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Washington Office of Superintendent of
PUBLIC INSTRUCTION
Chris Reykdal, Superintendent

k12.wa.us

July 1, 2022

Action Required
Due date: September 30, 2022
 Informational

BULLETIN NO. 039-22 CHILD NUTRITION SERVICES

TO: Educational Service District Superintendents
School District Superintendents
School District Business Managers
School District Food Service Supervisors
Administrators of Select Private Schools
Charter Schools
Tribal Compact Schools

FROM: Chris Reykdal, Superintendent of Public Instruction

RE: National School Lunch and School Breakfast Programs Application for School
Year 2022–23 –Public School District/Private Schools

CONTACT: Program Specialists

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PURPOSE/BACKGROUND

The Office of Superintendent of Public Instruction (OSPI), Child Nutrition Services (CNS), is pleased to release the National School Lunch Program (NSLP) and/or School Breakfast Program (SBP) sponsor application materials for school year 2022–23 (SY 22–23).

The nationwide waivers that allowed the operation of the Seamless Summer Option (SSO) in SY 2021–22 expired on June 30, 2022. Local Education Agencies (LEAs) will return to traditional

operation of the National School Lunch and School Breakfast Programs in SY 2022–23. The U.S. Department of Agriculture (USDA) continues to monitor and release additional guidance. We will continue to provide updates throughout the year if there are changes to NSLP requirements. To receive important updates, you must be a contact on the Washington Integrated Nutrition System (WINS) Application, or you can self-subscribe on the [OSPI Communications and Updates webpage](#).

Information about Free and Reduced-Price Meal Application materials can be found on the [Free and Reduced-Price Information webpage](#) and on the [OSPI Bulletins and Memos webpage](#).

The renewal application will open on July 7, 2022 and must be submitted by September 30, 2022.

THE APPLICATION PROCESS

The NSLP and SBP application is a two-part process, the Washington Integrated Nutrition System (WINS) application and the SY 2022–23 Renewal Document Submission Form.

Local Education Agencies (LEA) that change their legal name resulting in a new Federal Tax Identification Number (FEIN) must report changes to CNS before starting the application process.

1. Submit Sponsor Applications, Site Application, and Calendars in WINS

WINS is a web-based electronic system used to collect sponsor and site information, as well as process claims for reimbursement.

- Use the SY 2022–23 National School Lunch Program & School Breakfast Program Application Checklist (*Attachment 1*) for step-by-step instructions on completing your WINS application.
- Information on WINS and job aids can be found on the [CNS WINS webpage](#) or in WINS under the information drop down.

2. Submit the SY 2022–23 Document Submission Form

Required forms related to Milk Substitute Notification and Paid Lunch Equity must be submitted through the [SY 22–23 Document Submission form](#). Reference the SY 2022–23 National School Lunch Program & School Breakfast Program Application Checklist (*Attachment 1*) for details on the required forms.

3. Submit Your Application

Applications are due by September 30, 2022. Late or incomplete applications may not be approved in time to claim reimbursement for August or September meals.

ADDITIONAL PROGRAM REQUIREMENTS

Civil Rights Requirements

LEAs participating in the USDA school meal programs are required to inform potentially eligible persons of their rights to receive program benefits. The [USDA Civil Rights Non-Discrimination Statement](#) (updated May 2022) must be placed on program materials **widely disseminated** to students and families. This includes, but is not limited to:

- Student handbooks containing program information
- School nutrition services webpages
- Letters to families
- Menus and brochures
- Online meal application

Washington State has additional protected classes that are not outlined in the USDA Civil Rights Non-Discrimination Statement. **Public School Districts and Public Charter Schools must put both the USDA, and the schools' non-discrimination statement on widely disseminated program materials.**

Please review the [Civil Rights Reference Sheet](#) for more information on requirements in Child Nutrition Programs.

Afterschool Snack Program

Afterschool snacks may be claimed for students through age 18 who are cared for in afterschool settings providing regularly scheduled educational or enrichment activities that are structured and supervised.

Sites with 50% or more Free or Reduced-Price meal eligibility as of the most current October Building Data, are reimbursed at the free rate for the Afterschool Snack Program. Otherwise, the afterschool snack must be claimed by each student's meal eligibility category.

If an Afterschool Snack Program is located at a site that does not qualify with 50% or more free and reduced-price meal eligibility, the site may qualify by using data from a school within the same attendance area that does meet the 50% or more qualifier. USDA has provided additional guidance on determining attendance areas. Please consult your program specialist for assistance.

Food Service Management Companies (FSMC), Inter-District Agreements, and Vendor Agreements

Food Service Management Companies (FSMC)

- Sponsors may contract with a FSMC, which is a commercial enterprise or nonprofit organization that manages any aspect of the school's food service program.

- Local Education Agencies (LEAs) must:
 - Have their contract approved by OSPI CNS prior to signature. The contract must include all services performed by the FSMC.
 - Have their FSMC Vendor Fact Sheet approved prior to filing claims in WINS.
- Details regarding contract requirements can be found on the CNS Food Service Management Companies webpage.

Inter-district Agreements

- May be made between a public and private school or between two public schools and describe meal services provided for an agreed upon fixed price per meal.
- Inter-district agreements are also considered vended meal agreements.

Vended Meal Agreements

- These agreements exist between public/private schools or RCCIs and a commercial enterprise or nonprofit organization.
- The vendor is the merchandiser of meals and/or meal components which are sold at a set fixed price per meal or meal component.
- Inter-district agreements, vendor agreements, and the FSMC/Vendor Fact Sheet must be approved by OSPI CNS prior to filing claims in WINS. Copies of inter-district and vended meal agreement templates can be found on CNS Food Service Management Companies webpage.

Failure to submit an **approved and executed** FSMC contract, inter-district agreement, vended meal agreement(s), and approved FSMC/Vendor Fact Sheet in WINS prior to September 30, 2022, may result in the denial of the meal reimbursement and the termination of USDA food deliveries.

As a condition of continuing to operate NSLP program, you must conduct a reconciliation of USDA foods inventory by August 31, 2022. This will ensure that the FSMC has credited the district for the value of all USDA donated foods received for use in sponsors food service. Upload the reconciliation as part of your application renewal into WINS.

If you have questions regarding FSMC or vended meal agreements, please email Brenda Merritt, at brenda.merritt@k12.wa.us.

Paid Lunch Equity Compliance

The USDA requires LEAs to ensure sufficient funds are provided to the nonprofit school food service account for meals served to students not eligible for free or reduced-price meals. To accomplish this, LEAs must determine the weighted average price of paid lunch meals.

For SY 2022–23, sponsors may request to waive the requirement to raise paid lunch prices in accordance with the Paid Lunch Equity Requirements through the SY 2022–23 Document

Submission Form. This flexibility is intended to help schools and families transition back to the pricing of paid meals. For more information on Paid Lunch Equity in SY 2022–23, visit the [NSLP Requirements and Materials webpage](#).

Adult Meal Prices

It is recommended LEAs set an adult meal price to allow teachers, administrators, and parents to demonstrate their support of the Child Nutrition Programs by occasionally eating with their students.

- The price for adult meals must be set high enough to cover the actual cost of the meal, including food, labor, supplies, and indirect cost rate, if applicable.
- The adult lunch price must be the actual cost (as described above) or the price charged to students paying the full meal price, plus the value of federal reimbursement for paid student meals (currently \$0.35) and the USDA Food Value (currently about \$0.3975).
- Federal reimbursement rates and the USDA Food Value are released in July of each year; therefore, these rates may change.

For additional information, please review the [Adult Meal Pricing Reference Sheet](#).

Audit Requirements

Sponsors are required to maintain records that identify all federal funds expended and recorded on the Schedule of Expenditures of Federal Awards (SEFA). Such funds shall be identified by their unique Catalog of Domestic Federal Assistance (CFDA). The CFDA number for NLSLP is 10.555 and for SBP is 10.553. At the end of the school fiscal year, OSPI CNS will provide the Federal Award Identification Numbers (FAINs) to sponsors to help complete the SEFA for Child Nutrition Programs. Sponsors must make grant records available for review and/or audit by officials of federal agencies, State Auditor's Office, Government Accountability Office, and OSPI or designee.

Sponsors expending \$750,000 or more in federal funds from all federal sources combined in any fiscal year must receive an audit in accordance with 2 CFR Part 200, Subpart F. Audits must be:

- Completed within nine months of the end of that fiscal year, and
- Submitted to the Federal Audit Clearinghouse (FAC) by the earlier of 30 days following receipt of the completed audit or nine months following the end of the fiscal year.

If a tribe or tribal organization opts to not make the reporting information publicly available on the FAC website in accordance with 2 CFR Part 200 Subpart F Section 200.512(b)(2), a copy of the data collection form and reporting package must be submitted to CNS.

If you have questions regarding audits, please email Jeff Booth, Audit Manager, at jeff.booth@k12.wa.us.

INFORMATION AND ASSISTANCE

For questions regarding this bulletin, please contact your assigned program specialist or call the OSPI TTY number at 360-664-3631.

This bulletin is also available on the [Bulletins](#) page of the OSPI website.

Tennille Jeffries-Simmons
Chief of Staff

T.J. Kelly
Chief Financial Officer
Financial Services

Leanne Eko
Executive Director
Child Nutrition Services

CR:ln
Attachment 1: SY 2022–23 National School Lunch Program & School Breakfast Program
Application Checklist

Assurance Statement

The Sponsor hereby agrees that it will comply with: i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.); ii. Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.); iii. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); iv. Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.); v. Title II and Title III of the Americans with Disabilities Act (ADA) of 1990 as amended by the ADA Amendment Act of 2008 (42 U.S.C. 12131-12189); vi. Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." (August 11, 2000); vii. All provisions required by the implementing regulations of the Department of Agriculture (USDA) (7 CFR Part 15 et seq.); viii. Department of Justice Enforcement Guidelines (28 CFR Parts 35, 42 and 50.3); ix. Food and Nutrition Service (FNS) directives and guidelines to the effect that, no person shall, on the grounds of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under any program or activity for which the Program applicant receives Federal financial assistance from USDA; and hereby gives assurance that it will immediately take measures necessary to effectuate this Agreement. x. The USDA non-discrimination statement that in accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs).

This assurance is given in consideration of and for the purpose of obtaining any and all Federal financial assistance, grants, and loans of Federal funds, reimbursable expenditures, grant, or donation of Federal property and interest in property, the detail of Federal personnel, the sale and lease of, and the permission to use Federal property or interest in such property or the furnishing of services without consideration or at a nominal consideration, or at a consideration that is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale, lease, or furnishing of services to the recipient, or any improvements made with Federal financial assistance extended to the Program applicant by USDA. This includes any Federal agreement, arrangement, or other contract that has as one of its purposes the provision of cash assistance for the purchase of food, and cash assistance for purchase or rental of food service equipment or any other financial assistance extended in reliance on the representations and agreements made in this assurance.

By accepting this assurance, the Sponsor agrees to compile data, maintain records, and submit records and reports as required, to permit effective enforcement of nondiscrimination laws and permit authorized USDA personnel during hours of program operation to review and copy such records, books, and accounts, access such facilities and interview such personnel as needed to ascertain compliance with the nondiscrimination laws. If there are any violations of this assurance, the Department of Agriculture, FNS, shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Sponsor, its successors, transferees and assignees as long as it receives assistance or retains possession of any assistance from USDA.

OSPI provides equal access to all programs and services without discrimination based on sex, race, creed, religion, color, national origin, age, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, disability, or the use of a trained dog guide or service animal by a person with a disability. Questions and complaints of alleged discrimination should be directed to the Equity and Civil Rights Director at 360-725-6162/TTY: 360-664-3631; or P.O. Box 47200, Olympia, WA 98504-7200; or equity@k12.wa.us.