015
- Ongoing compliance with the meal pattern requirements is monitored during administrative reviews (currently known as Coordinated Review Effort (CRE))

## General

### **Q1. What is the purpose of the 6 cents per lunch reimbursement?**

The additional 6 cents per lunch reimbursement is provided to certified SFAs to assist in providing meals that meet the new meal pattern. Since it is a performance-based reimbursement, SFAs are expected to implement the updated requirements as quickly as possible.

### **Q2. When will the 6 cents per lunch reimbursement be available?**

Section 201 of the HHFKA makes the additional reimbursement available per lunch on October 1, 2012. In order to be eligible to receive this new performance-based reimbursement, ADE must certify that the SFA is in compliance with the requirements of the final meal pattern rule published in the *Federal Register* on January 26, 2012. To access the federal registrar:

<http://www.gpo.gov/fdsys/pkg/FR-2012-01-26/pdf/2012-1010.pdf>.

### **Q3. Can an SFA opt out of receiving the 6 cents reimbursement?**

The new meal pattern requirements effective July 1, 2012, are not optional. While there is no deadline for submitting certification documentation, the additional 6 cents reimbursement is meant

to encourage SFAs to implement the updated requirements and seek certification as quickly as possible. FNS understands that some SFAs will be able to implement the new requirements more quickly than others, but ultimately all SFAs will be required to demonstrate compliance with the new meal pattern and be certified for the 6 cents reimbursement.

**Q4. Does the 6 cents per lunch reimbursement increase take into account annual inflation?**

Yes. Beginning July 2013, FNS will prescribe annual adjustments to the performance-based cash assistance rate (6 cents) at the same time adjustments are made to the national average payment rates. These adjustments, which reflect changes in the food away from home series of the Consumer Price Index for all Urban Consumers, are annually announced by Notice in July of each year in the *Federal Register*.

**Q5. What assistance will be provided to ADE for certification activities?**

The HHFKA provided \$47 million in 2012 and 2013 fiscal years to assist states with costs associated with training, technical assistance, certification and oversight activities associated with implementing the updated meal patterns, certifying SFAs, and providing the 6 cents per lunch reimbursement to certified SFAs.

**Q6. What materials will FNS provide to ADE and SFAs to support certification?**

In addition to in-person and online training presentations, webinars, questions and answers, FNS has provided:

- a certification tool with a menu worksheet and a simplified nutrient assessment worksheet, in Excel format

FNS recognizes that many excellent materials are being developed by our state and local partners and encourage ADE and SFAs to use the School Meal Pattern Clearinghouse to share and search for information and materials that may be helpful to during implementation. The clearinghouse is free and accessible to all at <http://healthymeals.nal.usda.gov/bestpractices>.

## **Certification Process**

**Q1. What is the certification process?**

ADE established a process for SFAs to apply for Certification: (1) a representative of the SFA must attend Certification for New Meal Pattern training (2) submit documentation (refer to Q1 under Certification Documentation) demonstrating compliance with the updated lunch meal pattern and the meal pattern adopted for breakfast. SFAs must use the FNS certification tool or any USDA approved certification tool. *ADE will review the documentation, provide any necessary technical assistance related to the information contained in the documentation, and determine if the documentation demonstrates that the SFA has planned menus that meet the meal pattern requirements.* Note: All certifications are done at the SFA level, not at the school level.

**Q2. How frequently must ADE conduct certification?**

ADE will only certify an SFA once. Once an SFA has been granted certification, ongoing compliance with meal pattern requirements will be monitored through administrative reviews.

**Q3. When may ADE begin approving applications from SFAs to receive the extra 6 cents per lunch reimbursement?**

The earliest ADE may certify SFAs for the 6 cents per lunch reimbursement is July 1, 2012, which is the start date the new meal pattern requirements for SY 2012-13 are effective. SFAs are reminded that while certification may occur prior to October 1, 2012, certified SFA's will earn the additional 6 cents for only those meals served starting October 1, 2012, or later.

**Q4. Must SFAs be in compliance with both breakfast and lunch requirements to be certified for the 6 cents per lunch reimbursement?**

Yes, the HHFKA provides the 6 cents per lunch reimbursement for compliance with the updated meal patterns. SFAs must be in compliance with the updated lunch and breakfast meal patterns (if the SFA participates in the School Breakfast Program (SBP)) in effect at the time of certification. For SY 2012-13, SBP updated all breakfast meal patterns with the following requirements: no more than 10% saturated fat and must offer two varieties of milk daily that 1% or less fat content, and only fat free milk can be flavored. For SY 2012-13, SFAs are to follow the following meal patterns for SBP: Traditional, Enhanced, Nutrient Standard, Assisted Nutrient Standard or the New Meal Pattern. For SY 2012-13, it is optional for SFAs to adopt the New Meal Pattern for breakfast. SY 2013-14, all SFAs must adopt the New Meal Pattern for Breakfast.

**Q5. The meal pattern requirements are phased-in over a period of several years. How does this affect the certification process?**

SFAs must demonstrate compliance with those meal pattern requirements in effect at the time the SFA applies for certification. While most of the updated lunch requirements are effective in SY 2012-13, some lunch requirements are phased in later as are most SBP requirements. Thus, an SFA applying in SY 2012-13 would need to demonstrate compliance with only the SY 2012-13 requirements in order to be certified.

**Q6. Most of the new breakfast requirements do not become effective until SY 2013-14. How does this affect 6 cents certification?**

SFAs must submit certification documentation reflective of the meal pattern requirements in effect at the time they apply for certification. Therefore, if an SFA applies for certification in SY 2012-13, they need to demonstrate compliance with the breakfast requirements in effect for SY 2012-13. If an SFA applies for certification in SY 2013-14, they would need to demonstrate compliance with the breakfast requirements in effect at that time.

**Q7. What about SFAs that wish to adopt the new breakfast requirements in SY 2012-13?**

SFAs that have been approved by ADE to adopt the breakfast requirements early must demonstrate compliance with the breakfast requirements they have been approved to adopt.

**Q8. How many schools within the SFA must be in compliance to be certified to receive the 6 cents per lunch reimbursement?**

**All sites** within the SFA must be in compliance with the meal pattern requirements for the SFA to be certified for the 6 cents per lunch reimbursement. If the SFA participates in the SBP, the sites must also be in compliance with the updated breakfast requirements in effect at the time of certification.

**Q9. How long after documentation has been submitted by an SFA does ADE have to make a certification determination?**

Beginning October 1, 2012, ADE must review certification materials and make certification determinations within 60 days of receipt of the certification request from the SFA. For example, if an SFA submits documentation on November 1, 2012, ADE must make a certification determination by January 1, 2013.

Recognizing a large number of SFAs may request certification prior to October 1, 2012, an exception to the 60 day requirement is provided for any certification documentation request submitted prior to September 30, 2012. For certification requests submitted prior to October 1, 2012, ADE has 60 days from October 1, 2012, to review certification materials and make certification determinations.

**Q10. When does the 60-day timeframe begin if an SFA submits an incomplete application for certification?**

*In general, the 60-day timeframe begins when ADE first receives a complete package of certification documentation from the SFA. However, if the application is missing information that does not affect ADE's ability to determine if the menu is compliant, ADE should begin evaluating the application and contact the SFA to obtain the missing information. In this case, the 60-day timeframe would begin when the application is initially received.*

*If the application demonstrates that the menus the SFA submitted are not compliant, ADE will work with the SFA to make the needed adjustments and still attempt to make a certification determination within the 60 day timeframe.*

*If the application demonstrates a fundamental misunderstanding of the requirements and the SFA is not able to make the adjustments needed to make the menus compliant within the 60 day timeframe, ADE will deny the request for certification. At this point, ADE will continue to provide the SFA technical assistance to bring their menus into compliance with the meal pattern requirements. The 60-day timeframe would begin again when the SFA submits the completed application.*

**Q11. When must ADE notify the SFA that they have submitted an incomplete application?**

ADE has developed a process that will determine, upon receipt, if an application contains the documentation necessary to proceed with certification. While there is no specific deadline for ADE to notify SFAs that their certification materials are incomplete, ADE will notify the SFA as soon as possible to avoid any unnecessary delay in making the certification determination and providing the additional reimbursement.

**Q12. If an SFA submits an incomplete application but is able make adjustments to show their menus are compliant, when does the 6 cents reimbursement begin?**

*If SFAs are able to make adjustments and serve menus that are compliant, then SFAs can be reimbursed in the month they begin serving compliant menus. ADE will work with SFAs that have submitted incomplete or incorrect applications for certification to make the necessary adjustments as quickly as possible to avoid a delay in certification and reimbursement of the additional 6 cents per lunch.*

**Q13. Once granted certification, how does ADE reimburse certified SFAs?**

Upon certification, ADE must reimburse the certified SFA with the additional performance-based reimbursement for each lunch served beginning the start of the month in which the certified lunches are served, but not earlier than October 1, 2012. For example, if certification documentation is submitted for October 15-19 and the SFA is certified by ADE in December, ADE must provide the additional performance-based reimbursement for all lunches served by that SFA on and after October 1. ADE will follow standard reimbursement procedures.

**Q14. Are SFAs new to the program required to be certified to receive the 6 cents reimbursement?**

The existing requirement that all new SFAs must meet the meal patterns in effect at the time the SFA enters the program has not changed. The SFA should submit certification documentation along with their application to participate in the program.

While new SFAs must apply for certification prior to entering the program, they are not required to wait until they are certified by ADE (which could take up to 60 days) before starting to serve meals. While they are awaiting certification, as long as the SFA has executed an agreement with ADE, they may serve meals that meet program requirements and claim reimbursement.

## **Certification Documentation**

**Q1. How does an SFA pursue certification?**

There are three options for certification:

- Option 1/Package A allows SFAs to submit one week of menus, detailed menu worksheets showing food components and quantities for reimbursable meals for these menus, and a nutrient analysis of calories and saturated fat. This option acknowledges that a large number of SFAs already use USDA approved nutrient analysis software to monitor the nutrient levels in their meals.
- Option 2/Package B allows SFAs to submit one week of menus, detailed menu worksheets showing food components and quantities for reimbursable meals for these menus, and a simplified nutrient assessment of calories and saturated fat. This option acknowledges that not all SFAs use nutrient analysis software. A simplified nutrient assessment is intended to be a proxy for the nutrient analysis and is found within the Lunch Menu Worksheet.
- Option 3 allows ADE to certify an SFA during a review. The SFA would need to have one week of menus, detailed menu worksheets for these menus, and all information needed for

ADE to conduct a nutrient analysis. While ADE is responsible for completing the nutrient analysis aspect of the certification, who completes the certification worksheets during an onsite certification is left to the discretion of ADE. ADE will communicate with the SFA before the onsite certification to determine who is responsible for filling out the worksheets.

ADE must allow SFAs the option to choose either option 1 or 2 for certification and allow SFAs to choose which FNS-approved menu certification tool (worksheet) they wish to use for certification. ADE may use any FNS-approved menu certification tool when option 3 is selected.

See Q6 of the **General** section for information on the certification tools that were provided by FNS. Additionally, ADE issued Q&As related to the certification tools in memorandum CN# 04-13, available at: <http://www.azed.gov/health-nutrition/files/2012/08/cn-04-13.pdf>. To access all the worksheets, refer to ADE's website: <http://www.azed.gov/health-nutrition/nsfp/menu-certification/>.

## **Q2. What is required of ADE during an on-site certification (Option 3)?**

*During an on-site certification, ADE will review documentation and observe a meal service in order to make a certification determination. ADE will review a menu certification worksheet (completed by the SFA or ADE) for one week of menus and conduct a nutrient analysis to assess calories and saturated fat for each menu type offered by the SFA. To facilitate the process, ADE will ask SFAs to have information ready to complete the certification documentation materials.*

*In addition, as part of the onsite certification, ADE will visit one school representing each menu type being certified. In each of the visited schools, ADE will observe a meal service and review production records for the observed meals to ensure they are consistent with the menus on which the certification was based and that observed meals meet the updated meal pattern requirements. Because of this on-site review, these SFAs are not subject to a separate validation review.*

*[Please note: When ADE conducts an on-site certification, ADE must complete a nutrient analysis using FNS approved nutrient analysis software and may not use the simplified nutrient assessment. The simplified nutrient assessment is an SFA option in recognition of the fact that not all SFAs have or are able to use nutrient analysis software.]*

## **Q3. Can ADE notify an SFA that they wish to certify them via Option 3 after the SFA has already submitted certification documentation via either Options 1 or 2?**

Yes, ADE has discretion to choose Option 3 for certification. However, if the SFA has already submitted certification documentation, ADE has 60 days from the time of submission by the SFA to complete the on-site certification.

## **Q4. What documentation is required in order to be certified?**

As described in Q1 of this section, the following documentation is required:

- **Menus and menu worksheets** – One week of each menu offered, by age/grade group, and a detailed menu worksheet, using an FNS-approved worksheet or tool, for each menu showing food components and quantities by *reimbursable meal*. For example, if the SFA menu planned an elementary with a K-5, middle with a 6-8, and high school menu with a 9-12, the

SFA must submit three menus and three menu worksheets. If an SFA has two distinct 9-12 menus for its high schools, one each for middle, a 6-8, and one for each elementary schools, a K-5, the SFA must submit four menus and four menu worksheets.

- **Nutrient analysis or a simplified nutrient assessment** – A nutrient analysis, using FNS-approved software, or a simplified nutrient assessment, following standards set by FNS, for each menu. For a complete list of all FNS approved nutrient analysis software, refer to: <http://healthymeals.nal.usda.gov/menu-planning/software-approved-usda-administrative-reviews/list-approved-software-nsmpsi>. The simplified nutrient assessment is considered a proxy for a complete nutrient analysis. *The simplified nutrient assessment is found on its own tab within the Lunch Menu Worksheet file. SFAs only complete a nutrient analysis or the simplified nutrient assessment for each distinct menu.*
- **Attestation** – SFAs must attest in writing that the documentation submitted for certification is representative of the ongoing meal service within the SFA, and that the minimum required food quantities for all meal components are available to students in every serving line. *ADE will only accept the Attestation form designed for Arizona. To access this specific Attestation, please refer to ADE's website: <http://www.azed.gov/health-nutrition/nslp/menu-certification/>.*

*Because certification is determined on an SFA basis, the above documentation must be submitted for the entire SFA. An application is considered incomplete until all menu types within the SFA have been submitted.*

FNS issued the menu worksheet in May 2012. A 4-day and 7-day version of the tool was issued on July 3, 2012. All worksheets can be found at:

<http://www.fns.usda.gov/cnd/Governance/Legislation/nutritionstandards.htm> as well as ADE's website: <http://www.azed.gov/health-nutrition/nslp/menu-certification/>.

### **Q5. What is considered a menu?**

For purposes of 6 cents certification, a menu is a descriptive list of all of the reimbursable meals offered each school week by age/grade group. A menu may include multiple offerings and may represent more than one serving line in a particular facility. Therefore, schools serving only one age/grade group are expected, for the purposes of certification, to have only one menu within each school, regardless of how many serving lines are available in the cafeteria. Additionally, an SFA with a centralized meal service may have a single menu for all schools in a particular age/grade group.

For example, for an SFA that has five schools for grades 9-12, each with multiple serving lines or serving configurations, but the same reimbursable meals offered within each school (centralized menu), the SFA would have one menu for that grade group. The SFA would fill out one corresponding menu worksheet for lunch and one for breakfast; resulting in two total worksheets. Alternatively, if an SFA has five schools for grades 9-12 and each school offers different meals than their counterparts for lunch and breakfast, this SFA has five different menus at lunch and breakfast. The SFA would submit five menus for lunch and five for breakfast, and fill out a total of ten worksheets for grades 9-12.



**Q6. Can ADE require SFAs to submit more documentation for certification than is required by FNS? For example, can ADE require SFAs to submit production records as part of the certification process?**

The certification process, as presented in the interim rule and FNS guidance, is intended to provide the basic information necessary to make a determination while limiting burden on SFAs and ADE. Therefore, ADE cannot require SFAs to submit documentation such as production records or product labels as part of the certification application. Additionally, ADE will not require the SFA to submit a different menu worksheet for every serving line in every school. *Note: During a Validation Review, all production records and product labels must be made available for the week of Certification and Validation.*

**Q7. Are SFAs that serve pre-K meals required to submit documentation for pre-K meals?**

The meal pattern requirements for pre-K meals will be updated under a separate rulemaking. Therefore, SFAs that serve pre-K meals are not required to submit documentation for pre-K meals, but they must attest that the pre-K meals they serve are compliant with the current meal patterns in effect for the age/grade groups being served.

**Q8. Who is authorized to sign the attestation?**

The signatory must be an individual who has the authority to represent the LEA on matters pertaining to the school meals program. In Arizona, this is an authorized signer as represented on the Food Program Permanent Service Agreement. The person(s) to whom this authority has been granted by the LEA is authorized to sign the attestation. SFAs should contact their School Nutrition Programs Specialist to determine who is authorized to sign.

**Q9. What menus must SFAs submit for certification?**

At a minimum, SFAs must submit one week for each menu offered, by age/grade group, within the SFA for both lunch and, if offered, breakfast. This means SFAs must submit a breakfast and lunch menu for grades K-5 and a breakfast and lunch menu for grades 6-8, *or a breakfast and lunch menu for grades K-8*, and a breakfast and lunch menu for grades 9-12. For the purposes of this rule, a week means a normal school week, not including holidays.

As noted in Q5 of this section, if the SFA serves multiple, *distinct* menus within one age grade group, the SFA must submit all menus served. For example, if the SFA has two high schools that offer lunch menus with different main dishes in their reimbursable meals, both lunch menus (and accompanying menu worksheets and analysis) must be submitted. If the SFA has two high schools that offer lunch menus with the same main dishes, but one has a salad bar and the other serves similar vegetables on the line each day, the SFA would only need to submit one of these menus and the accompanying menu worksheet.

**Q10. Are there any exceptions to the updated meal pattern requirements for the 6 cents certification process for RCCIs?**

*RCCIs are certified in the same manner as other SFAs. While the process is the same for all participating SFAs, FNS recognizes that the 6 cents certification process may be challenging for*

some institutions such as RCCIs. RCCIs are encouraged to seek technical assistance from ADE if they are experiencing difficulty with the certification process or tools, or with menu planning in general. RCCIs should also refer to memos: HNS 007-13 Child Nutrition Reauthorization 2010 QA on Final Rule Nutrition Standards in the NSLP SBP (Revised 1-25-13) specifically titled: RCCI, and CN# 02-13: Residential Child Care Institutions Exception for Safety if Serving Multiple Age-Grade Groups.

**Q11. If ADE develops cycle menus that are in compliance with the new meal pattern requirements, and an SFA decides to adopt those menus, what must the SFA submit for the certification process?**

*If ADE develops compliant cycle menus for SFAs, ADE may also provide pre-completed documentation materials using an FNS approved certification tool in order to further simplify the certification process for SFAs that choose to adopt the cycle menus. SFAs would then submit a complete certification application, including any modifications they made to the cycle menu, and the signed attestation that the SFA is meeting all of the meal pattern requirements.*

*SFAs certified using ADE developed cycle menus would be included in the validation review “pool”. If an SFA using ADE developed cycle menu is selected for validation, as with other SFAs selected for validation, ADE would review the ongoing meal service within the SFA to validate that it is meeting the updated meal pattern requirements.*

*At this time, ADE does not have any cycle menus for SFAs to adopt.*

**Q12. Must the documentation reflect any specific timeframes?**

Yes, all documentation must reflect current SFA practices, i.e., meal service in the calendar month the certification materials are submitted, or in the month preceding the calendar month of submission.

For example, in December an SFA can submit a certification package with documentation of a week in December or November meal service. Documentation for October meal service would not be considered current in this case.

*Documentation may also reflect planned meal service for the calendar month following the calendar month of submission. For example, in December an SFA can submit a certification package with documentation of January meal service. Allowing SFAs to submit menus for the month following the calendar month of submission provides an opportunity for SFAs to work through any issues with ADE prior to serving the menu.*

**Q13. SFAs currently using Nutrient Standard Menu Planning may continue with this menu planning option for breakfasts in SY 2012-13. What must these SFAs submit for certification for breakfast?**

Any SFA that uses Nutrient Standard Menu Planning or Assisted Nutrient Standard Menu Planning for breakfasts in SY 2012-13 must submit each distinct breakfast menu along with a nutrient analysis of saturated fat and calories using FNS approved software. No menu worksheet is

required. This applies only to SFAs seeking certification in SY 2012-13, as that is the last year that Nutrient Standard Menu Planning is allowed for breakfast.

SFAs that use food-based menu planning for breakfast in SY 2012-13 must submit each distinct breakfast menu as well as the Breakfast menu worksheet. A nutrient assessment is not required.

**Q14. Are Seamless Summer Option (SSO) lunches eligible for the 6 cents reimbursement?**

*Yes, once the SFA is certified, it may receive the additional 6 cents per lunch reimbursement for SSO lunches. When SFAs submit documentation for certification, SFAs are attesting that what they are submitting is representative of ongoing NSLP and SBP meal service, which would include meals served under the seamless summer option.*

**Q15. Must an SFA submit certification documentation if ADE is conducting an administrative review of the SFA after July 1, 2012?**

As mentioned in Q1 of the Certification Documentation section, at ADE's discretion, ADE may certify an SFA during the course of the administrative review. Affected SFAs should work with ADE to determine if this option is available and to identify any documentation that would need to be available to ADE in order to complete the certification process.

If ADE chooses to certify an SFA during an administrative review, ADE will ask for the same documentation as required in Option 3 in Q1 of the **Certification Documentation** section.

**Q16. When will the FNS menu worksheet and simplified nutrient assessment tool be available to ADE?**

FNS released these tools beginning on May 31, 2012. The tools are available on the ADE website: <http://www.azed.gov/health-nutrition/nslp/menu-certification/>.

**Q17. May SFAs use certification tools created by software companies?**

Yes, SFAs may use certification tools created by software companies as long as the tool has been approved by FNS.

**Q18. How must certification documentation be submitted to the ADE?**

ADE will allow SFAs to submit certification documentation in various forms including electronically or paper-based. ADE encourages SFAs to submit all documentation electronically via the Common Logon application 'CNP Menu Certification' to upload certification documentation directly to ADE. Please refer to memorandum *CN# 20-13: Certification for Additional Reimbursement (6 cents): new Common Logon Application and file upload information* available at: <http://www.azed.gov/health-nutrition/files/2012/08/cn-20-13-certification-for-additional-reimbursement-new-common-logon-application-and-file-upload-information.pdf>

**Q19. Can ADE create deadlines for certification?**

No, ADE cannot create deadlines for SFA certification. SFAs can submit certification documentation at any time.

## **SY 2012-13 Validation Reviews**

### **Q1. What is the requirement for ADE conducted validation reviews? Does it apply beyond SY 2012-13?**

For SY 2012-13, ADE must conduct on-site validation reviews of 25 percent of certified SFAs. There is no validation review requirement beyond SY 2012-13 because the new three-year administrative review cycle begins on July 1, 2013.

### **Q2. What is the purpose of the SY 2012-13 validation reviews?**

The purpose of the validation review is to affirm that a certified SFA has been and continues to meet the updated meal patterns.

### **Q3. What is required of ADE during a validation review?**

ADE must observe a meal service for each type of certified menu (i.e., each distinct menu by age/grade grouping) and review the production records and product labels for observed meals to ensure the meal service meets the updated meal pattern requirements and is consistent with the menus/documentation on which certification was based. In addition, ADE must review supporting documentation (e.g., production records, product labels, etc.) for the menus submitted for certification to ensure that the meals actually served were consistent with the submission. ADE is not required to conduct a nutrient analysis during a validation review.

### **Q4. What does ADE need to validate for breakfast during a validation review?**

While SFAs that use Nutrient Standard Menu Planning for breakfast in SY 2012-13 are not required to submit a menu worksheet for certification (refer to Q13 in the **Certification Documentation** section), for validation reviews ADE must observe a meal service for each breakfast menu submitted and review production records for observed meals to ensure meal service meets the breakfast requirements in SY 2012-13. In addition, ADE must review supporting documentation for the menus submitted for certification to ensure that the meals actually served were consistent with the submission.

SFAs that use food-based menu planning for breakfast, ADE would do all of the above in addition to reviewing menu worksheets to determine if they reflect the current meal service in the SFA.

### **Q5. When must ADE conduct a validation review?**

ADE has the discretion in scheduling validation reviews of certified SFAs selected for validation, but are strongly encouraged to conduct validation reviews prior to the SFA's submission of the first claim for reimbursement including the 6 cents. ADE may conduct the validation review prior to notifying the SFA of certification, as long as the review is completed within the 60-day timeframe for certification. ADE should conduct validation reviews during weeks in which school is in session for the full week, in order to properly assess compliance with the meal patterns.

**Q6. What should ADE do if they receive several certification requests in April or May 2013? Can the validation reviews be conducted into the next school year?**

Validation reviews will not be conducted after June 30, 2013. Because validation reviews must occur while meal service is occurring (i.e., school is in session), an influx of certification applications at or near the end of the school year may make it challenging for ADE to meet the 25 percent requirement. *For work planning purposes, ADE will contact SFAs that have not applied for certification by the first quarter of calendar year 2013 to get an estimate of which remaining SFAs are intending to apply for certification prior to the end of the school year.*

After SY 2012-13 (June 30, 2013), review of meal service compliance will take place during regular administrative reviews. If the SFA does not submit the request for certification with enough time for validation in SY 2012-13, the SFA would be included among those SFAs scheduled for a review in the beginning of the administrative review cycle the following (SY 2013-14) year.

**Q7. Are SFAs that are certified through an ADE-conducted on-site review subject to a validation review?**

SFAs that are certified by ADE during an on-site review are exempt from a validation review in SY 2012-13. Since the on-site review provides an independent validation of the menus and includes a nutrient analysis, there is no further need for a validation review.

**Q8. How many SFAs must ADE select for a validation review?**

ADE must randomly select at least 25 percent of all SFAs certified in SY 2012-13 for validation reviews, except that all large SFAs must be included in the selected sample. *Please note that ADE may count any on-site certifications performed under Option 3 toward meeting its 25 percent validation requirement. This is a change from previous guidance in recognition that ADE is observing meals during on-site certifications.*

**Q9. ADE must include all certified large SFAs in their SY 2012-13 validation reviews. What is considered a large SFA?**

A large SFA, as currently defined in §210.18 for purposes of the administrative review, includes:

- All SFAs with 40,000 or more children
- If there are less than two SFAs with 40,000 or more children, the two largest SFAs with at least 2,000 children.

*If no large SFAs within a State apply for certification, ADE cannot include them in their sample for validation reviews but should continue to work to meet the 25 percent requirement.*

**Q10. If ADE conducts a validation review during an administrative review, an additional administrative review, or a follow-up review, does it count toward the 25 percent review requirement?**

*Yes, this could count toward the 25 percent validation review requirement as long as all of the requirements for a validation review are met.*

**Q11. At what point in the school year will ADE select the random 25 percent of total certified SFAs that they will visit for a validation review?**

ADE will select certified SFAs for validation reviews throughout SY 2012-13 because certification is a rolling process. Any SFA not selected for a validation review during one period is automatically in the “pool” for possible selection during the next time period.

The total number of certified SFAs selected for a validation review in SY 2012-13 must be at least 25 percent.

All validation reviews must be completed when meal service can be observed but not later than June 30, 2013.

**Q12. How many individual schools within an SFA must be visited during a validation review?**

One school representing each type of certified menu submitted by the SFA should be randomly selected for a validation review by ADE. Therefore, if an SFA has three menus—one for each age grade group—ADE would randomly select three schools to visit during the validation review, one from each age grade group. If the SFA serves breakfast, this must be observed as well.

**Q13. Must validation review be announced?**

ADE will notify SFAs in advance of a validation review, although ADE is not required to do so.

**Q14. How long must ADE be onsite at a school during a validation review? Does ADE have to be onsite from the beginning until the end of all meal periods?**

The amount of time that ADE needs to remain on-site during a validation review will vary based on the circumstances of the review. ADE will observe a meal service for each menu type to determine that the meals offered are compliant. ADE is not required to observe every meal served, or every meal period at the selected schools. Additionally, while ADE must review production records for the observed meals and the other meals served during the course of the review week to ensure they are consistent with the daily and weekly meal pattern requirements as well as the menus on which certification was based, there is no requirement that ADE needs to remain on-site for the entire week. ADE will also use the on-site validation review as an opportunity to provide any needed technical assistance.

**Q15. What action(s) must ADE take if it is unable to validate the certification?**

*If ADE is unable to validate the certification, ADE will use their best judgment to assess:*

- *Whether corrective action can occur immediately (to determine whether the SFA may continue to earn 6 cents); and*
- *The longevity and severity of the problems (to determine if any recovery of funds is appropriate).*

*If corrective action occurs immediately, while ADE is onsite, the SFA may continue to earn the 6 cents. The SFA may also continue to earn the 6 cents if ADE and the SFA identify and agree on corrective action, during the validation review, which will resolve any observed problems, even if those corrective actions cannot be implemented during the review week.*

*If the validation review finds that significant noncompliance exists that require the SFA to develop and implement a corrective action plan over an extended period of time (i.e., problems that cannot be fixed immediately), ADE will turn the 6 cents off. It would be turned back on once corrective action had been completed. ADE may also need to transition the validation review into a focused administrative review (see Q17 of this section).*

*ADE is not required to recover previously paid 6 cents reimbursements. USDA's expectation is that this course of action would be appropriate only in circumstances of clearly egregious or willful noncompliance by an SFA.*

***Q16. If ADE turns off the 6 cents as a result of a validation review, must the SFA reapply for certification?***

*An SFA does not need to reapply for certification if the 6 cents is turned off. Rather, the SFA must demonstrate through appropriate corrective action documentation that it has fixed the problems identified during the validation review. When such documentation is approved by ADE, the SFA can begin earning the 6 cents again.*

***Q17. What should ADE do if it finds significant noncompliance during a validation review?***

*ADE will transition the validation review into a "focused" administrative review (refer to Q10 in the Administrative Review section for more information on focused administrative reviews) if ADE identifies a missing component or a repeated violation of the milk type requirement (these problems would result in a Performance Standard 2 violation). The purpose of transitioning to a focused administrative review is to use the long-established procedures for more in-depth review and determination of fiscal action, if necessary. Under a focused administrative review, ADE only reviews that portion of the SFA's operations that the validation review indicates require additional attention.*

***Q18. Can ADE recover the regular reimbursement during a validation review?***

*The purpose of the validation review is to validate certification for 6 cent reimbursement. Recovery of the regular reimbursement would only occur in those reviews where ADE identifies violations that cause ADE to transition the validation review into a focused administrative review. In that case, the usual requirements for required technical assistance and fiscal action apply.*

***Q19. Can ADE apply the \$600 disregard to fiscal action that occurs during a validation review?***

*Yes, any 6 cents reimbursement recovered during a validation review would be included in the \$600 disregard. This also applies to any "focused" administrative review activity. The \$600 disregard includes all review activity conducted in a participating entity in a fiscal year.*

***Q20. If during a validation review ADE determines that recovery of the 6 cents is necessary, must ADE recover the 6 cents from all schools within the SFA or just the school where the violation was observed?***

*Recovery of the 6 cents is at the discretion of ADE and may be applied only to the school(s) in which the meal pattern violations are observed, or to all schools in the SFA depending on the nature of the violation and the documentation available to ADE.*

## Administrative Reviews

### **Q1. Is ADE required to conduct administrative reviews in SY 2012-13?**

Generally no, ADE administrative reviews scheduled for SY 2012-13 may be postponed until SY 2013-14, the first year of the new three-year administrative review cycle. Postponing administrative reviews is expected to allow ADE to focus on the implementation of the updated meal patterns and certification activities. However, ADE must continue to conduct Additional Administrative Reviews (AARs) in SY 2012-13 since these SFAs are high risk. In addition, ADE must conduct administrative reviews for other SFAs that are considered at-risk for improper payments.

### **Q2. If ADE has an AAR planned in SY 2012-13, can they do a validation review during this time as well?**

Yes, ADE can conduct an AAR and validation review in the same on-site visit.

### **Q3. How should ADE handle monitoring the Seamless Summer Option (SSO) for SFAs that are scheduled for an administrative review in SY 2012-13?**

For SY 2012-13, any time ADE is on-site with an SFA that operates the SSO, ADE should select a school within the SFA to review for SSO. Other SFAs scheduled for an administrative review in SY 2012-13 will be reviewed during SY 2013-14. Reviews of SSO schools will occur at that time.

### **Q4. Which SFAs must ADE review in SY 2013-14, the first year of the new three-year administrative review cycle?**

The first year of the new review cycle (SY 2013-14) must include any SFA scheduled for review in SY 2012-13 whose review was postponed. In addition, ADE is required to conduct an administrative review early in the review cycle for any SFAs that has not applied for certified or whose certification request was denied during the certification process or “turned off” during a validation review for significant meal pattern violations. *It may not be possible for ADE to review all SFAs that meet these criteria in SY 2013-14; therefore the first priority is any SFA whose review was postponed, then as many of those without certification as possible in the first year of the cycle, then completing those uncertified SFAs early in the second year of the cycle.*

### **Q5. How should ADE handle SFAs that fail to apply for certification?**

SFAs that do not apply for certification will not be eligible to receive the 6 cents and must be reviewed early in the new three-year administrative review process. If the SFA is not in compliance with the updated meal patterns for breakfasts and lunches at that time, all standard corrective action, follow-up review and fiscal action requirements apply. In addition, these SFAs remain ineligible for the 6 cents per lunch reimbursement until they are certified by ADE.

### **Q6. How will ADE handle SFAs who apply for certification but repeatedly fail to meet the new meal pattern requirements?**

*It is anticipated that most issues can be resolved through technical assistance and training provided by ADE, though it is understood that some SFAs will require more direct assistance to successfully make the transition than others.*

**Q7. If during an *administrative review* a certified SFA is found to be out of compliance with either lunch or breakfast requirements, will the 6 cents per lunch be “turned off”?**

*For lunch, like a validation review, if the SFA is able to correct the problem immediately or agrees to take the appropriate corrective action, the 6 cents reimbursement would not need to be turned off. In situations where the problem is severe or intentional, the 6 cents per lunch reimbursement will be turned off and ADE would pursue corrective action, follow up review activity and fiscal action as required under 7 CFR 210.18.*

If an SFA is found out of compliance with only the breakfast requirements during an administrative review, ADE would pursue corrective action, follow-up review activity, and fiscal action as required under 7 CFR 210.18; however, in this case the SFA remains eligible for the 6 cents per lunch reimbursement.

The usual administrative review requirements and procedures apply for determining any fiscal action associated with the regular reimbursement during an administrative review.

**Q8. When is the 6 cents per lunch reimbursement “turned back on”?**

ADE may re-start the 6 cents per lunch reimbursement beginning with the first full month the SFA demonstrates, to the satisfaction of ADE, that it has corrected the violation identified during the administrative review.

**Q9. Will the “turn on” of 6 cents after non-compliance has been corrected require ADE to perform an on-site review?**

No, an onsite review is not required, as long as ADE has sufficient documentation that the SFA is compliant with the new meal pattern requirements. As always, ADE has the discretion to do onsite reviews if they wish.

**Q10. If a SY 2012-13 validation review is transitioned into a focused administrative review, what is required of the State agency?**

*Depending on whether ADE is reviewing a potential PS1 or PS2 violation, ADE would follow all normal procedures and complete the forms for the appropriate administrative review.*

**Q11. After the SFA has been given technical assistance, what happens if during subsequent reviews ADE observes repeated violations of the meal pattern requirements?**

*If after giving technical assistance to an SFA during a prior review, ADE still observes repeated violations of the milk type or vegetable subgroup requirements during a subsequent review, fiscal action associated with the entire reimbursement must occur.*

*At the discretion of ADE, repeated violations of the whole grain rich, food quantities and dietary specification requirements may result in fiscal action associated with the entire reimbursement.*

## Reporting

### **Q1. What are the reporting requirements associated with the 6 cents per lunch reimbursement?**

ADE must include the meal counts earning performance-based reimbursement on the FNS-10 and the funds on the FNS-777 quarterly report.

ADE must also submit an additional quarterly report detailing the disbursement of 6 cents per lunch reimbursement, including:

- Total number of SFAs in Arizona;
- Names and locations of certified SFAs; and
- For each SFA, the total number of lunches earning the 6 cents per lunch reimbursement for each month.

*In an effort to reduce burden, FNS is only asking that ADE submit a quarterly report including:*

- *Total number of SFAs in the State; and*
- *Names of certified SFAs.*

*ADE will have the opportunity to upload the SFA Certification data in FPRS for FY12 Q4 within two weeks after the required reporting date of January. Therefore, USDA is extending the submission date to March 1, 2013.*

FNS has updated the FNS-10 and is creating a prototype quarterly report for ADE. ADE should keep in mind that because funds are not available until October 1, 2012, the first reporting on the FNS-10 will occur in November 2012. The first required quarterly report would not be due until January 2013.

### **Q2. Are there any specific reporting requirements for certified SFAs?**

SFAs certified to receive the 6 cents per lunch reimbursement are required to annually attest to compliance with the meal pattern requirements, including new requirements as they are phased in each year after the initial certification through SY 2014-15. *This attestation should simply be a statement saying the SFA continues to follow the meal pattern (and any new phased-in requirements). SFAs are not required to submit certification documentation again.*

The attestation must be provided to ADE as an addendum to the written agreement. ADE will supply the attestation form.

### **Q3. How will ADE receive the performance-based reimbursement? Is it a separate allocation for the regular reimbursement? How is the performance-based reimbursement reported on the FNS-777?**

*Funding for the performance-based reimbursement is included in the total reimbursement funding provided to ADE and should be reported on the FNS-777 in the NSLP column with all other NSLP funding.*

***Q4. Given the 60 day requirement for ADE to certify SFAs for the performance-based reimbursement, will ADE be held to the 90 day FNS-10 reporting requirement?***

*When reporting the number of meals certified for the performance-based reimbursement, ADE is permitted to make revisions to their 90-day FNS-10 whenever the revision is necessary. This flexibility is offered in recognition that certification and validation activities will occur over timeframes that exceed the 90 day standard. However, it is suggested that ADE take into consideration the additional administrative burden frequent resubmissions may cause and try to finalize data in as few submissions as is practical.*

*Please note that the reporting flexibility described above only applies to reporting the number of meals certified for the performance-based reimbursement. Unless an audit or review changes the total number of meals served, FNS's permission for ADE to adjust its FNS-10 past the 90-day window does not apply to any revision of the total number of meals served.*

## **Appeals**

**Q1. Can an SFA appeal ADE's denial of certification?**

An SFA cannot appeal ADE's denial of certification since the SFA has not been deemed eligible to receive the additional reimbursement. While the SFA does not have appeal rights in this situation, ADE will provide technical assistance to assist the SFA in getting certified.

**Q2. Can an SFA appeal ADE's decision to turn off or recovery of the 6 cents reimbursement as a result of an administrative review?**

Yes, an SFA can appeal ADE's decision to turn off of the 6 cents reimbursement. Because ADE has made payments to the SFA, the SFA can appeal the decision. Standard appeal procedures must be followed.

*This institution is an equal opportunity provider.*