

DEPARTMENT OF EDUCATION

Colorado State Board of Education

RULES FOR THE AUTHORIZATION OF CHARTER SCHOOLS AND CHARTER SCHOOL COLLABORATIVES AS SCHOOL FOOD AUTHORITIES

1 CCR 301-82

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

1.0 Statement of Basis and Purpose

The statutory basis for these rules is found in sections §22-2-107(1)(c), § 22-2-108, §22-30.5-502 (10.5), § 22-30.5-505(14), § 22-32-120, 22-30.5-603, 42 U.S.C., 1751 et seq. 42 U.S.C., 1771 et seq.

Pursuant to these statutes, the State Board of Education shall promulgate rules to achieve the following purposes, including but not limited to:

- (a) Establishing a timeline and processes by which a district charter school, charter school collaborative or an institute charter school may apply for authorization as a school food authority; and
- (b) Establishing a timeline, standards, and procedures to use in granting or denying authorization as a School Food Authority to a district charter school, charter school collaborative or institute charter school.

2.0 Definitions

- 2.01 "Applicant" means a district charter school, charter school collaborative or an institute charter school.
- 2.02 "Charter School Collaborative" means two or more charter schools that contract with one another to form a charter school collaborative that is a legal entity separate from each of the contracting charter school and is authorized to provide any function, service or facility that is lawfully authorized for each of the contracting charter schools, pursuant to §22-30.5-603.
- 2.03 "Charter School Collaborative School Food Authority" means a Charter School Collaborative as defined above operating as a School Food Authority pursuant to §22-30.5-603 (3.5).
- 2.04 "Charter School Food Authority" means a district charter school or an institute charter school that: (i) the commissioner or his or her designee provisionally authorizes as a School Food Authority pursuant to section § 22-32-120(6) or (ii) the Department authorizes as a School Food Authority pursuant to section § 22-32-120(5).
- 2.05 "Child Nutrition Programs" (CNP) means the Programs a School Food Authority may participate in that includes but is not limited to: the National School Lunch Program(7CFR-210) (NSLP), School Breakfast Program (7CFR-220) (SBP), Afterschool Care Snack Program (7 CFR 210.10) (ACSP), Fresh Fruit and Vegetable Program (7 CFR 211 & 235) (FFVP), Special Milk Program (7CFR-215) (SMP), Summer Food Service Program (7CFR 225) (SFSP)
- 2.06 "Department" means the Colorado Department of Education created and existing pursuant to §24-1-115, C.R.S.

- 2.07 "FNS" means the Food and Nutrition Service, United States Department of Agriculture.
- 2.08 "Food Service Management Company" (FSMC) means a commercial enterprise or a nonprofit organization which is or may be contracted with by the school food authority to manage any aspect of the school food service and that meets all state and federal requirements.
- 2.09 "Office of School Nutrition"(OSN) means the Department office responsible for the administration of all the Programs in Colorado. This includes review, monitoring, and training of SFAs.
- 2.10 "Program" or "Programs" means any one or more of the Child Nutrition Programs administered by the Department.
- 2.11 "Public School" means a school that received a majority of its funding from moneys raised by a general state, county, or district tax and whose property is owned and operated by a political subdivision of the state.
- 2.12 "School Food Authority" means the governing body which is responsible for the administration of one or more schools, and has the legal authority to operate the Program therein or be otherwise approved by FNS to operate the Program, including but not limited to a Charter School Food Authority or a Charter School Collaborative School Food Authority.
- 2.13 "State Board" means the State Board of Education created pursuant to Section 1 of Article IX of the State Constitution.

3.0 Procedures for Authorization as a School Food Authority

- 3.01 The application, documentation, and other necessary information must be submitted on forms to be provided or approved by the Department on or before the established deadline for review. 3.02 Application Requirements
- 3.02.1 A description of the scope and nature of the proposed food service operation including the number of sites and estimated number of students to be served.
- 3.02.2 A business plan to include:
- 3.02.2.1 Program Budget: A budget which includes projected revenues and expenditures. Revenues are to include, but are not limited to: student payments, adult payments, federal reimbursement, state reimbursement, and other revenues.
- Expenditures are to include, but are not limited to: food and milk, salaries and benefits, purchased services, other supplies and materials, equipment, and depreciation
- 3.02.2.2 Staffing: The number of employees planned to operate and administer the operation of the particular Program or Programs, detailing positions and hours by employee type. Staffing requirements may vary depending on the Program(s), number of students served , food production method and administrative duties.
- 3.02.2.3 Facilities: A description of facility type and equipment, including but not limited to an evaluation, assessment, and description of equipment and facility layout:

- (a) Full Preparation Kitchen: All food is stored, prepared and served on-site. The facility has preparation equipment, i.e., convection ovens, steamers, warmers, steam table, refrigeration. Food service staff prepares and serves meals.
- (b) Heat and Serve Only: Limited preparation and production required. Majority of items are commercially prepared items.
- (c) Serve Only: All food is prepared and delivered into the school by an outside food service company/catering company; the school has no capacity to heat and serve meals. Hot and cold holding equipment is required.

3.02.2.4 Types of Meal Service (delivery): Specification of the type of meal service that will be provided for the operation, including the estimated number of sites and students to be served. The types of meal service can include:

- (a) Self-preparation/on-site meal preparation: Preparation of meals by the SFA at the school's site.
- (b) Vended: A vended meal contract with an FSMC for delivery of meals prepared off-site by the FSMC to the school site(s) for the Program(s). All vended meals must be obtained by a competitive purchase procedure that complies with federal and Department procurement requirements. All SFAs must utilize the Request for Proposal (RFP) and Contract prototypes and procedures as provided by the OSN and any necessary modifications shall be approved in advance by the OSN. All RFP documents must be approved by the OSN prior to release of the RFP and prior to the execution of the contract.
- (c) Contracting with a Food Service Management Company: Contract with an FSMC to manage any aspect of the school food service for the Program(s), including meal preparation at the school site. SFAs must comply with all federal and state rules and regulations pertaining to FSMC contracts. All SFAs must utilize the (RFP) and Contract prototypes and procedures as provided by the OSN, and any necessary modifications shall be approved in advance by the OSN. All RFP documents must be approved by the OSN prior to release of the RFP and prior to the execution of the contract.

3.02.2.5 Proposed timeline and plan for:

- (a) Procurement of necessary equipment;
- (b) Hiring and training personnel, including accommodations for attending all mandatory SFA training by the Department;
- (c) Securing necessary food licenses and inspections;
- (d) Establishing ordering, payment, and charging policies for school sites as well as method of communicating to parents about those procedures
- (e) A system for issuance of meal benefits and updating eligibility of free and reduced price meals.
- (f) Procuring vended meals or a full-service contract with an FSMC and

(g) Estimated start date for serving meals to students.

3.02.2.6 Proposed infrastructure to service schools from other districts requesting to participate. The plan must include specific information on how the Charter School Food Authority or Charter School Collaborative School Food Authority will work with participating charter schools to provide training and oversight.

3.02.3 Charter SFA Applicants must include a statement from the Applicant of its willingness to contract, to the extent practicable, with other district charter schools and institute charter schools to provide a food service program.

3.03 Review Procedures

3.03.1 The Department shall review the submitted applications and requested business plans for Applicant charter schools and Charter School Collaboratives who have successfully submitted all necessary documentation.

3.03.2 A business plan will be reviewed by the Department and meetings will be set up as needed for clarification and assistance in developing a program that complies with all CNP rules and regulations.

3.03.3 Applications will be reviewed and approved based on the following criteria:

3.03.3.1 The ability to operate a sound financial program based on past, present, and forecasted financial standing;

3.03.3.2 The proposed SFA's ability to serve a minimum of 200 students;

3.03.3.3 The ability to comply with all USDA and state regulations and rules concerning participation in the applicable Program(s). The capacity to operate a particular Program including the basis of staffing, facilities, and management structure; and

3.03.3.4 Willingness and capability to provide services to charter schools residing in other geographic areas in Colorado which may include schools in several school districts.

3.04 Eligibility and Implementation

3.04.1 A Charter SFA Applicant shall request in writing to its authorizing school district or the charter school institute to contract for food services under terms specified by the Applicant.

3.04.2 A Charter SFA Applicant must first negotiate with the district board of education for food services. If the school district is unable to provide the requested service, then the school district board of education shall allow the district charter school to transfer the maintenance, supervision, and operation of the district charter school's food-service facility from the district to a Charter School Food Authority.

3.04.3.1 A Charter SFA Applicant shall submit to the Department a written authorization from the local board of education or superintendent releasing the applicant from the existing SFA.

3.04.3.2 A Charter School Collaborative SFA Applicant will notify authorizers of all charter schools participating in the SFA or changes thereto by June 1 annually.

- 3.04.4 For Charter SFAs only, the Department shall not grant authorization as a Charter School Food Authority to more than ten Applicant charter SFAs until July 1, 2016.
- 3.04.5 Application due date: February 15th of any year unless a specific extension is granted by the Department.
- 3.04.6 Approved Applicants must complete all Department training necessary for Program implementation within 30 days prior to their approved Program start date.
- 3.04.7 No later than April 1 of any year, the Department will grant or deny authorization to a charter school or Charter School Collaborative applying as a School Food Authority. If an extension is granted pursuant to 3.04.5 the authorization will be determined within 45 days of the receipt of the application.
- 3.04.8 Approved Charter School Collaborative SFAs must have an entity code assigned by the Department for claims processing and reporting requirements.

Editor's Notes

History

Entire rule eff. 01/30/2010.

Entire rule eff. 01/14/2013.