



Food and
Nutrition
Service

DATE: January 14, 2020

MEMO CODE: SP 05-2020

Braddock
Metro Center

SUBJECT: Questions & Answers Regarding Professional Standards for State and Local School Nutrition Program Personnel¹

1320
Braddock
Place
Alexandria
VA 22314

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

This Questions & Answers (Q&A) memorandum is designed to provide an overview of the policies related to the Professional Standards regulations (7 CFR 210.30 and 235.11(g)) for State and local school nutrition program personnel. The regulations seek to ensure that school nutrition program personnel have the knowledge and skills to manage and operate the National School Lunch Program and School Breakfast Program correctly and successfully. This document includes responses to questions submitted by State agencies and program operators on specific aspects of the regulations. This memorandum rescinds and replaces SP 38-2016, "Questions & Answers (Q&As) on the Final Rule 'Professional Standards for State and Local School Nutrition Programs Personnel as Required by the Healthy, Hunger-Free Kids Act of 2010.'" This document has been updated to include questions regarding the final rule titled *Hiring Flexibility Under Professional Standards* (84 FR 6953/8247).

The questions are grouped under six headings: Background, Hiring Standards, Training Standards, Oversight, Food Service Management Companies, and Miscellaneous. The Food and Nutrition Service (FNS) will continue to revise this document as needed to address other questions as they arise. The Professional Standards rules (80 FR 11077 and 84 FR 6953/8247), a training tracking tool, and other resources to assist in implementing the professional standards are available at: <https://www.fns.usda.gov/school-meals/professional-standards>. FNS appreciates the efforts of school food authorities in managing the school nutrition programs and stands ready to support those efforts.

State agencies are reminded to distribute this memorandum to Program operators. Program operators should direct any questions concerning this guidance to their State agency. State agencies with questions should contact the appropriate FNS Regional Office.

Original Signed

Angela Kline
Director, Policy and Program Development Division

¹ Pursuant to the Congressional Review Act (5 U.S.C. §801 et seq.), the Office of Information and Regulatory Affairs designated this memorandum as not a major rule, as defined by 5 U.S.C. § 804(2).

Professional Standards for School Nutrition Program Personnel

Topic.....	Page
Background on Professional Standards	2
Hiring Standards	3
Training Standards	8
Oversight.....	15
Food Service Management Companies (FSMC)	15
Miscellaneous	16

Background on Professional Standards

1. What do the professional standards regulations require?

The regulations at 7 CFR 210.30 and 235.11(g) establish professional standards for employees who manage and operate the National School Lunch Program (NSLP) and School Breakfast Program (SBP). The regulations establish minimum hiring standards for new State and local directors of school nutrition programs, and annual continuing education/training requirements for State directors and all local school nutrition personnel. The regulations also establish hiring and training standards for State directors of distributing agencies. Directors hired before July 1, 2015 are exempt from the hiring standards and grandfathered in based on their existing positions.

2. What resources are available to help State agencies and school food authorities (SFAs) comply with the professional standards requirements?

The Food and Nutrition Service (FNS) offers several resources to facilitate compliance with the professional standards:

- More than 500 free or low-cost training resources in a variety of formats are available at <https://professionalstandards.fns.usda.gov/>.
- The *Guide to Professional Standards for School Nutrition Programs* comprehensively outlines the professional standards. See <https://www.fns.usda.gov/school-meals/guide-professional-standards-school-nutrition-programs>.
- The Team Nutrition initiative offers a variety of resources, including downloadable materials and webinars to support training needs. See <https://www.fns.usda.gov/tn/team-nutrition>.
- A digital tool to help school nutrition professionals keep track of training activities is available at <https://pstrainingtracker.fns.usda.gov/>.
- Online and in-person training resources (free or at low-cost) are available from the Institute of Child Nutrition. See <https://theicn.org/>.
- Free, self-paced online courses are also available through the Institute of Child Nutrition eLearning Portal. See <https://theicn.docebosaas.com/learn>.

- Food safety training (such as Produce Safety University) and other resources are offered by the FNS Office of Food Safety. See <https://www.fns.usda.gov/ofs/food-safety>.

Hiring Standards

3. [UPDATED] How are State and local directors affected by the hiring standards?

State agency directors of school nutrition programs and State agency directors of distributing agencies in their positions prior to July 1, 2015, as well as SFA directors of the school nutrition program in their positions prior to July 1, 2015, may continue to serve in their existing positions without having to meet the hiring standards. Directors hired on or after July 1, 2015, must meet the hiring standards included in the regulations. Directors hired on or after April 30, 2019, may use the flexibilities provided by the Hiring Flexibility Under Professional Standards rule.

4. What are the career advancement/enrichment options for current school nutrition program directors who do not meet the hiring standards established by the regulations?

An individual serving as a program director prior to July 1, 2015 in an SFA may remain in the same position, or diversify their experience by applying to a similar position in any LEA of the same or smaller size category without having to meet the hiring standards for new directors. A current director who wishes to move to a director position at a larger size LEA is required to meet the hiring standards for that LEA size. See the *Guide to Professional Standards for School Nutrition Programs* for a breakdown of hiring standards based on enrollment at <https://www.fns.usda.gov/school-meals/guide-professional-standards-school-nutrition-programs>.

5. Are sample job descriptions available to help local operators determine who is covered by the professional standards for program directors?

Yes. See a sample job description for a program director at <https://theicn.org/icn-resources-a-z/job-description-template-cnp/>.

According to the Institute of Child Nutrition, the job responsibilities that are performed by a program director on a daily, weekly, seasonal, or yearly basis can be grouped as follows:

- Facilities and Equipment Management;
- Financial Management;
- Food Production and Operation Management;
- Food Security, Sanitation, and Safety;
- Human Resource Management;
- Marketing and Communication;
- Menu and Nutrition Management;
- Procurement and Inventory Management;
- Program Management and Accountability; and
- Technology and Information Systems.

Program operators may use these functional areas to determine who is considered to be a school nutrition program director.

6. If the school nutrition program director role is shared between multiple people (for example, a business manager, an administrative assistant, and a principal), how do the hiring standards for new program directors apply?

The individual who plans, administers, implements, monitors, and evaluates all district-wide aspects of the school nutrition program is generally considered a school nutrition program director. In a few SFAs, district-level program responsibilities are divided into several positions. In that situation, only the person hired to perform the majority of the nutrition program director duties must meet the hiring standards. See typical program director duties in question 5.

7. If some schools in the LEA do not participate in the school nutrition program, must those schools be considered when determining the hiring standards based on LEA size?

No. The regulation states that the hiring standards are based on LEA size. However, when not all schools in an LEA participate in the school nutrition program, the State agency may not have the data from all schools. Therefore, in this situation, the LEA size can be determined using the student enrollment only for the schools that participate in the NSLP and/or SBP. If the non-participating schools in the LEA later join the NSLP and/or SBP, the LEA student enrollment may be updated at the time when there is new hiring for the program director position.

8. When assessing the LEA size to identify the appropriate hiring standards, should operators use the October enrollment count?

Yes. The October count should be used to be consistent with other NSLP regulatory provisions.

9. If a State agency currently requires food safety certified/licensed staff on site, may the State agency waive the requirement that new school nutrition program directors have 8 hours of food safety training?

No. Food safety is a critical aspect of the food service operation that affects all students. Eight hours of food safety training, every five years, is required for program directors. However, having additional staff trained in food safety is encouraged. The USDA FNS Office of Food Safety offers food safety training and other resources related to safe food handling at <https://www.fns.usda.gov/ofs/food-safety>.

10. What does “equivalent educational experience” mean for purposes of the hiring standards?

This term refers to college credits completed by an individual who does not possess a bachelor’s or an associate’s degree. For example, a new director of school nutrition programs in an LEA with an enrollment of 2,499 students or fewer could have at least 60 college credits, which is generally the number of credits required by a college or university to confer an associate’s degree. In another example, a new director in an LEA with enrollment of

SP 05-2020

Page 4

10,000 students or more could have at least 120 college credits, which is generally the number of credits required for a bachelor's degree. An SFA must keep documents, such as college records, that show that the equivalent educational experience supports the hiring decision. The State agency has the flexibility to determine if other substantial education, such as an extensive training program in school nutrition topics from a professional association with a credentialing and certification program, would qualify as equivalent educational experience.

11. Under the hiring standards for State and local directors, what is meant by a “related field”?

Depending on a candidate's qualifications, the hiring standards require a degree, or equivalent educational experience, with an academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field. A “related field” refers to other college majors that would provide an applicant specific knowledge and skills that are relevant for a school nutrition program director. Possible majors would include, but are not limited to, food science, community nutrition and marketing, and hospitality management. Note that colleges and universities may use different names for similar majors. For example, a major may be called foodservice management at one university and hospitality management at another.

12. What is “relevant school nutrition program experience”?

Typically, the phrase “relevant school nutrition program experience” refers to previous work experience in the NSLP and SBP, and/or experience in other child nutrition programs (the Child and Adult Care Food Program and/or the Summer Food Service Program) if the latter experience is gained from working in a school. The intent of the professional standards regulation is to ensure that new school nutrition program directors have the knowledge and skills to manage the program as required. At the discretion of the State agency, experience gained from working in a school food service operation outside of USDA's school nutrition programs could count. The rationale for hiring decisions must be well-supported and documented.

13. [NEW] What is “relevant food service experience”?

Typically, the phrase “relevant food service experience” refers to work in the food service industry, including, but not limited to: hospitals, healthcare facilities, nursing homes, restaurants, cafeterias, free meal centers, and university dining services. Examples of skills employees would obtain in the food service industry include food handling and preparation, food ordering, nutrition education, financial management, and customer service. The State agencies have the flexibility to define “relevant food service experience” within their States. USDA encourages new school nutrition program directors hired with food service experience that is not specific to school nutrition settings to complete additional school nutrition training or work toward a State-recognized certificate for school nutrition directors.

14. Has FNS established a process that State agencies must follow to exercise any of the discretionary actions specified in the regulation, such as the option to require that acting school nutrition program directors meet the hiring standards?

State agencies have the flexibility to establish their own procedures for such discretionary actions. For example, State agencies could require that acting school nutrition directors expected to serve for more than 30 business days must meet the hiring standards. State agencies should communicate these procedures to SFAs to ensure they understand how the State agency will implement any discretionary actions.

15. [NEW] What are the flexibilities for State agency directors of school nutrition programs provided by the Hiring Flexibility Under Professional Standards rule (84 FR 6953, March 1, 2019)?

For State agency directors of school nutrition programs, the rule allows a director to have a bachelor's, master's *or* doctorate degree in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field. USDA prefers a director to have *both* a bachelor's degree and a master's or doctorate degree with one of the specifically identified academic majors listed above. The *Guide to Professional Standards for School Nutrition Programs* provides a breakdown of the educational requirements. See <https://www.fns.usda.gov/school-meals/guide-professional-standards-school-nutrition-programs>.

16. [NEW] What are the flexibilities for school nutrition program directors provided by the Hiring Flexibility Under Professional Standards rule?

For school nutrition program directors in local educational agencies (LEAs) with enrollment of 2,499 students or fewer, the rule requires relevant food service experience, rather than specific school nutrition program experience. Although the rule removed the school nutrition experience requirement for new directors in LEAs with 2,499 students or fewer, hiring a new director with school nutrition program experience is a best practice. The rule also provides State agencies with discretion, on an individual basis, to consider documented volunteer or unpaid work as relevant food service experience for new directors in LEAs with 2,499 students or fewer.

In addition, for LEAs with a student enrollment of 2,499 or fewer, the rule allows a State agency to approve the use of the nonprofit school food service account to pay the salary of a school nutrition program director who does not meet the hiring standards so long as the SFA is complying with a State agency-approved plan to ensure the director will meet the professional standards requirements.

In LEAs with fewer than 500 students, the rule provides State agencies discretion to allow an SFA to hire a new school nutrition program director with a high school diploma (or GED), an associate's degree, or a bachelor's degree, but less than the required years of relevant food service program experience. Ideally, a new program director in this situation would have some paid or unpaid food service experience. Please refer to the *Guide to Professional Standards for School Nutrition Programs* for a breakdown of hiring standards based on

enrollment at <https://www.fns.usda.gov/school-meals/guide-professional-standards-school-nutrition-programs>.

17. [NEW] When do the hiring flexibilities for school nutrition program directors in LEAs with enrollment of 2,499 students or fewer apply?

The hiring flexibilities for school nutrition program directors in LEAs with enrollment of 2,499 students or fewer apply to directors hired on or after April 30, 2019. The flexibilities are not retroactive. An SFA that hired a school nutrition program director prior to that date will remain subject to the requirements that were in place before the hiring flexibility rule's effective date of April 30, 2019. For example, if an SFA with an enrollment of 2,499 students or fewer hired a director who did not meet the hiring standards prior to the effective date, the SFA should work with the State agency to develop a plan to bring the hired director into compliance with the applicable requirements.

18. [NEW] Can an LEA with 2,499 students or fewer hire a school nutrition program director with unpaid or volunteer experience?

State agencies have the discretion to allow LEAs with 2,499 students or fewer to hire school nutrition program directors who have relevant food service experience whether that experience was in a paid or unpaid/volunteer food service position. The State agency would use this discretion on an individual, case-by-case basis. For example, a State agency could consider for a director's position an applicant with unpaid experience managing food service operations at a university cafeteria or free meal center, provided the applicant also has the required education. Unpaid or volunteer work, when used to qualify an individual to be a school nutrition program director, must be documented to verify that the unpaid work is relevant and actually occurred. For example, documentation of unpaid work in a school cafeteria could include a letter from the school nutrition program director stating the amount of time the individual worked, the substantive work they performed, and the skills acquired.

19. [NEW] Can an SFA with enrollment of 2,499 students or fewer use the nonprofit food service account to pay the salary of a school nutrition program director who does not meet the hiring standards?

A State agency may approve an SFA with enrollment of 2,499 students or fewer to use the nonprofit school food service account to pay the salary of a school nutrition program director, hired on or after April 30, 2019, who does not meet the hiring standards so long as the SFA is complying with a State agency-approved plan to ensure the director will meet the professional standards requirements. The State agency-approved plan must include reasonable timeframes for the SFA to achieve and maintain compliance, and ensure the director will meet the qualifications, whether by gaining experience or completing educational requirements. The plan may also include required training and/or educational courses. So long as the SFA is complying with the plan, the director could be hired as permanent staff, rather than as interim or acting staff.

20. Do the hiring standards apply to employees working under an annual contract?

Yes. To ensure proper management and operation of the school nutrition program, employees working under an annual contract must also meet the hiring standards. However, if an

individual is on a year-to-year contract prior to July 1, 2015, and continues to work in the same position in subsequent years, they are “grandfathered” in the position and not required to meet the hiring standards.

Training Standards

21. What forms of training may the State agencies provide to meet the 18 hours of training annually?

State agencies may offer SFA training in a variety of ways. Training activities may include conference calls, live or prerecorded webinars, videos, online classes, training documents, and in-person training. Although FNS encourages interactive or hands-on training, we recognize that it is not always possible or practical. Therefore, State agencies have the flexibility to offer self-directed training, such as information articles with a self-administered quiz.

Training may be offered by the State agency director or the State agency staff. In addition, the State agency may seek assistance from universities, professional associations, industry groups, other advocates, and vendors to provide annual training. The regulation does not specify minimum training duration. Training activities lasting 15 minutes or more may be recorded using USDA’s Professional Standards Training Tracker Tool.

FNS is facilitating the exchange of training resources among State agencies. Training resources developed by the Institute of Child Nutrition, School Nutrition Association, State agencies, and others are listed at <https://professionalstandards.fns.usda.gov/>.

22. [NEW] When may training be provided?

For any in-person trainings for school food service personnel, State agencies and SFAs are encouraged to offer those trainings at no cost to local school food service staff, and held during normal working hours or at a time of minimal disruption. In the event such a training is scheduled outside working hours, State agencies and SFAs are encouraged to inform food service personnel that the training is necessary.

23. May the school nutrition employees select any training topic they want?

Allowable training should focus on the day-to-day management and operation of the school nutrition programs. As a guide when planning training, use the list of key training areas and topics available at https://fns.usda.gov/sites/default/files/cn/ps_learningobjectives.pdf.

Training must be job-specific and intended to help employees perform their duties well. Training needs are best assessed by an employee in consultation with their manager, the SFA director, or the State agency. Employees should always seek guidance from a supervisor before taking a specific training course to meet the professional standards requirements.

24. If a person serves both as State director of school nutrition programs and as State director of distributing agencies, how many hours of annual training must the person complete?

A director of both school nutrition and food distribution is only required to complete 15 hours of annual training. Training hour requirements do not double when a person is responsible for more than one program area. Both positions require training in similar areas, such as nutrition, operations, administration, and communications and marketing.

25. How do the training standards apply when the program director duties are divided between three or four staff members, and no one clearly meets the definition of program director? For example, an administrative assistant completes the meal applications, a cook serves the meals, a secretary or teacher runs the point of service and prints out reports, and another staff person submits the claims for reimbursement.

The individual(s) who plans, administers, implements, monitors, and evaluates all aspects of the school nutrition program is generally considered the school nutrition program director. Depending on the size of the school nutrition operation, these program responsibilities may be divided into one or more positions. Only the person who performs the majority of these duties must meet the training standards for program directors. See typical program director duties in question 7.

26. Who has to meet the training standards for program director when the school nutrition program manager carries out the duties of the program director but another individual holds the title of program director?

Job duties and job titles may differ from district to district. If the school nutrition program director duties are performed by the program manager, then both the director and the manager would be responsible for meeting the training standards for the program directors. SFAs should discuss unique situations with the State agency to determine the appropriate course of action.

27. For SFAs in unique situations, such as those consisting of one site or those with less than 500 students and no designated program director, must the person responsible for the food service operation meet the training standards for a school nutrition program director?

Yes. The training standards for school nutrition program directors are intended to apply to the individual who plans, administers, implements, monitors, and evaluates all aspects of the school nutrition program for an SFA, regardless of the number of sites in the SFA or the LEA student enrollment size. The training standards are intended to ensure the person responsible for the school nutrition program has the knowledge and skills to manage the program as required.

28. Do the definitions established in the regulation apply to volunteers serving as school nutrition program managers?

The regulation does not establish professional standards for volunteers but gives the State agency discretion to extend the training standards to volunteers at all levels, including those serving as school nutrition program managers.

29. For purposes of the training standards, what is the difference between a “program manager” and “program staff”?

These titles refer to an individual’s role in the management and operation of the school nutrition programs. A program manager is responsible for the management of the day-to-day food service at a school. A program staff person is involved in the operation of the food service for a participating school but does not have managerial responsibilities, such as planning and supervision. The training standards are job-specific, but staff persons may take training that prepares them to assume managerial duties in the future.

30. Who is considered to be program staff with the need to complete annual training?

The professional standards vary by three job categories: directors, managers, and staff. Program staff would generally include individuals such as cooks, cashiers, and others who are involved in the preparation and service of school meals; individuals who are involved in other program operations, such as eligibility determinations, and meal counting and claiming; and support staff who may have an impact on the safety of school meals. However, a person who provides support to, but is not specifically involved in, the operation of the school nutrition program, such as the cleaning custodian, is not required to meet the training standards (even if they are paid using nonprofit food service account funds). The program director or manager must examine the job duties of program staff to determine what job-specific training they need to perform their jobs effectively and in compliance with program regulations. Please refer to the *Guide to Professional Standards for School Nutrition Programs* for examples of different job categories and how to meet training needs by category <https://www.fns.usda.gov/school-meals/guide-professional-standards-school-nutrition-programs>.

31. Do the professional standards apply to a staff such as a secretary or an office assistant who processes free and reduced price meal applications during the fall months only?

No. Office staff members who process free and reduced price meal applications or provide other support for the school nutrition program for a short period of time during the school year are not required to meet the annual training standards. However, these individuals should receive adequate training specific to the task they will perform. This situation is different from office staff working on Program activities 20 hours or more per week throughout the school year; in that situation, staff must complete 6 hours of annual training. Staff working less than 20 hours per week must complete 4 hours of annual training.

32. Are food delivery employees servicing the school nutrition program required to meet the training standards for staff?

This regulation establishes practical training requirements that assure the success of the school nutrition program. The SFA program director must work with the managers and staff to determine the local training requirements. In this example, if the food delivery employees monitor refrigeration, food temperatures, and/or inventory/delivery sheets, then they are expected to complete annual job-specific training on topics such as proper handling, delivery, and storage of perishable food products to ensure the safety of school meals and prevent food waste. Otherwise, training would not be required.

33. What training standards apply to the head cook serving in an SFA with less than 500 enrolled students?

A head cook must complete annual, job-specific training for school nutrition program staff. If this individual also serves as the SFA director, the training requirements for school nutrition program directors, as well as the hiring standards for new directors, would apply.

34. What training standards apply to employees working under an annual contract?

The training standards apply to all contract employees who are involved in the management or operation of the school nutrition programs, regardless of the contract duration.

35. How can I plan my trainings to be sure they meet the established training standards?

Annual training must be relevant to the job duties. To learn about the specific objectives for relevant school nutrition training, please refer to the training topics and objectives listed at https://fns.usda.gov/sites/default/files/cn/ps_learningobjectives.pdf.

36. Does back-to-school training on general topics such as security procedures and building operations count toward the annual training standards?

No. Only training that fosters proper administration and operation of the school nutrition programs counts toward the training standards. To identify appropriate training topics for various school nutrition program personnel, visit https://fns.usda.gov/sites/default/files/cn/ps_learningobjectives.pdf.

37. Does annual civil rights training provided by the school district count towards the annual training standards?

Yes. Civil rights training may contribute to proper administration of the Program if it covers topics that are relevant for school nutrition program employees, such as the civil rights provision in §210.23(b) of the NSLP regulations, the FNS Instruction 783-2, meal substitutions for students with disabilities that restrict their diets, and issues that may limit equal access to school meals.

38. May excess training hours be applied over multiple school years?

Yes. As stated in the regulation at §210.30(e), at the discretion of the State agency, excess annual training hours may be applied to the school year directly preceding or directly

following the date of the training. This is intended to help provide flexibility while ensuring that SFA employees receive a reasonable amount of training each school year. Documentation to show completion of training must be available to the State agency for review.

39. Please clarify the training expectations for “temporary,” “substitute,” and “acting” staff and how these individuals are affected by the training standards.

Generally, the terms apply to employees who are only involved with the meal programs for a limited time. The regulation gives State agencies the option to extend the training standards to acting and temporary personnel, substitutes, and volunteers. State agencies will need to determine, based on the circumstances, if temporary workers at an SFA should be subject to the annual training standards. For example, State agencies may require that substitute staff working throughout the school district on a regular basis complete either 6 hours of annual training (staff working at least 20 hours per week) or 4 hours of annual training (part-time staff working less than 20 hours per week). A State agency that chooses this option should establish written policy and procedures, and communicate these to the SFAs, to ensure the SFAs comply with the State agency requirements.

40. Do the training standards apply to the staff of a vended meal provider (e.g., a commercial entity off-site from the school food service that provides pre-plated meals)? If so, who is responsible for tracking the annual training hours of such staff?

No. However, the SFA director must ensure that vendors providing meals for the school nutrition programs have the knowledge and skills to supply safe and nutritious meals that meet the meal patterns and dietary specifications.

41. Do non-interactive activities such as observing a product demo or visiting an industry exhibit room count towards the training standards?

At the discretion of the State agency, time spent in miscellaneous activities where information, materials or equipment relative to the core training topics is provided or displayed may count toward no more than two hours of annual training. For professional conferences, there is an assumption of oversight of the quality of the information and products being displayed.

We suggest that the SFA document employee participation in such demonstration activities, and the nature and length of the demonstration. State agency reviewers will need to review documentation to ensure that the developmental activity was completed and that annual training standards were met.

42. Does attendance at a motivational speaker lecture, or participation in a session to discuss program issues or to gather program information from the district count toward the training standards?

A presentation by a motivational speaker regarding a topic unrelated to proper administration and operation of the school nutrition programs does not count toward the training standards. Meetings or sessions that fit under the learning objectives and training topics listed in the

professional standards website could count toward the training standards. Time spent on advocacy type discussions does not count as annual training. See https://fns.usda.gov/sites/default/files/cn/ps_learningobjectives.pdf.

43. What documentation is required to demonstrate completion of the annual training standards?

The regulation does not specify the kind of records that must be kept. Records that list the employee name, employer/school, training title, topic/objectives, training source, dates, and total training hours would be appropriate to demonstrate training completion. Records must be maintained and made available to the State agency upon request. SFAs should keep training records for 3 years, plus the current school year. Open audits require different record retention periods. SFAs should check with their State agencies for guidance.

USDA's Professional Standards Training Tracker Tool 2.0 (<https://pstrainingtracker.fns.usda.gov/>) may be used to document the annual training hours. This free online tool provides great features, such as:

- Allowing manager to set up an employee roster and enter/edit training records for multiple employees all at once;
- Auto-populating school contact information to easily set up profiles;
- Running reports; and
- A database of trainings to auto-populate training information.

The tool provides reminder alerts and email notification of how many training hours have been completed and how many hours remain to be completed to fulfill the annual training requirement. A certificate of completion for the manager and all staff can be saved, emailed, and/or printed once the annual requirement is met. Please contact cnpntab@usda.gov with any technical questions about the tool.

Alternative training tracking tools may be developed by State agencies and/or SFAs to keep track of and print reports of training hours, but must include at a minimum the required fields listed in the USDA Professional Standards Training Tracking Tool 2.0. These fields would include items such as the employee information; training hours completed; and the Key Areas, Training Topics, and Learning Objectives as listed in the Professional Standards Learning Objectives and Topics with Codes. The Learning Objectives can be found on the USDA Professional Standards Website. Visit <https://www.fns.usda.gov/school-meals/professional-standards> for more information.

44. Does the School Nutrition Association (SNA) leadership training, or the educational sessions offered at the SNA annual conference count toward the training standards?

While SNA leadership or advocacy training classes may be valuable, they do not support the school nutrition program operations; therefore, this type of training does not count toward the training standards. However, educational sessions offered by SNA or the American Commodity Distribution Association at their national conferences that meet the learning objectives and training topics listed in the professional standards website would generally count toward the annual training standards. See

45. Do the training standards apply only to employees whose positions are supported by revenue from the nonprofit school food service account?

No. The school nutrition program director determines the training standards for the employees based on their job duties in the school nutrition program, regardless of the funds used to support a specific position. The definitions in the regulation for school nutrition program director, manager, and staff do not specify that these positions must be fully or partially supported by school food service funds.

46. What funds are available to pay for any potential training-related costs?

State agencies may use the State administrative expense funds to pay for the cost of receiving or delivering annual training required by this regulation. Generally, employee training is also an allowable use of an SFA's school food service funds. However, food service funds or State Administrative Expense funds must not be used to pay for the cost of college credits incurred by an individual to meet the hiring standards. State agencies and SFAs are encouraged to access the free or low-cost training resources listed online at <https://professionalstandards.fns.usda.gov/>.

47. Does training repeatedly provided by an SFA director count toward the required training hours for program directors?

An SFA director who provides training may count it toward their annual training hours. If the director presents the same training class or program multiple times within a school year, the hours count only once as the identical training sessions are not likely to provide the director multiple opportunities for professional development. In that situation, the director is expected to engage in other training activities to improve their ability to manage the school meal programs and meet the minimum annual requirements. However, if each training session offered addresses a different aspect of a single topic, those sessions could be considered different training classes or programs and the director may count each of these toward their annual training standards. In addition, refresher training that is offered to staff every school year (e.g., eligibility requirements and food safety) counts toward the annual requirements.

48. If an SFA director, manager, or staff must attend the same workshop each school year, may they count this activity toward their annual training hours?

Yes. Refresher training that must be completed each school year (e.g., civil rights and food safety) counts toward the training standards. It is likely that new issues and questions arise from year to year, which could make each annual workshop different.

49. If a school has part-time employees with cognitive disabilities, do they have to complete annual training?

Yes. Staff members, including those with disabilities, who work less than 20 hours per week in day-to-day program operations must complete 4 hours of annual training that is related to their job duties. Training opportunities must be made available to all staff without discrimination. Training for an employee with disabilities should be tailored to their abilities

and duties; exceptions could be considered and approved by the State agency, when appropriate.

Oversight

50. How will non-compliance by individual SFAs or schools be addressed?

State agencies will monitor an SFA's compliance with the professional standards during the administrative review. As part of the general areas of review, the State agencies will examine records that document completion of applicable hiring and continuing education/training requirements. The SFA must be prepared to provide information that includes a current list of school nutrition staff personnel and individual documentation for each of those individuals showing the following:

- Name of staff person
- Date hired
- Title/Position
- A brief list of core duties/responsibilities
- Employment Status (Full Time, Part Time, Acting, or Substitute), including the average hours/week for each Part Time employee
- Professional Standards Employee Category/Position (School Nutrition Program Director, Manager, or Staff)

Technical assistance is the first course of action to facilitate compliance. State agencies will work closely with SFAs that face unique challenges.

51. What happens if a school district hires a new school nutrition program director who does not meet the established hiring standards?

State agencies will provide technical assistance and determine a corrective action plan necessary to bring the SFA into compliance. State agencies will consult with FNS for unique situations that require additional discussion.

52. What are the consequences if program staff refuses to participate in training or complete training?

A school/SFA must address employee issues, including refusal to comply with this or any other program requirement, through procedures established by its personnel office.

Food Service Management Companies (FSMC)

53. Do the training standards apply to employees of an FSMC? Who is responsible for providing the training?

Yes. The SFA director must ensure that the FSMC employees providing services for the school nutrition programs have the required annual training. Therefore, the SFA must require the FSMC to provide documentation showing the training hours and topics completed by the

employees. Contracts that do not include this language will need to be amended to include additional language to reflect compliance with professional standards requirements. The SFA director may work with the FSMC to identify appropriate training resources, such as those listed at the professional standards website at <https://professionalstandards.fns.usda.gov/>.

54. Who is responsible for tracking FSMC staff training hours?

The SFA must ensure that the FSMC staff has the knowledge and skills to supply safe and nutritious meals that meet the meal requirements. The SFA must request documentation from the FSMC to show compliance with the annual training standards. Contracts that do not include this language will need to be amended to include additional language to reflect compliance with professional standards requirements.

55. If an FSMC staff person performs food service director type duties, but reports to a district business manager who is responsible for the school district's school food service activities, who is required to comply with the professional standards requirements?

The SFA maintains oversight and responsibility for planning, administering, implementing, monitoring, and evaluating the school meal programs; therefore, the role of program director must remain with the SFA. The SFA-State agency permanent agreement names the individual considered the SFA director or contact. This is the person who must meet the hiring standards for new directors. Thus, in some cases, both the SFA contact and FSMC staff person must meet the hiring standards, depending on the duties of these individuals. With regard to training, both individuals would be responsible for meeting the training standards for program directors because they share director responsibilities. SFAs should discuss unique situations with their State agencies.

Miscellaneous

56. Does this rule apply to Head Start?

The professional standards also apply to Head Start Program employees offering meals under the NSLP/SBP. If a Head Start Program site offers meals under the Child and Adult Care Food Program only, the professional standards do not apply to Head Start personnel.

57. Do the professional standards apply when employees are covered by a labor union contract that has provisions which are inconsistent with the professional standards regulation?

Yes. The professional standards established by the regulation preempt existing State and local regulations and policies that may interfere with implementation of the Federal regulation.