

## Chapter 17: Child Nutrition

### *Rule 17.1 Administrators.*

1. In order to provide a menu planning system that ensures the food served at school meets the nutrition objectives for the nation as outlined in the current *Dietary Guidelines for Americans*, and the *Healthy People 2020* objectives, the Mississippi Department of Education is authorized to create the following educational standards for food service staff in all schools participating in the National School Lunch Program:

- a. Food Service Program Manager
- b. Food Service Satellite Manager
- c. Food Service Administrator I
- d. Food Service Administrator II
- e. Food Service Administrator III
- f. Food Service Administrator IV

### 2. Qualifications

The following qualifications shall be established:

- a. Food Service Program Manager:  
a high school diploma or equivalent
- b. Food Service Satellite Manager:  
a high school diploma or equivalent
- c. Food Service Administrator I:  
a high school diploma, six (6) college level hours of food and nutrition or food systems management, and six (6) college level hours of educational administration, business, management, or accounting.
- d. Food Service Administrator II:  
a baccalaureate degree from an accredited four year college or university including a minimum of nine (9) hours food and nutrition or food systems management, and six hours of educational administration, business, management or accounting.
- e. Food Service Administrator III:  
a master's degree from an accredited four year college or university including a minimum of twelve (12) hours food and nutrition or food systems management, and six (6) hours of educational administration, business, management or accounting.
- f. Food Service Administrator IV:  
a specialist or doctorate degree from an accredited four year college or university including a minimum of 15 hours of food and nutrition or food systems management, and nine (9) hours of educational administration, business, management, or accounting.

### 3. Administration

This process shall be administered through the Mississippi Department of Education, Office of Child Nutrition.

### 4. Process

The process shall be as follows:

#### a. Food Service Program or Satellite Manager

Any newly appointed Food Service Manager employed after July 1, 1992, shall meet the minimum qualifications of the Food Service Manager. In the event a special need arises and written justification is submitted, a two year provisional certificate may be granted. The minimum qualifications must be met within the first twenty-four (24) months of employment.

#### b. Food Service Administrator

Any newly appointed Food Service Administrator employed after July 1, 1992, shall meet the minimum qualifications for a Level II Food Service Administrator. In the event a special need arises the superintendent of the local district may request a two year provisional certificate for an individual. In order for an individual to obtain this provisional certificate, proof must be provided that the minimum qualifications can be met within twenty-four (24) months of employment.

#### c. Continuing Training

The continuing training requirements passed by the State Board of Education in 1953 shall remain in place. In summary, that policy requires that Managers and Food Service Administrators attend a twenty-four (24) clock-hour course during the first year of employment and complete an additional twenty-four (24) clock-hours course every three years. The twenty-four clock-hours are obtained by attending a course designed by the Office of Child Nutrition based on current program needs.

#### d. Rule and Regulation Authority

The State Department of Education is authorized to promulgate rules and regulations necessary to implement this policy.

Source: *Miss. Code Ann. § 37-1-3 (Revised 10/2010)*

*Rule 17.2 Competitive Food.* To ensure that children are not in the position of having to decide between non-nutritious foods immediately before or during the meal service period:

1. No food items will be sold on the school campus for one (1) hour before the start of any meal services period.
2. The school food service staff shall serve only those foods which are components of the approved federal meal patterns being served (or milk products) and such additional foods as necessary to meet the caloric requirement of the age group being served.
3. With the exception of water and milk products, a student may purchase individual components of the meal only if the full meal unit also is being purchased.
4. Students who bring their lunch from home may purchase water and milk products.

This policy should be viewed as a minimum standard. Local boards of education are encouraged to develop more comprehensive restrictions.

Source: *Miss. Code Ann. § 37-1-3 (Revised 10/2007)*

*Rule 17.3 Family Day Care Homes.* The criteria listed in Sections I and II will be utilized to evaluate providers (homes) currently participating in the Child Care Food Program. Providers (homes) must have an annual inspection report showing compliance with all standards prior to approval to participate in the Child and Adult Care Food Program.

#### 1. SECTION I

If a home provider receives a “no” for the items listed below, they will be allowed 90 days from the date of the inspection report to provide proof that the conditions that created the unsatisfactory report have been corrected. Conditions are as follows:

- a. All fuel-fired or natural gas room heaters are vented to the outside.
- b. The water supply is under pressure or adequately protected.
- c. The sewage system functions properly.
- d. There are operable smoke detectors in corridors and children’s sleeping rooms.
- e. There is at least one fully charged 5 pound ABC fire extinguisher properly mounted in the kitchen area.
- f. Heating equipment in spaces occupied by children is protected to keep children away from hot surfaces and properly installed?
- g. Special protective covers are provided for electrical receptacles.

## 2. SECTION II

If a home (provider) received a “no” for five or more of the items listed below, the report will be immediately declared unsatisfactory. Conditions are as follows:

- a. Refuse is properly stored in an outside area that is drained and free of potentially hazardous objects or conditions and vector harborage.
- b. The inside area is clean and in good repair and free of insects, rodents and unnecessary articles.
- c. Toilet facilities are clean and in good repair.
- d. The food preparation area contains safe and adequately protected food supply.
- e. Acceptable dishwashing procedures and facilities are present.
- f. Staff practice good hygiene and, if infection is present, take proper precautions.
- g. Hot water is available.
- h. Toxic items are used and stored properly.
- i. Mixed occupancy buildings are protected by a (1) one hour fire barrier.
- j. The dwelling has two remote exits.
- k. Traveling distance to exits is less than 150 feet, and the egress is adequately lighted.
- l. Each room where children are cared for has two means of escape.
- m. Doors are a minimum of 24 inches wide.
- n. Closet door latches are operable from inside.
- o. Bathroom doors are designed to permit opening from outside in an emergency.
- p. Corridors, stairways, lobbies, exits and all other interior finishes are Class A or B materials.
- q. If a vent hood is present, grease filters are clean.
- r. No portable heaters and fans are in use.
- s. Protective covers are in place around functioning heating systems.

Source: *Miss. Code Ann. § 37-1-3 (Revised 10/2010)*

*Rule 17.4 Day Care Homes Management Plans.* In the evaluation of management plans submitted by sponsors of family day care homes, the Mississippi Department of Education will utilize the criteria listed below.

1. Sponsor will define plans for maintaining financial records in accord with generally accepted accounting principles. The plan shall include written procedures for documentation of daily accounting functions.
2. Sponsor will provide job descriptions and resumes which demonstrate staff has education or experience appropriate to task to be performed. The staff shall have education or experience in the following areas: Management, Accounting, Child Care and Nutrition.
3. Sponsor will provide one monitor or full-time equivalent staff for each 50 homes. For each home over/under 50, five hours per month shall be added/subtracted as appropriate to the monitoring staff.
4. Sponsor will establish and implement administrative plans to:
  - a. train sponsor staff, train providers,
  - b. monitor providers,
  - c. document provider approval,
  - d. document changes in provider application, and
  - e. make available to providers access to sponsor staff from the start of the first day care home meal service to the end of the last meal service.
5. Sponsor will define the geographical area (counties) in which providers under their sponsorship will operate, and the management plan shall outline a means for daily contact with providers.

Source: *Miss. Code Ann. § 37-1-3 (Revised 10/2010)*

*Rule 17.5 District Application.* The annual Application, Agreement and Free/Reduced Meal Policy related to receipt of Federal Funds for the National School Lunch Program, School Breakfast Program and Food Distribution Program shall have final approval by the State Department of Education prior to the service of any meals under the program.

The staff of the State Department of Education shall have authority to grant a 30-day extension. This policy shall be in effect from July 1, 1991, forward.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 3/1991)*

*Rule 17.6 Eligibility Monitoring and Management (Child Care Program)*

1. Sponsor Requirements:

- a. Each new sponsor will provide evidence of a successful organizational history which includes administration of Federal and/or State Programs or providing services to children.
- b. All sponsors will maintain a continuous log which indicates any change in the days or hours a provider is scheduled to provide care, any days when a substitute caregiver is utilized and the name of the substitute.
- c. All changes in information provided to the State Agency on the provider application shall be submitted to the State Agency for approval in advance of the change date.
- d. All required sponsor monitoring visits must be conducted during meal service, annually shall cover all approved meal types, i.e., breakfast, a.m. snack, lunch, p.m. snack, supper, and shall be unannounced.
- e. Homes caring for children on weekends or on split shifts (breakfast, child leaves for school/center/head start, then returns for snack
- f. and supper) shall be monitored a minimum of six times a program year.
- g. If a provider is keeping an outside child all day and is not claiming lunch for reimbursement, this provider shall be monitored by the sponsor a minimum of six times a program year.

- h. Homes claiming reimbursement for meals served on Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, and New Years Day shall be monitored during meal service on each named holiday.
- i. Inform providers of their right to request an administrative review of intent to terminate and the procedures to appeal.

## 2. Provider Requirements

- a. The primary or substitute caregiver shall be at least eighteen years of age.
- b. A substitute for the primary provider can be utilized only in event of a short term emergency, and the sponsor must be given advance notice.
- c. All changes in information provided to the sponsor on the provider application shall be submitted to the sponsor for approval in advance of the change date.
- d. When the state agency audits/reviews a sponsor, a provider is labeled “Seriously Deficient” if the following occurs:
  - i. Children or provider are not present as scheduled,
  - ii. Provider has no required records on site,
  - iii. Provider is serving meals that do not meet the meal pattern requirements,
- e. A corrective action plan must be implemented. Failure of the provider to permanently correct the problem will result in termination by the sponsor.
  - i. Breakfast will not be approved for Day Care Home Providers where the enrolled children attend a school, child care center, or head start that offers the Breakfast Program under another Child Nutrition Program.
  - ii. Minimum hours of care shall be provided in order to claim reimbursement for a meal type as follows:
    - 2 Hours - One Meal Type
    - 4 Hours - Two Meal Types
    - 6 Hours - Three Meal Type
  - iii. A minimum of 2 ½ hours shall lapse between the beginning service time of any meal type and the service of the next meal type.
  - iv. All providers shall have an operable telephone on site during hours of operation.

## 3. Service Area Requirements

- a. New sponsors will be approved only in a county where inadequate services are available to children.

The staff of the State Department of Education shall have the authority to develop procedures as necessary to implement these requirements.

Source: *Miss. Code Ann. § 37-1-3 (Revised 10/2010)*

*Rule 17.7 Family Day Care*

1. The State Department of Education shall:
  - a. Develop readiness training for Day Care Home Sponsors for children ages 0-4
    - i. Train sponsors on readiness for 0-4 years old
    - ii. Provide training to sponsor representatives on use of readiness training program
    - iii. How to present readiness training
    - iv. Utilization/effectiveness checklist
  - b. Family Day Care Home Sponsors shall:
    - i. Attend training provided by State Department of Education on readiness
    - ii. Adopt and implement readiness training in every family day care home under sponsorship
    - iii. Annually train all providers on readiness
    - iv. Train new family day care home providers prior to approval
    - v. Employ a child care director who is at least 21 years of age with a minimum of two years' experience as director or caregiver
    - vi. Establish a referral program for low literacy providers
  - c. Family Day Care Home Providers shall:
    - i. Attend annual training on the readiness as a condition of approval
    - ii. Implement training in the family child care setting
    - iii. Involve parents in training, send/handout progress reports home with children
  - d. Parents shall:
    - i. Reinforce training by using materials sent home with children
  - e. Sponsoring organizations shall implement in all homes under sponsorship by October 1, 2000 and each year thereafter.

Source: *Miss. Code Ann. § 37-1-3 (Revised 10/2010)*



*Rule 17.8 Purchasing System, Food Purchasing System for Public Schools*

1. Awards for Price of Product

- a. All awards for price of product, whether obtained by formal bids, competitive negotiations, or noncompetitive negotiation shall be approved by the State Board of Education.
- b. In the event an unusual set of circumstances makes it necessary for a decision to be made between meetings of the State Board of Education, the State Superintendent of Education is authorized to make the decision and report at the next Board of Education meeting.

2. Product Identification and Brand Approval

- a. All decisions related to product identifications and brands to be approved shall be made by the purchasing management committee composed of representatives of the member organizations.
- b. The addition or deletion of items from the request for pricing shall be made by the product committee.
- c. Prior to approval, all products shall be tested in a school environment with children as the test panel.
- d. Member organizations, when purchasing items covered by this contract, shall be required to utilize only the brands approved from the specified distributor.
- e. In the event it is necessary for a member organization to purchase an item not on the state contract, the organization shall be responsible for developing the identification for the product.

3. Purchasing Management Committee

- a. The purchasing management committee shall consist of one representative for private schools, one representative for headstarts, one representative for superintendents of public school districts and one representative from each geographical region of the member school districts.
- b. The members of the purchasing management committee shall be elected by a majority vote of the members of the category or region they represent.
- c. A representative of a school district can be nominated for a position on the purchasing management committee by presenting the Bureau of Child Nutrition in the State Department of Education with a letter requesting your name be placed on the ballot.

- d. Members of the purchasing management committee shall serve staggered three year terms, with one third of the terms expiring each year.
- e. The expiration date of members' terms shall be June 30.
- f. The Director of the Division of School District Purchasing shall serve as the Executive Secretary for the Purchasing Management Committee.
- g. The members of the purchasing management committee shall annually elect a chairperson.
- h. During the initial year of start up, the purchasing committee shall be appointed by the State Board of Education. Initial appointments shall be staggered so that three appointments expire in each of the next three years.
- i. In the event a Member of the Purchasing Management Committee cannot be present at a meeting of the Purchasing Management Committee, the member can confer his vote by proxy to another member of the Food Purchasing System under the following conditions:
  - i. The member casting the proxy vote must be a current member of the Food Purchasing System and a member of the category or region that the Purchasing Management Committee member represents.
  - ii. The proxy is valid for one meeting only and must be accompanied by a letter from the Purchasing Management Committee member conferring the proxy status.
  - iii. The proxy vote is applicable only to the items listed on the official agenda for that meeting. The agenda shall be mailed to all members of the Purchasing Management Committee no later than one week before the meeting of the Purchasing Management Committee. The proxy vote will not apply to any new business presented at the meeting.

#### 4. Other

- a. A onetime fee shall be assessed to each organization when they choose to join the purchasing system. The purpose of this fee is to cover the start up cost for the system.
- b. Annual fees shall be assessed in amounts as necessary to cover the cost of operation for the fiscal year. Any excess fees collected shall be utilized to cover a portion of the cost in the next year.
- c. The basis for assessing fees shall be the meal equivalents served in the prior year.
- d. An annual report of the revenue and expenditures shall be made to the State Board of Education, and the Board shall approve the fee structure for each fiscal year.

#### 5. Vendor Deletions

- a. Vendors shall be removed from the qualified vendor list when a response has not been received in two successive applicable bid invitations. Removal shall be until the vendor can show reason why they should be reinstated.
- b. Vendors shall be removed from the qualified vendor list when a contract is canceled at the request of the vendor. In such cases the contractor shall be removed for the remainder of the contract period or twenty four months whichever is greater.
- c. Vendors shall be removed from the qualified vendor list when due to default a contract is canceled by the State. The vendor shall be removed for not less than twenty four months or until the vendor shows evidence that the reason for the cancellation has been corrected.

Source: *Miss. Code Ann. § 37-1-3 (Revised 2/2003)*

*Rule 17.9 Termination, Day Care Sponsors*

1. Criteria for termination of seriously deficient family day care home sponsors:
  - a. When a review is conducted of a sponsor and 10 percent of providers have site visits and 20 percent of the providers visited are not at home or have no outside children and do not appear on the sponsor telephone log as closed, the sponsor shall be declared seriously deficient and be given a minimum of 30 days from the date of review to implement corrective action.
  - b. A follow-up review shall be conducted after 30 days. During the follow-up review, a 10 percent sample of providers shall be visited and if over 10 percent of the providers sampled are not at home or have no outside children present and do not appear on the sponsor telephone log as closed, the sponsor will be terminated.
2. On any review, if the sponsor has violations of federal regulations, the sponsor shall be declared seriously deficient. Should any of these same federal regulations be violated on the next regular review, the sponsor will be automatically terminated.

Source: *7 CFR, Part 226, July 27, 2005 (Revised April 1, 2013)*

*Rule 17.10 Smart Snacks Standards for All Foods and Beverages Sold in Mississippi Schools.* The State Board of Education (SBE) shall adopt Smart Snacks Standards for All Foods and Beverages Sold in Mississippi Schools. These standards will ensure school district compliance of what products can be sold and the time of day they can be sold on a school campus.

The Healthy Hunger-Free Kids Act of 2010 directed the USDA to establish nutrition standards for all foods and beverages sold to students in schools during the school day. The Smart Snacks Standards ensures schools will provide students healthier choices by offering more whole grain options, fruits, vegetables, leaner protein and lower-fat dairy. Smart Snacks applies to all foods and beverages sold to students through:

1. Vending machines
2. Student stores
3. Snack bars
4. Fundraisers
5. Culinary Education Program Sales
6. Any other sales

## 1. Time of Day for ALL Foods and Beverages Sold in Schools

The following regulations apply to all Mississippi school campuses during the school day. The School day is defined as the hours between 12:00 a.m. the midnight before until 30 minutes after the end of the instructional day. This policy does not apply to school-related events; such as interscholastic sporting events, school plays, and band concerts; where parents and other adults constitute a significant portion of the audience or are selling beverages as boosters. In addition, no food items shall be sold on the school campus for one (1) hour before the start of any meal services period through the end of the meal service, including breakfast (if offered).

## 2. FOOD Regulations for Mississippi Schools:

All foods sold in schools must meet the following ingredients and nutrient requirements:

1. Be a Whole Grain-Rich (WGR) product; or
2. Have as the first ingredient a fruit, vegetable, a dairy product, or a protein food; or
3. Be a combination food that contains at least  $\frac{1}{4}$  cup of fruit and/or vegetable; or
4. Contain 10% of the Daily Value (DV) of one of the nutrients of public health concern in the 2010 Dietary Guidelines for Americans (calcium, potassium, vitamin D, or dietary fiber).
  - a. Calories Limits:
    - i. Snack/Side items: No more than 200 calories
    - ii. Entrée items: No more than 350 calories
  - b. Sodium Limits:
    - i. Snack/Side items: No more than 230 mg
    - ii. Entrée items: No more than 480 mg
  - c. Fat Limits:
    - i. Total fat: No more than 35% of calories
    - ii. Saturated fat: < 10% of calories
    - iii. Trans fat: zero grams
  - d. Sugar Limits:
    - i. No more than 35% of weight from total sugars in foods (excludes sugars naturally occurring in fruits, vegetables, and dairy). For smoothies (made with low-fat yogurt or other low-fat dairy alternatives and/or fruit/juice), yogurt and pudding, no more than 5 grams total sugar (added and naturally occurring) per ounce.

- e. Exemptions:
  - i. Dried/dehydrated fruits or vegetables with no added nutritive sweeteners; or
  - ii. Dried fruits with nutritive sweeteners for processing and/or palatability; or
  - iii. Products consisting of only exempt dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats.
- f. Food Accompaniments
  - i. Accompaniments such as cream cheese, sugar, sweeteners, salad dressing, ketchup etc., must be included in the nutrient analysis as part of the food item sold.
  - ii. This helps control the amount of calories, fat, sugar and sodium added to foods.

3. BEVERAGE Regulations for Mississippi Schools:

The fluid and nutrition needs of young people at school are best met through well- balanced, nutrient-rich school meals provided through Child Nutrition Programs, planned by nutrition professionals following US Department of Agriculture (USDA) guidelines.

Beverages for All Grades:

<b>Beverage</b>	<b>Elementary School (K-5)</b>	<b>Middle School (6-8)</b>	<b>High School (9-12)</b>
<b>Plain Water, Carbonated or not</b>	<b>No Size Limit</b>	<b>No Size Limit</b>	<b>No Size Limit</b>
<b>Low-Fat Milk, Unflavored</b>	<b>≤ 8oz.</b>	<b>≤ 12oz.</b>	<b>≤ 12oz.</b>
<b>Non-Fat Milk, Unflavored or Flavored</b>	<b>≤ 8oz.</b>	<b>≤ 12oz.</b>	<b>≤ 12oz.</b>
<b>100% fruit/vegetable juice</b>	<b>≤ 8oz.</b>	<b>≤ 12oz.</b>	<b>≤ 12oz.</b>

Other Flavored Beverages in High Schools ONLY:

- a. Calorie-Free Beverages: Maximum serving size 20 fluid ounces (20 oz.)
  - i. Calorie –free flavored water, with or without carbonation
  - ii. Other calorie-free beverages with less than 5 calories per 8 fluid ounces
  - iii. (8 oz.), or up to 10 calories per 20 fluid ounces
- b. Lower Calorie Beverages: Maximum serving size 12 fluid ounces (12 oz.)

- i. Up to 60 calories per 12 fluid ounces; or
- ii. Up to 40 calories per 8 fluid ounces

#### 4. CAFFEINE:

##### a. Elementary and Middle School (K-8)

- i. Foods and beverages must be caffeine-free, with the exception of trace amounts of naturally occurring caffeine substances.

##### b. High School (9-12)

- i. Coffee and tea may be sold in high schools only; however, if cream and sweetener are offered as accompaniments, the cream and sweetener must be included in the evaluation of the coffee or tea against the beverage standard. The use of accompaniments may be averaged over the number of drinks sold. The other beverage standard in high school permits <60 calories per 12 fl oz; this is the same as <5 calorie per 1 fl oz. If a smaller beverage is served, the calories may not exceed 5 calories per fl oz, for example a 6 fl oz beverage may have no more than 30 calories.

#### 5. VENDING/SNACK Regulations for Mississippi Schools

Schools shall utilize the *Healthier Generation Alliance Product Calculator* to analyze all food and beverage products before they can be sold. This calculator is the most accurate tool to use when analyzing products to determine if they meet the Smart Snack Standards for vending products, snack products, entrees, side dishes and beverages.

#### 6. TEACHERS' Lounge Vending:

At least 50 percent of the items sold in staff vending areas/lounges (those inaccessible to students) should meet the Smart Snacks Standards.

#### 7. CULINARY Education Programs

Culinary Education Programs operating in schools participating in the National School Lunch Program (NLSP) and School Breakfast Program (SBP) must follow the same Smart Snack Standards previously mentioned. The Smart Snack standards have no impact on the Culinary Education Programs curriculum in schools nor do they impact foods sold to adults at any time. However, any foods and beverages prepared and sold to students by Culinary Programs, during the school day must meet the same nutrition standards.

#### RESOURCES:

1. Please visit the MS Department of Education, Office of Child Nutrition website for additional information.
2. Please visit United States Department of Agriculture (USDA), Food and Nutrition Service website for additional information.

3. Please visit the Healthier Generation, Smart Snacks Alliance Product Calculator website for additional information.

Source: *United States Department of Agriculture (USDA), Food and Nutrition Service (FNS): Federal Law # 7 CFR 210.11 (Adopt 10/2015)*