

TITLE 8: SOCIAL SERVICES
CHAPTER 2: FOOD ASSISTANCE AND SUPPORT
PART 3: REQUIREMENTS FOR PARTICIPATION IN THE SUMMER FOOD SERVICE PROGRAM

8.2.3.1 ISSUING AGENCY: Children Youth and Families Department (CYFD)
[8.2.3.1 NMAC – Rp 8 NMAC 2.3.1 NMAC, 11-30-01]

8.2.3.2 SCOPE: This policy applies to all CYFD staff who work with the Summer Food Service Program and to participating sponsoring organizations.
[8.2.3.2 NMAC – Rp 8 NMAC 2.3.2, 11-30-01]

8.2.3.3 STATUTORY AUTHORITY: Code of Federal regulations, 7 CFR Part 225, Section 13 of the National School Lunch Act.
[8.2.3.3 NMAC – Rp 8 NMAC 2.3.3, 11-30-01]

8.2.3.4 DURATION: Permanent
[8.2.3.4 NMAC – Rp 8 NMAC 2.3.4 , 11-30-01]

8.2.3.5 EFFECTIVE DATE: November 30, 2001
[8.2.3.5 NMAC – Rp 8 NMAC.2.3.5, 11-30-01]

8.2.3.6 OBJECTIVE: To establish regulations for administration of the Summer Food Service Program, including requirements for participating sponsoring organizations.
[8.2.3.6 NMAC – Rp 8 NMAC 2.3.6, 11-30-01]

8.2.3.7 DEFINITIONS:

- A. “Academic-Year NYSP” means that portion of the National Youth Sports Program operating drug awareness and counseling programs during the months October through April, as authorized under Public Law 100-690, the Anti-Drug Abuse Act of 1988.
- B. “Act” means the National School Lunch Act, as amended.
- C. “Administrative costs” means costs incurred by a sponsor related to planning, organizing, and managing a food service under the Program, and excluding interest costs and operating costs.
- D. “Adult” means, for the purposes of the collection of social security numbers as a condition of eligibility for Program meals, any individual 21 years of age or older.
- E. “Advance payments” means financial assistance made available to a sponsor for its operating costs and/or administrative costs prior to the end of the month in which such costs will be incurred.
- F. “Areas in which poor economic conditions exist” means (a) the local areas from which a site draws its attendance in which at least 50 percent of the children are eligible for free or reduced price school meals under the National School Lunch Program and the School Breakfast Program, as determined (1) by information provided from departments of welfare, education, zoning commissions, census tracts, and organizations determined by the State agency to be migrant organizations, (2) by the number of free and reduced price lunches or breakfasts served to children attending public and nonprofit private schools located in the areas of Program sites, or (3) from other appropriate sources, or (b) an enrollment program in which at least 50 percent of the enrolled children at the site are eligible for free or reduced price school meals as determined by approval of applications in accordance with 7 CFR Part 225.15(f).
- G. “Camps” means residential summer camps and nonresidential day camps which offer a regularly scheduled food service as part of an organized program for enrolled children. Nonresidential camp sites shall offer a continuous schedule of organized cultural or recreational programs for enrolled children between meal services.
- H. “Children” means (a) persons 18 years of age and under, and (b) persons over 18 years of age who are determined by a state educational agency or a local public educational agency of a state to be mentally or physically handicapped and who participate in a public or non profit private school program established for the mentally or physically handicapped.
- I. “Component” means one of four food categories of the USDA Meal Pattern Requirements arranged by age group, including: 1) Milk, 2) Meat/Meat Alternates, 3) Bread/Bread Alternates, and 4) Fruits and

Vegetables.

J. "Continuous school calendar" means a situation in which all or part of the student body of a school is (a) on a vacation for periods of 15 continuous school days or more during the period October through April and (b) in attendance at regularly scheduled classes during most of the period May through September.

K. "Costs of obtaining food" means costs related to obtaining food for consumption by children. Such costs may include, in addition to the purchase price of agricultural commodities and other food, the cost of processing, distributing, transporting, storing, or handling any food purchased for, or donated to, the Program.

L. "Creditable foods" means foods used to meet the requirements for a reimbursable meal. Foods are creditable based on the following: 1) Nutrient content, 2) Customary function in a meal, 3) USDA regulations, 4) Food and Drug Administration's (FDA) Standards of Identity, and 5) State agency policies, which include non-creditable foods list as defined in subsection DD of 8.2.3.7 NMAC.

M. "Department" means the NM Children, Youth and Families Department

N. "Disallowance" means the monetary repayment to CYFD resulting from a meal or meals that have been determined ineligible.

O. "Documentation" means the completion of the following information on a free meal application:

(1) Free and reduced priced applications will include:

(a) Names of all household members;

(b) The signature of an adult member of the household;

(c) Social security number of the adult household member signing the application or an indication that the adult household member does not possess one;

(d) Household income received by each household member, identified by source of income (such as earnings, wages, welfare, pensions, support payments, unemployment compensation, and social security) and total household income.

(2) For a child who is a member of a food stamp household or Food Distribution Programs on Indian Reservations (FDPIR), only the following is required;

(a) The name(s) and appropriate food stamp or FDPIR case number(s), and,

(b) The signature of an adult member of the household.

P. "Family" means a group of related or unrelated individuals who are not residents of an institution or boarding house but who are living as one economic unit.

Q. "Fiscal year" means a period of 12 calendar months beginning October 1 of any year and ending September 30 of the following year.

R. "FNS" means the Food and Nutrition Service of USDA.

S. "FNSRO" means the appropriate Regional Office of the Food and Nutrition Service.

T. "Food service management company" means any commercial enterprise or nonprofit organization with which a sponsor may contract for preparing unitized meals, with or without milk, for use in the Program, or for managing a sponsor's food service operations in accordance with the limitations set forth in 7 CFR Section 225.15. Food service management companies may be:

(1) public agencies or entities;

(2) private, nonprofit organizations; or

(3) private, for-profit companies.

U. "Food stamp household" means any individual or group of individuals which is currently certified to receive assistance as a household under the Food Stamp Program.

V. "Homeless feeding site" means a feeding site whose primary purpose is to provide shelter and one or more regularly scheduled meal services per day to homeless families and which is not a residential child care institution as defined in paragraph (c), definition of "school", 7 CFR Section 210.2 of the National School Lunch Program regulations.

W. "Household" means "family" as defined in this Section.

X. "Income accruing to the Program" means all funds used by a sponsor in its food service program, including but not limited to all monies, other than program payments, received from federal, state and local governments, from food sales to adults, and from any other source including cash donations or grants. Income accruing to the Program is deducted from combined operating and administrative costs.

Y. "Income standards" means the family-size and income standards prescribed annually by the Secretary of USDA for determining eligibility for reduced price meals under the National School Lunch Program and the School Breakfast Program.

Z. "Meals" means food which is served to children at a food service site and which meets the

nutritional requirements set out in this Part.

AA. "Menu record book" means the official record which is used to document the types of food served and the quantities used to meet the USDA Meal pattern requirements by sponsors participating in the Summer Food Service Program.

BB. "Milk" means whole milk, low-fat milk, skim milk, and buttermilk. All milk must be fluid and pasteurized and must meet State and local standards for the appropriate type of milk. Milk served may be flavored or unflavored. All milk should contain Vitamins A and D at the levels specified by the Food and Drug Administration and at levels consistent with State and local standards for such milk.

CC. "Needy children" means children from families whose incomes are equal to or below USDA's Guidelines for Determining Eligibility for Reduced Price School Meals.

DD. "Non creditable foods" (also called "other foods" or "extras") means foods that do not meet the criteria for a creditable food, as determined by the state agency, and appear on the CYFD/FNB Non Creditable Foods list. A meal may contain both creditable and non creditable foods. Non creditable foods may be served to supply calories to meet the energy needs of growing children, or to improve acceptability of the rest of the meal. However, non creditable foods may not be used to meet the meal pattern requirements.

EE. "NYSP" means the National Youth Sports Program administered by the National Collegiate Athletic Association.

FF. "NYSP feeding site" means a site which qualifies for Program participation on the basis of free meal applications taken from enrolled children and at which all of the children receiving Program meals are enrolled in the NYSP.

GG. "OIG" means the Office of the Inspector General, which is the federal enforcement agency of the Department of Justice.

HH. "Operating costs" means the cost of operating a food service under the Program.

(1) Operating costs include; the cost of obtaining food, labor directly involved in the preparation and service of food, cost of non food supplies, rental and use allowances for equipment and space and cost of transporting children in rural areas to feeding sites in rural areas.

(2) Operating costs exclude; the cost of the purchase of land, acquisition or construction of buildings, alteration of existing buildings, interest costs, the value of in-kind donations and administrative costs.

II. "Private non profit" means tax exempt under the Internal Revenue Code of 1986, as amended.

JJ. "Private non profit organization" means an organization (other than private nonprofit residential camps, school food authorities, or colleges or universities participating in the NYSP) which meets the definition of "private nonprofit" in this Section, and which:

(1) Administers the Program at no more than 25 sites, with not more than 300 children being served at any approved meal service at any one site or, with a waiver granted by the State in accordance with 7 CFR Section 225.6(b)(6)(iii) of this Part, not more than 500 children being served at any approved meal service at any one site;

(2) Operates in areas where a school food authority or the local, municipal, or county government has not indicated by March 1 of the current year that such authority or unit of government will operate the Program in the current year except that, if a school food authority or local, municipal, or county government has served that area in the prior year's Program, the private nonprofit organization may only sponsor the Program in that area if it receives a waiver from the state agency in accordance with 7 CFR Section 225.6(a)(3)(iv)(13));

(3) Exercises full control and authority over the operation of the Program at all sites under its sponsorship;

(4) Provides ongoing year-round activities for children or families;

(5) Demonstrates that it possesses adequate management and the fiscal capacity to operate the Program; and

(6) Meets applicable state and local health, safety, and sanitation standards.

KK. "Program" means the Summer Food Service Program for Children authorized by Section 13 of the National School Lunch Act.

LL. "Program funds" means federal financial assistance made available to state agencies for the purpose of making Program payments.

MM. "Program payments" means financial assistance in the form of start-up payments, advance payments, or reimbursement paid to sponsors for operating and administrative costs.

NN. "Rural" means (a) any area in a county which is not a part of a Metropolitan Statistical Area or (b) any "pocket" within a Metropolitan Statistical Area which, at the option of the state agency and with FNSRO concurrence, is determined to be geographically isolated from urban areas.

OO. "School food authority" means the governing body which is responsible for the administration of one or more schools and which has the legal authority to operate a lunch program in those schools. In addition, for the purpose of determining the applicability of food service management company registration and bid procedure requirements, 'school food authority' also means any college or university which participates in the Program.

PP. "Self-preparation sponsor" means a sponsor which prepares the meals that will be served at its site(s) and does not contract with a food service management company for unitized meals, with or without milk, or for management services.

QQ. "Session" means a specified period of time during which an enrolled group of children attend camp.

RR. "Site" means a physical location at which a sponsor provides a food service for children and at which children consume meals in a supervised setting.

SS. "Special account" means an account which a state agency may require a vended sponsor to establish with the state agency or with a federally insured bank. Operating costs payable to the sponsor by the state agency are deposited in the account and disbursement of monies from the account must be authorized by both the sponsor and the food service management company.

TT. "Sponsor" means a public or private non-profit school food authority, a public or private non profit residential summer camp, a unit of local, municipal, county or state government, a public or private non profit college or university currently participating in the NYSP, or a private non profit organization which develops a special summer or other school vacation program providing food service similar to that made available to children during the school year under the National School Lunch and School Breakfast Programs and which is approved to participate in the Program. In addition "sponsor" may also mean a public or private non-profit college or university which participates in the NYSP during the months of October through April and is approved to participate in the Program. Sponsors are referred to in the Act as "service institutions".

UU. "Start-up payments" means financial assistance made available to a sponsor for administrative costs to enable it to effectively plan a summer food service, and to establish effective management procedures for such a service. These payments are deducted from subsequent administrative cost payments.

VV. "State" means the state of New Mexico.

WW. "State agency" means the New Mexico Children, Youth and Families Department.

XX. "TANF assistance unit" means any individual or group of individuals which is currently certified to receive assistance under the Temporary Assistance to Needy Families program in a state where the standard of eligibility for TANF benefits does not exceed the income standards for free meals under the National School Lunch Program (7 CFR Part 245).

YY. "Vended sponsor" means a sponsor which purchases from a food service management company the unitized meals, with or without milk, which it will serve at its site(s); or a sponsor which purchases management services, subject to the limitations set forth in Section 7 CFR 225.15, from a food service management company. [8.2.3.7 NMAC – Rp 8 NMAC 2.3.7, 11-30-01]

8.2.3.8 APPLICATION APPROVAL, RENEWAL AND DENIAL:

A. CYFD/Family Nutrition Bureau (FNB) enters into agreement with any non profit (501-c-3) organization which meets the established USDA program criteria in 7 CFR 225 and subsection B of 8.2.3.8 NMAC.

B. Any non-profit organization wishing to participate as a sponsoring organization in the Summer Food Service Program completes and submits annually an application that includes at a minimum: a management plan, an administrative and operational budget, a non-discrimination statement, non-pricing policy statement, certificate of authority, civil rights questionnaire, certification regarding lobbying, signed agreement to participate, meal site information and public release statement.

(1) CYFD informs all of the previous year's sponsors which meet current eligibility requirements and all other potential sponsors by February 1 of the deadline date for submitting a written application for participation in the Program.

(2) CYFD informs all applicant sponsoring organizations by February 1 of the procedure for applying for advance operational and administrative costs payments.

(3) Within 30 days of receiving a complete and correct application, CYFD notifies the applicant of its approval or disapproval. If an incomplete application is received, CYFD notifies the applicant within 30 days of receipt of an incomplete application and provides technical assistance for the purpose of completing the application.

C. CYFD uses the following order of priority in approving applicants to operate sites which propose to serve the same area of enrolled children:

- (1) Applicants which are public or non-profit school food authorities;
- (2) All other government sponsors and private nonprofit organizations that successfully administered the program in a prior year;
- (3) New government sponsors; and
- (4) New private non profit organizations.

D. CYFD reviews each applicant’s administrative budget as a part of the application approval process in order to assess the applicant’s ability to operate in compliance within the federal regulations and within its projected reimbursement.

[8.2.3.8 NMAC – Rp 8 NMAC 2.3.8, 11-30-01]

8.2.3.9 PROGRAM MONITORING AND REVIEW:

A. CYFD conducts Program monitoring and provides Program assistance to sponsors during on site reviews.

- (1) Pre-approval visits are conducted by CYFD staff for all new sponsors and sites, to assess the applicant’s site potential for successful Program operations and to verify information provided in the application.

- (2) Sponsor and site reviews of sponsors are conducted to ensure compliance with Program regulations, USDA’s nondiscrimination regulations and any other applicable Department requirements.

- (3) Follow-up reviews of sponsors and sites are conducted as necessary.

- (4) CYFD develops and implements a monitoring system to ensure that sponsors, site personnel, and any applicable food service management company receive a copy of all review reports which indicate Program violations and which could result in any Program meal disallowance or over claim.

B. Documentation of Program assistance and the results of such assistance are maintained by CYFD in the sponsor program file.

C. As a part of the review of any vended sponsor which contracts for the preparation of meals, CYFD inspects the food service management company’s facilities for compliance with applicable laws.

D. CYFD develops monitor review forms and distributes them to all approved sponsors during the annual spring sponsor training.

E. CYFD may also conduct, or arrange to have conducted, inspections of self-preparation and vended sponsors’ food preparation facilities, inspections of food service sites, and meal quality tests.

F. CYFD establishes a financial management system in accordance with the Department’s Uniform Financial Assistance Regulations and Food and Nutrition Service guidance. CYFD provides guidance on these financial management standards to all sponsors during the annual spring training.

[8.2.3.9 NMAC – Rp 8 NMAC 2.3.9, 11-30-01]

8.2.3.10 PROGRAM ASSISTANCE TO SPONSORS:

A. Prior to the beginning of Program operations, CYFD provides training in all applicable areas of Program administration to sponsor personnel, food service management company representatives, auditors, and health inspectors who will participate in the Program.

B. CYFD develops and makes available to sponsors, prior to program operation, all necessary Program materials, during the annual spring training, to enable applicant sponsors to prepare adequately for the Program.

C. CYFD, with the assistance USDA, develops and makes available to all sponsors minimum food specifications and model meal quality standards which are to be part of all contracts between vended sponsors and food service management companies.

[8.2.3.11 NMAC – Rp 8 NMAC 2.3.11, 11-30-01]

8.2.3.11 AUDIT REQUIREMENTS:

A. Audits of Sponsoring Organizations shall be conducted in accordance with the Office of Management and Budget Circulars A-133 and A-110 and the U.S. Department of Agriculture’s Uniform Federal Assistance Regulations (7 CFR Part 3015).

B. Audits are due to CYFD no later than nine months after the close of the sponsoring organization’s fiscal year.

[8.2.3.11 NMAC – Rp 8 NMAC 2.3.11, 11-30-01]

8.2.3.12 CORRECTIVE ACTION AND COMPLAINT INVESTIGATIONS:

A. CYFD promptly investigates complaints received or irregularities noted in conjunction with the operation of the Program and takes appropriate action to correct any irregularity or deficiency. CYFD maintains a file of all such investigations and related actions taken.

B. Whenever CYFD observes violations during the course of a site review, the sponsor is required to take corrective action. A high level of meal service violations requires specific immediate corrective action to be followed by the sponsor. CYFD conducts a follow-up visit to assess if specified corrective action has been taken.

C. CYFD may terminate the participation of a sponsor site if the sponsor fails to take action to correct Program violations cited in a state agency review report within the time frames established by the corrective action plan.

D. CYFD immediately terminates the participation of a sponsor's site if, during a review, a determination is made that the health or safety of the participating children is imminently threatened. If the site is vended, CYFD notifies the food service management company providing meals to the site within 48 hours of the termination action.

E. Except for residential camps, sponsors are restricted to one meal service per day when any food service site is determined to be in violation of the time restrictions for meal service and corrective action is not taken within a reasonable time as determined by CYFD.

F. Sponsors who fail to plan, prepare or order meals with the objective of serving only one meal per child per site at each meal service may result in CYFD disallowing the number of meals prepared or ordered in excess of the number of children normally served at each site.

G. Meal service violations observed during the conduct of an site review may result in disallowance of all meals observed to be in violation and served to children.

H. CYFD disallows meals which are served in excess of a site's approved level.
[8.2.3.12 NMAC – Rp 8 NMAC 2.3.12, 11-30-01]

8.2.3.13 CLAIMS AGAINST SPONSORS: CYFD disallows any portion of a claim for reimbursement and recovers any payment to a sponsor not properly payable under 7 CFR 225.12. CYFD may consider claims for reimbursement not properly payable if a sponsor's records do not justify all costs and meals claimed. CYFD notifies sponsors of the reasons for any disallowance or demand for repayment and notifies all sponsors of the CYFD right to hearing process.

[8.2.3.13 NMAC – Rp 8 NMAC 2.3.13, 11-30-01]

8.2.3.14 REQUIREMENTS FOR SPONSOR PARTICIPATION:

A. Sponsors submit a written application to CYFD for participation in the Program in accordance with federal and state requirements by April 15 and no later than June 15.

B. Applicants eligible to participate as sponsoring organizations include:

- (1) Public or nonprofit private school food authorities;
- (2) Public or nonprofit private residential summer camps;
- (3) Units of local, municipal, county, or State governments;
- (4) Public or private nonprofit colleges or universities which are currently participating in the National Youth Sports Program; and

(5) Private nonprofit organizations.

C. No applicant sponsor shall be eligible to participate in the Program unless it:

(1) Demonstrates financial and administrative capability for Program operations and accepts final financial and administrative responsibility for total Program operations at all sites at which it proposed to conduct a food service;

(2) Can demonstrate it has not been found to be seriously deficient in operating the Program or has not been terminated from any federal, state or local program for non compliance with that program's requirements.

(3) Conducts a regularly scheduled food service for children from areas in which poor economic conditions exist, or qualifies as a camp or homeless feeding site;

(4) Provides adequate supervisory and operational personnel for overall monitoring and management of each site;

(5) Provides an ongoing year-round service to the community which it proposes to serve under the Program;

(6) Certifies that all sites have been visited and have the capability and the facilities to provide the meal service planned for the number of children anticipated to be served; and

(7) Enters into a written agreement with the State Agency upon application approval.
[8.2.3.14 NMAC – Rp 8 NMAC 2.3.14, 11-30-01]

8.2.3.15 MANAGEMENT RESPONSIBILITIES OF SPONSOR:

- A. Sponsors operate the food service in accordance with provisions set forth in federal regulations, any instructions and handbooks issued by FNS, and any instructions and handbooks issued by the state agency.
 - B. Each sponsoring organization is solely responsible for the administrative and financial management of the program. Sponsoring organizations may not contract out for management of the program.
 - C. Sponsors, to the maximum extent feasible, utilize their own food service facilities or obtain meals from a school food service facility.
 - D. Based on approval of its application, or any adjustment in the approved levels of meal service for its sites, vended sponsors shall inform their food service management company of the approved level at each site for which the food service management company will provide meals.
 - E. Sponsors plan for and prepare, or order, meals on the basis of participation trends with the objective of providing only one meal per child at each meal service. In recognition of the fluctuation in participation levels which makes it difficult to estimate precisely the number of meals needed, and to reduce the resultant waste, sponsors may claim reimbursement for second meals which do not exceed two percent of the number of first meals served to children for each meal type during the claiming period.
 - F. Sponsors maintain accurate records which justify all costs and meals claimed. The sponsor's records are available at all times for inspection and audit by representatives of USDA, the Inspector General of the United States, and CYFD for a period of three years following the date of submission of the final claim for reimbursement for the fiscal year. All final claims are submitted to CYFD within 60 days following the last day of the month covered by the claim.
 - G. Sponsors conduct Program training sessions for administrative and site personnel and do not allow any site to operate until personnel have attended at least one of these training sessions.
 - (1) Sponsors visit each of their sites at least once during the first week of Program operation and promptly take actions that are necessary to correct any site deficiencies.
 - (2) Sponsors review food service operations at each site at least once during the first four weeks of Program operations, and thereafter maintain a reasonable level of site monitoring.
 - (3) When a site is approved for more than one meal service, such as breakfast and lunch, the sponsor shall follow the requirements of paragraph one and two of subsection G of 8.2.3.15 NMAC for the lunch meal service and conduct one additional monitoring visit for the other meal service within the first four weeks of that meal service operation.
 - H. Sponsors annually announce in the media serving the area from which it draws its attendance, the availability of free meals.
 - I. Each sponsoring organization must provide adequate supervisory and operational personnel for monitoring and management of the program.
 - J. Each sponsoring organization must establish procedures to collect and maintain all necessary program records as described in 7 CFR 225.15 (c).
 - K. Each sponsoring organization is required to maintain appropriately staffed offices and phone lines to permit accessibility by program clients and CYFD staff.
- [8.2.3.15 NMAC – Rp 8 NMAC 2.3.15, 11-30-01]

8.2.3.16 MEAL SERVICE REQUIREMENT:

- A. Each meal served in the Program complies with USDA meal patterns as outlined in federal regulations 7 CFR 225.16 (d) and with CYFD/FNB creditable foods list.
 - (1) Non-creditable foods are not used to meet the meal pattern component requirement. Some foods which are non creditable are: hot dogs, sausage, bologna, salami, and other sausage type lunch meats, and doughnuts. Designated items on the non creditable list supplied by CYFD are also not reimbursable and their purchase price is subtracted from total food costs during administrative reviews.
 - (2) Infants may be served and claimed only with prior approval from CYFD.
- B. Special dietary needs and requirements of children with special dietary requirements are met, with approval by medical authority. This includes, but is not limited to: diabetic diets, high calorie, lower calorie, mechanically altered, and substitutions for food allergies and/or intolerance. This does not include enteral/parenteral formulas which may be covered by medical insurance or Medicare/Medicaid.

C. Child Nutrition (CN) Labeled products are not required for the Summer Food Service Program and do not necessarily meet the meal requirements as established by the state agency. However, if CN products are used, a copy of the CN label must be maintained in the sponsor menu record file:

(1) For combination food items purchased which do not have a CN label, the sponsor must provide a product analysis sheet from the manufacturer indicating the amount of each food component per serving.

(2) Pizza products with a CN label that identifies the food components, including the meat alternate, are acceptable.

D. Breeding on creditable meat items, such as chicken nuggets, is not counted as a bread alternate unless a CN label identifies that the breeding meets the required bread alternate amount.

E. Institutions will document on a daily basis the type of meals and amounts of food used to prepare the meals, in the Menu Record Book provided by CYFD.

F. Milk invoices will indicate that sufficient milk was purchase to provide 8 ounces of milk for at least 90% of the meals claimed which required milk to be served.

[8.2.3.16 NMAC – Rp 8 NMAC 2.3.16, 11-30-01]

8.2.3.17 NUTRITION EDUCATION REQUIREMENT: - Sponsoring organizations provide nutrition education activities at each meal site and submit copies of the activities with their claims for reimbursement.

[8.2.3.17 NMAC – Rp 8 NMAC 2.3.17, 11-30-01]

8.2.3.18 SANCTIONS AND PENALTIES:

A. CYFD does not enter into an agreement with any applicant sponsor identifiable through its corporate organization, officers, employees, or otherwise, as an institution which participated in any federal child nutrition program and was seriously deficient in its operation of any such program.

B. CYFD terminates the Program agreement with any sponsor which it determines to be seriously deficient in its operation of the Program.

C. CYFD imposes sanctions in the form of a meal disallowance for the following;

(1) Failure to record meals, types of food and amounts prepared, in the Menu Record Book;

(2) Meals which lack one or more required components;

(3) Meals which contain non creditable foods as a required component; or

(4) The menu records and/or food receipts indicate that not enough food was served, or recorded as served, to have given each participant the minimum portion size of each component. The State agency uses the USDA Food Buying Guide to determine how many servings of each component were available. If the number of servings available is less than the number of participants served as listed on the Menu Record Book, the difference is the number of meals disallowed.

(5) Lack of CN labels or Product Analysis sheets for commercially prepared food products.

[8.2.3.18 NMAC – Rp 8 NMAC 2.3.18, 11-30-01]

8.2.3.19 APPEALS AND HEARINGS:

A. CYFD has established general fair hearing and appeals procedures to be followed by sponsors appealing:

(1) A denial of an application for participation,

(2) A denial of a sponsor's request for an advance payment,

(3) A denial of a sponsor's claim for reimbursement,

(4) CYFD's refusal to forward to Food and Nutrition Service an exception request by the sponsor for payment of a late claim or a request for an upward adjustment to a claim.

(5) A claim against a sponsor for remittance of a payment,

(6) The termination of the sponsor or a site; a denial of a sponsor's application for a site,

(7) A denial of a food service management company's application for registration, or

(8) The revocation of a food service management company's registration.

B. Appeal procedures are made available in writing annually to all sponsoring organizations at the time of application for participation in the Program, and are included with the approval letters for participation, claims for reimbursement, at the time of a meal.

[8.2.3.19 NMAC – Rp 8 NMAC 2.3.19, 11-30-01]

HISTORY OF 8.2.3 NMAC:

HISTORY OF REPEALED MATERIAL:

8 NMAC 2.3, Requirements for Participation in the Summer Food Service Program – repealed, 11-30-01