

Advisory Council for School Nutrition (ACSN)
Meeting Minutes – Wednesday, February 25, 2014
In conjunction with the 2014 Directors' Conference
Pueblo Convention Center, Pueblo, CO

ACSN Members: Shelly Allen, Joni Bilderbeck, Paula Buser, Amanda Cobb, Kim Cotta, Brent Craig, Monica Deines-Henderson, Kathy DelTonto, Adam Gose, Sandy Guyette, Michelle Hammond, Jill Kidd, Steffiney Quick, Meta Riseling, Naomi Steenson, Tammy Viers, Beth Wallace, Ella Walker, Kay Wernsman

Absent: Craig Schneider

CDE Office of School Nutrition (OSN) Staff: Jan Bodnar, Jane Brand, Sara Rose Foreman, Julie Griffith, Heather Hauswirth, Stacey Macklin, Amanda Mercer, Ashley Moen, Jennifer Otey, Bre Riley, Lyza Shaw, Sara Silvernail

Welcome

- The ACSN meeting was called to order at 9:04 a.m. by Jane Brand, Director, Colorado Department of Education (CDE) Office of School Nutrition (OSN). Jane welcomed ACSN members to the ACSN meeting, held in conjunction with the 2014 Directors' Conference.
 - Jane informed the ACSN members that they will be introduced and asked to stand during the 2014 Directors' Conference.
- [Breakfast After the Bell Nutrition Program – Amanda Mercer, Senior Consultant](#)
- Amanda thanked the members of the Breakfast After the Bell Nutrition Program Subcommittee for their expertise, experience, and clarification of the implementation guide and Breakfast After the Bell Nutrition Program best practices.
- The Breakfast After the Bell Nutrition Program Implementation Guide is expected to be published in March.
 - CDE Communications Department is reviewing, and then the guide will be presented to Associate Commissioner Leanne Emm and the executive team, including CDE Commissioner Robert Hammond
 - The Breakfast After the Bell Nutrition Program Implementation guide has been developed to serve as a resource for districts mandated to participate in the Breakfast After the Bell Nutrition Program
 - Development of the implementation guide included discussions and input on:
 - Guidance for compliance with the law (HB 13-1006) and increasing the number of children eating a healthy breakfast
 - Clarification that implementation of the Breakfast After the Bell Nutrition Program must be on the 1st day of the school year in which the SFA is required to participate
 - Rubric for SFAs to work through a yes/no participation requirement

- Pk-12 membership
 - CDE website from prior year
 - Not required to round percentages
- By April 1, the OSN will send a letter to all districts that have schools that are mandated to comply with the Breakfast After the Bell Nutrition Program in School Year 2014-2015. If a district does not receive the notification of mandatory participation, they do not have schools that are required to participate.
 - This list will be posted to the OSN website on the [Breakfast After the Bell Nutrition Program](#) webpage
- In the future, the Colyar on-line claim system annual packet will include Breakfast After the Bell Nutrition Program information
- Breakfast After the Bell Nutrition Program **guideline** review:
 - Meals must meet the state and federal meal pattern regulations
 - Districts can decide the breakfast model to use in their participating schools
 - Breakfast in the classroom, grab and go, cafeteria service, etc.
 - Districts currently offering breakfast before school can continue to serve before school, but must also offer breakfast after the tardy bell
- Breakfast After the Bell Nutrition Program **clarification** review:
 - Breakfast offered before and after the tardy bell must be free
 - There is no time limit on serving time, but must ensure that all students have access to meals and a reasonable time to eat
- Breakfast After the Bell Nutrition Program **objectives** review:
 - Increase the number of children eating breakfast on school days
 - Increase the consumption of nutritious foods
 - Improve academic performance by preparing children to learn
 - Improve the overall health of children in Colorado
 - Generate additional revenue for school nutrition programs through federal and state reimbursements
- Amanda reviewed the participation guidelines for mandatory participation in the Breakfast After the Bell Nutrition Program
 - SY 2014-2015: schools with 80 percent or greater free and reduced percentage in the prior year must participate; district must have greater than 1000 students.
 - SY 2015-2016 and Each Year Thereafter: schools with 70 percent or greater free and reduced percentage in the prior year must participate; district must have greater than 1000 students.
- Program evaluation and improvement will be included in the Administrative Review, to ensure compliance with the Breakfast After the Bell Nutrition Program.
 - Non-compliance will result in technical assistance and possible corrective action
- [School Breakfast](#) page on OSN website links to the [School Breakfast Programs Resources](#) page, where there are resources for all school breakfast programs

- Joni Bilderbeck, Alamosa School District and Rick Hughes, Colorado Springs D-11 will participate in the Breakfast After the Bell Nutrition Program breakout session during 2014 Directors' Conference
- Questions:
 - Amanda Cobb: Will the OSN check the participation and administration of the Breakfast After the Bell Nutrition Program before a scheduled Administrative Review?
 - Amanda Mercer: No, only during the Administrative Review. However, there will be an evaluation packet in the annual renewal that will require information regarding serving times, locations, types, etc.

Smart Snacks in School - Julie Griffith, Senior Consultant

- Smart Snacks in School – Interim Final Rule, titled “Nutrition Standards for All Foods Sold in School”
 - Implementation date is July 1, 2014
 - Local standards can be stronger than the USDA standards in the interim rule, as long as they are inclusive of the USDA standards
 - Interim rule does not apply to food brought into the school; food that is not “sold”
 - Does apply to all foods and beverages sold on campus during the school day (a la carte, homemade/scratch, vending machines, school stores, fundraisers, any “sold” food/beverage)
 - General definitions:
 - Competitive Foods: all food and beverages other than those meals reimbursable under programs authorized by the NSLA and the CNA available for sale to students on the school campus during the school day
 - Combination Foods: products containing two or more components representing two or more of the recommended food groups: fruit, vegetable, dairy, protein or grains
 - School campus: all areas of the property under the jurisdiction of the school that are *accessible to students* during the school day
 - School day: the period from the midnight before, to 30 minutes after the end of the official school day
 - Compliance responsibilities:
 - Shared responsibilities between the LEA and SFA; must assure compliance with nutrition standards for competitive food and retain documentation demonstrating compliance
 - State agency is expected to implement technical assistance, corrective action or fiscal action for non-compliance
 - Colorado regulations:
 - OSN is meeting with CDE legal department on best methods to approach recommendations; hope to present recommendations to the State Board of Education in May, with a final decision in September.

- Colorado regulations will be in effect by the start of school year 2014-2015
- Intention is to align Colorado Competitive Foods and Healthy Beverage standards with the USDA standards
 - USDA standards are generally more restrictive than the Colorado standards
 - Colorado does have calorie limits on milk and juice
 - USDA is more restrictive for no or low calorie and other beverages; keep restriction for diet soda
 - Redefine and clarify Colorado definitions of “Competitive Foods,” “School Day,” “School Campus,” and “Extended Day” to match USDA’s definitions
 - Colorado wants to keep the requirement for “no sales of food or beverages ½ hour prior to meal service until ½ hour after meal service if revenue does not accrue to the food service account”
 - CDE OSN address middle and high school shared access and the separation of adult/student access.
- Fundraisers:
 - OSN has not decided upon the number of exempt fundraisers, but OSN will set the number of exempt fundraisers
 - Encouraging non-food fundraisers
 - Food fundraisers that meet the standards are allowed
 - Encouraging Wellness Policies that have a percentage of non-food fundraisers; support healthy eating; and place a numeric restriction on the number of fund raisers.
 - Beth Wallace: “Interim final rule” must be implemented even though not a “final rule”
 - Brent Craig: are before/after school care programs exempt?
 - Julie Griffith: Wait ½ hour before or after before serving; programs are exempt if snacks are not “sold”
 - Beth Wallace: “buy a water, and get a candy bar free!”
 - OSN Response: Wellness Polices should provide local level response
 - Work with administration to encourage compliance and avoid loopholes
 - Training plan: Collaborated with CDE Communications to update Competitive Foods webpage and develop training plan
 - Articles (for superintendents) published in The Scoop monthly, beginning in February
 - Develop a PowerPoint presentation specifically targeting administrators and post to website by March 2014

- Develop a webinar or online training for school food service workers by April 2014
- Provide updates from USDA and OSN in the Thursday Update and on the OSN website
- Training sessions (three planned) at the CSNA Summer Workshop
- Jane Brand: the interim final rule will be effective July 1, 2014; SFAs must meet the USDA guidelines
 - Meta Riseling: No support from sponsors; limited support from administration. What is rule if a concession stand begins operation during regular school time (i.e. Games start at 3:00 p.m., and school is not out until 4:00 p.m.? or games start at 3:00 p.m. and school is dismissed (prior to normal 4:00 p.m. dismissal time?)
 - Julie Griffith: snacks must follow guidelines if sold during the school day
 - Steffiney Quick: recommends giving presentation to the school board, superintendents, principals and sponsors
 - Shelly Allen: What are the repercussions of non-compliance? What happens if not in compliance?
 - Julie Griffith: For non-compliance, technical assistance and corrective action must be included in the Corrective Action Plan. Because the area of competitive foods is considered a General Area of the Administrative Review, fiscal action is not required. It may be imposed for any repeated or egregious violations.
 - OSN is requesting feedback on the number of exempt fundraisers from participants at the 2014 Directors' Conference
 - OSN will determine the number of exempt fundraisers
 - Per USDA guidance, OSN will determine what the Administrative Review will include regarding fundraisers

Training Update – Sara Silvernail, Training Coordinator

- Smart Snacks trainings: webinars and conference calls in early April; directed at school foodservice directors
 - What is included in the USDA interim final rule?
 - Allowable snacks
 - References to school days and times
 - Nutrition restrictions
 - Exemptions
 - Competitive Food Services
- OSN Training “season”
 - Summer Food Service Program (SFSP): March, April

- Smart Snacks: April
- Breakfast After the Bell Nutrition Program: April, May
- 2014-2015 Meal Patterns: May
- Direct Certification: April through August
- Free and Reduced Price Meals: May through August
- CSNA Summer Conference, June 16 – June 18, 2014
 - CDE 5
 - Smart Snacks
 - Civil Rights
 - Free and Reduced Price Meals
 - Breakfast After the Bell Nutrition Program
- New Directors' Orientation, July 21 – 25, 2014
 - New directors and kitchen managers
- Administrative Review Regional Trainings
 - SFA food service directors and business officials who will have an Administrative Review in the 2014-2015 school year
- Online training module is open; used for online registration for Direct Certification and Free and Reduced Price Meals trainings.
- Professional Standards in Schools
 - How will this work, logistically, in your districts?
 - USDA has proposed nationwide training site
 - Beth Wallace: Suggestion: Can skill level trainings for employees be offered/included at CSNA?
 - Amanda Cobb: Health department is requiring that all kitchen managers become "state certified." How is this training and testing going to be done? Current testing doesn't work, especially for non-English speakers; training costs are prohibitive for large numbers of staff.
 - Sara Silvernail: This is a local health department issue. CSNA offers regional "Serving it Safe" classes annually
 - Shelly Allen: Statefoodsafety.com provides a two-hour online test

OSN Performance Audit – Jane Brand, Director

- [Office of the State Auditor \(OSA\) Performance Audit – OSN Final Report, and OSA Audit – OSN Summary Report](#) were distributed to ACSN members. Approximately ½ of the ACSN members were aware of the audit and audit results, while approximately ½ of the ACSN members were not aware of the audit and audit results.
 - OSA audits cover state agencies, and 98% of the OSN funding comes from federal sources
 - Audit covered 2008 - 2012, and began in January 2013
 - OSN gave auditors input on the scope of the audit, including:
 - Monitoring procedures: not consistent
 - Review Manager position was needed to improve procedures and processes

- Financial: Administrative Review would focus on financial management of SFAs, and OSN needed to prepare
- Direct Certification: why match rates were so low
- Competitive Foods: where would fiscal action be made (district or food service funds)
- Training/technical assistance
 - Training Coordinator position was needed to coordinate and develop training and technical assistance plans
- Federal Administrative Funds: underspent due to years of understaffing, salary freezes, etc.
- SAE Funds/Grants: reallocated funds
- Year-long audit; time consuming for OSN staff and SFA directors
 - Interviewed staff members
 - OSN provided documentation to auditors
 - Interviewed SFA directors
 - Random survey
 - On-site visits to selected districts
- Auditors findings and the OSN responses to the findings were provided
 - OSN agreed with all of the audit findings
 - Findings confirmed areas of OSN concern that had been recommended for the scope of the audit
- January 28, 2014: Legislative Audit Committee(LAC) Hearing was conducted, where the OSA audit findings and OSN responses were discussed with the Legislative Audit Committee
 - Questions were answered and clarifications were provided to committee members
- Following the LAC hearing, a reporter from the Denver Post published a negative article about the OSA findings, based on inaccurate and mistaken information provided by the OSA and from the reporter’s interpretation of the findings.
 - Article stated:
 - “money could have gone to kids”
 - Inaccurate: none of the money referenced in the audit was for meal reimbursement; money was for administrative expenses only, and could not be used for SFAs or meal reimbursements
 - “grant included in the amount referenced in the audit could have gone to kids”
 - Inaccurate: federal grants were available for competitive application and were not guaranteed to be awarded; the federal reporting requirements for any grants that might have been awarded would have been difficult, if not impossible, to fulfill due to the shortage of staff at the OSN; these grant funds were available for administrative

use, and could not have been used for SFAs or meal reimbursement.

- In 2010, Jane Brand was hired as Director of the Office of School; began implementation of changes and progress was being made to correct issues at the OSN.
- In response to question “What’s happening at CDE?”
 - Audit was a look at the past (2008-2012)
 - Not what is currently “happening” at OSN
- Comments/Questions:
 - Beth Wallace (at the hearing):
 - Representative McNulty didn’t understand the difference between federal and state funding (for nutrition programs)
 - “Wow, CDE got slammed.”
 - Talking points and clarifications should be available SFAs
 - Jane Brand:
 - Legislative liaison has had meetings with legislators
 - Commissioner of Education Hammond and Associate Commissioner Leanne Emm will meet with Representative McNulty to provide clarification
 - OSN staff has met with the Joint Budget Committee (JBC)
 - OSN director, management team and the CDE Associate Commissioner all met with Denver Post reporter, Joey Bunch to try to correct his misinformation and clarify his misunderstanding of the funding (SAE, grants, and reimbursements) and to explain the operation of the nutrition programs administered by the OSN.
 - Brent Craig:
 - RE: Proposed subsidized reduced students legislation-how could legislators agree to give CDE OSN more money, if there is a perception of mismanagement in the department? Would there be ramifications from the audit on funding for new legislation?
 - Jill Kidd:
 - The perception is that the audit will affect funding; money has not yet been found in appropriations
 - Monica Deines-Henderson:
 - Representative McNulty repeated that the audit affects money for the new bill; “mismanagement”
 - Beth Wallace:
 - “OSN mismanagement” was the last comment at the hearing
 - CSNA didn’t counter the comment
 - Jill Kidd:
 - “OSN mismanagement” will probably be repeated on the floor when the bill is debated

- CDE legislative liaison needs to know when the bill will be debated on the floor so that she can counter the misinformation
- Jane Brand:
 - Will personally speak to the Performance Audit at the 2014 Directors' Conference welcome

Closing Comments and Adjournment

- What worked at this meeting?
 - Holding the ACSN meeting prior to the conference, instead of after the conference
 - Good topics
 - Good breakfast
- What didn't work at this meeting?
 - Difficult to hear ACSN members; pass wireless microphones for questions and comments from members or have speaker(s) repeat questions and comments at the podium microphone
 - Classroom style table set-up better than rounds
 - Round tables make it hard to see (backs to speaker)
- Topics for the next ACSN meeting?
 - Administrative Review changes for 2014-2015
 - Smart Snacks
 - Template for documentation that will be required by the district and administration
 - Breakfast Meal Pattern
 - Best Practices
 - Food Safety
 - Breakfast in the Classroom
 - Beth Wallace:
 - Information on Direct Certification
 - Why can't we match?
 - Jill Kidd:
 - Still require four downloads?
 - [Jennifer Otey](#):
 - Provided a short overview of the new Direct Certification System and the Direct Certification Grant
 - Monthly SNAP updates
 - Four downloads to OSN required, but can do monthly downloads
 - Increased number of trainings offered
- Jane Brand, Director, Office of School Nutrition, reminded ACSN members to complete their CDE – 56 travel reimbursement forms and return to [Stacey Macklin](#) at OSN. Jane thanked everyone for their attendance and participation. Meeting was adjourned at 11:05 a.m.